

BILL ANALYSIS

C.S.H.B. 1427

By: Keel

State Cultural and Recreational Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Over-population of white-tail deer continue to plague many urban areas in Texas and represent a critical public safety and public health problem for affected political subdivisions and unincorporated urban areas. If left unchecked, such over-population of deer also pose a threat to environmental and ecological balance of the affected areas.

Deer relocation under the Trapping, Transporting, and Transplanting (TTT) Program of the Texas Parks and Wildlife Department (TPWD) is the least costly option available to affected communities under current state law. It is also the most widely acceptable alternative to the general public because it does not involve lethal means to achieve control of the deer population. However, the TTT permit requirement for ranchers and other potential recipients of relocated deer to develop and maintain approved wildlife management plans severely restricts the relocation of deer from urban areas. C.S.H.B. 1427 provides that TPWD may issue a permit for the trapping, transporting, or transplanting of white-tailed deer by a political subdivision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Department in SECTION 1 (Section 43.0612, Parks and Wildlife Code) of this bill.

ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 43, Parks and Wildlife Code, by adding Section 43.0612, as follows:

Sec. 43.0612. WHITE-TAILED DEER REMOVAL BY POLITICAL SUBDIVISION; PERMIT REQUIRED. (a) Provides that TPWD may issue to a political subdivision a white-tailed deer removal permit for the trapping and transporting or transplanting of white-tailed deer found within the boundaries of the political subdivision if the political subdivision shows to the department's satisfaction that an overpopulation of white-tailed deer exists.

(b) Provides that, not later than 15 days after TPWD receives a request for the issuance of a permit under Subsection (a), the department shall issue a permit to a requesting political subdivision or notify requesting political subdivision that the department will not issue the requested permit. If TPWD issues a permit to requesting political subdivision, the permit shall contain specific instructions detailing the location to which the trapped white-tailed deer are to be transported or transplanted.

(c) Provides that a political subdivision removing white-tailed deer under this section must make reasonable efforts to ensure:

(1) safe and humane handling of trapped white-tailed deer; and

(2) minimization of human health and safety hazards in every phase of the trapping and transporting or transplanting of white-tailed deer.

(d) Provides that a permit issued under this section may authorize a political subdivision to trap and transport or transplant white-tailed deer only between October 1 of a year and March 31 of the following year, unless white-tailed deer found in a political subdivision pose a threat to human health or safety, in which case a permit may authorize a political subdivision to trap and transport or transplant white-tailed deer at any time of the year.

(e) Provides that a permit issued under this section does not entitle a person to take, trap, or possess white-tailed deer on any privately owned land without the landowner's permission.

(f) Provides that the state is not liable for and may not incur any expense for the trapping and transporting or transplanting of white-tailed deer under a permit issued under this section.

(g) Prohibits TPWD from charging a fee for a white-tailed deer removal permit issued under this section.

(h) Requires TPWD to adopt rules necessary for the implementation of this chapter, including rules relating to the application for and issuance of a permit.

SECTION 2. This Act takes effect September 1, 2003.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1427 modifies the original by providing that Texas Parks and Wildlife(TPWD) shall make a determination on the issuance of a permit necessary for trapping, transporting, or transplanting white-tailed deer by a political subdivision.

TPWD must also issue special instructions along with permit detailing the location to which the trapped deer are to be transported or transplanted.

Language relating to requirements for wildlife management plans and chronic wasting disease testing has been removed in C.S.H.B. 1427.