

AN ACT

relating to authorizing political subdivisions and property owners' associations to trap and transport white-tailed deer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.0612 to read as follows:

Sec. 43.0612. TRAPPING AND TRANSPORTING SURPLUS WHITE-TAILED DEER; PERMIT REQUIRED. (a) In this section, "property owners' association" has the meaning assigned by Section 202.001, Property Code.

(b) The department may 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) Not later than the 30th day before the date of the first planned trapping and transporting of white-tailed deer, a political subdivision or a property owners' association shall file with the department 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. If the department issues a permit to a requesting political subdivision or property owners' association

1 the permit shall contain specific instructions detailing the
2 location to which the trapped white-tailed deer are to be
3 transported or transplanted.

4 (d) After receipt of an application, the department may
5 issue to the political subdivision or property owners' association
6 a permit specifying:

7 (1) the location to which trapped white-tailed deer
8 must be transported; and

9 (2) the purpose for which the trapped deer are to be
10 used.

11 (e) The department may deny a political subdivision or a
12 property owners' association a permit if no suitable destination
13 for the trapped white-tailed deer exists.

14 (f) A political subdivision or property owners' association
15 trapping and transporting white-tailed deer under this section must
16 make reasonable efforts to ensure:

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

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

21 (g) A permit issued under this section may authorize a
22 political subdivision or a property owners' association to trap and
23 transport white-tailed deer only between October 1 of a year and
24 March 31 of the following year, unless white-tailed deer found in
25 the political subdivision or in the geographic area in which
26 property subject to the property owners' association is located
27 pose a threat to human health or safety, in which case the provision

1 of Subsection (e) does not apply and a permit may authorize the
2 political subdivision or property owners' association to trap and
3 transport white-tailed deer at any time of the year.

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

7 (i) The state is not liable for and may not incur any expense
8 for the trapping and transporting of white-tailed deer under a
9 permit issued under this section.

10 (j) The department may not charge a fee for a white-tailed
11 deer trapping and transporting permit issued under this section.

12 (k) The commission may adopt rules necessary for the
13 implementation of this chapter, including rules which enhance the
14 opportunity to relocate overpopulation of urban deer and relating
15 to required notification, record-keeping, permit conditions, and
16 the disposition of trapped white-tailed deer.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1582 passed the Senate on May 15, 2003, by a viva-voce vote; and that the Senate concurred in House amendments on May 29, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1582 passed the House, with amendments, on May 28, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor