

BILL ANALYSIS

S.B. 1582
By: Wentworth
State Cultural and Recreational Resources
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, there is an overpopulation of white-tail deer in urban areas in Texas. This represents a public safety and public health problem for affected political subdivisions and unincorporated urban areas. Deer relocation under the Trapping, Transporting, and Transplanting Program (TTT) is an available option under current law. However, the TTT permit requirement for ranchers and other potential recipients of relocated deer to develop and maintain approved wildlife management plans restricts the relocation of deer from urban areas. S.B. 1582 authorizes political subdivisions and property owners' associations to trap and transport white-tailed deer under certain circumstances and with a permit issued by the Texas Parks and Wildlife Department.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

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

Sec. 43.0612. TRAPPING AND TRANSPORTING SURPLUS WHITE-TAILED DEER; PERMIT REQUIRED. (a) Defines "property owners' association."

(b) Authorizes the Texas Parks and Wildlife Department (TPWD) to issue to a political subdivision or a property owners' association a permit authorizing the trapping and transporting of surplus white-tailed deer found within the boundaries of the political subdivision or the geographic area in which property subject to the property owners' association is located.

(c) Requires a political subdivision or a property owners' association, not later than the 30th day before the date of the first planned trapping and transporting of white-tailed deer, to file with TPWD an application showing that an overpopulation of white-tailed deer exists within the political subdivision or the geographic area in which property subject to the property owners' association is located.

(d) Authorizes TPWD, after receipt of an application, to issue the political subdivision or property owners' association a permit specifying certain information.

(e) Authorizes TPWD to deny a political subdivision or property owners' association a permit if no suitable destination for the trapped white-tailed deer exists.

(f) Requires a political subdivision or property owners' association trapping and transporting white-tailed deer under this section to make reasonable efforts to ensure safe and humane handling of trapped white-tailed deer and minimization of human

health and safety hazards in every phase of the trapping and transporting of white-tailed deer.

(g) Authorizes a permit issued under this section to authorize a political subdivision or property owners' association to trap and transport white-tailed deer only between October 1 of a year and March 31 of the following year, unless white-tailed deer found in the political subdivision or in the geographic area in which property subject to the property owners' association is located pose a threat to human health and safety, in which case a permit may authorize the political subdivision or property owners' association to trap and transport white-tailed deer at any time of the year.

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

(i) Provides that the state is not liable and prohibits the state from incurring any expense for the trapping and transporting of white-tailed deer under a permit issued under this section.

(j) Prohibits TPWD from charging a fee for a white-tailed deer trapping and transporting permit issued under this section.

(k) Authorizes the Texas Parks and Wildlife Commission to adopt rules necessary for the implementation of this chapter, including rules relating to required notification, record-keeping, permit conditions, and the disposition of trapped white-tailed deer.

SECTION 2. Effective date: September 1, 2003.

EFFECTIVE DATE

September 1, 2003.

EXPLANATION OF AMENDMENTS

Adds language to SECTION 1 of the bill requiring that a permit shall contain specific instructions detailing the location to which the trapped white-tailed deer are to be transported or transplanted.