

## BILL ANALYSIS

Senate Research Center  
79R13553 KCR-F

C.S.S.B. 1765  
By: Harris  
Natural Resources  
4/28/2005  
Committee Report (Substituted)

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law requires a property owner whose land is completely enclosed by a high fence and wants to manage deer to obtain several permits from the Texas Parks and Wildlife Department (TPWD). Applying for and obtaining these permits can be time consuming for a property owner interested in the various forms of deer management.

C.S.S.B. 1765 creates the Comprehensive High Fence Deer Management Permit and allows those property owners whose land is completely enclosed by a high fence to obtain one permit for the management of deer on their land.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 1 (Section 43.710, Parks and Wildlife Code) of this bill.

### SECTION BY SECTION ANALYSIS

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

#### SUBCHAPTER S. COMPREHENSIVE HIGH FENCE DEER MANAGEMENT PERMIT

Sec. 43.701. DEFINITIONS. Defines "certified wildlife biologist" and "scientific breeder."

Sec. 43.702. COMPREHENSIVE HIGH FENCE DEER MANAGEMENT PERMIT.  
(a) Requires the Texas Parks and Wildlife Department (TPWD) to issue a comprehensive high fence deer management permit (permit) to a landowner or deer manager for the management of deer on private property that is completely enclosed by a high fence. Sets forth requirements for the allowances of the permit.

(b) Provides that a person who holds a permit is not required to hold any other permit issued under this chapter if the permit allows the person to engage in the desired conduct, but requires the person to otherwise comply with the laws and rules associated with those other permits.

Sec. 43.703. PERMIT REQUIREMENTS. (a) Authorizes TPWD to approve an application for a permit only if certain guidelines are met.

(b) Requires an application for a permit to contain specific information.

(c) Requires a comprehensive management plan for the property to include a recommended harvest and authorizes the plan to include certain information.

(d) Authorizes the permit holder, annually, subject to approval by a TPWD wildlife biologist, to amend the management plan in response to the needs of the deer on the property covered by the permit and to the management of that property. Requires the permit holder to submit a copy of any amended plan to TPWD.

Sec. 43.704. REPORTS. Requires the holder of a permit issued under this subchapter, not later than April 15 of each year, to file a report that includes census data for that year and authorizes the report to include an outline of progress toward the management plan's goals to TPWD.

Sec. 43.705. SPECIAL SEASON FOR DEER HARVEST. (a) Provides that a special season for harvesting deer on property covered by a permit issued under this subchapter runs from the Saturday closest to October 1 of a year through the Sunday closest to February 1 of the next year.

(b) Provides that if TPWD authorizes a longer season for hunting deer under another permit issued under this chapter, that season applies to a property covered by a permit issued under this subchapter.

(c) Provides that the total number of deer authorized to be harvested during one season on property covered by a permit issued under this subchapter is specific to that property as provided by the management plan for the property.

(d) Prohibits a person from hunting deer on property covered by a permit issued under this subchapter unless the person holds a hunting license issued by TPWD under Chapter 42 (General Hunting License).

Sec. 43.706. COMPREHENSIVE HIGH FENCE DEER MANAGEMENT TAGS; WILDLIFE RESOURCE DOCUMENT. (a) Requires TPWD to issue special comprehensive high fence deer management tags to a permit holder in the quantity appropriate to the property covered by the permit according to the approved management plan for the property.

(b) Prohibits a person from removing from property covered by a permit issued under this subchapter a deer taken by a hunter on the property unless the hunter has attached to the deer the tag issued under this section. Provides that the person is not required to attach a hunting license tag.

(c) Requires the special tag to include specific written information.

(d) Requires a completed wildlife resource document as defined by Section 42.001, if a person other than the hunter is to remove the deer from the property, to accompany the deer.

Sec. 43.707. TRANSPORT OF DEER. (a) Authorizes a person to remove live deer from one property covered by a permit issued under this subchapter and transport the deer to another property covered by a permit issued under this subchapter only during the period from September 1 of a year through March 31 of the next year.

(b) Requires a person transporting deer under this section to ensure that a manifest accompanies the deer which includes specific information.

(c) Requires the blank tags to be filled in before transporting the deer to include for each deer the information required by Subsection (b).

Sec. 43.708. SCIENTIFIC BREEDER DEER. Authorizes a scientific breeder deer held in an enclosure for propagation on property covered by a permit issued under this subchapter to be released from the enclosure along with other deer or returned to the scientific breeder without losing its status as private property.

Sec. 43.709. PERMIT DURATION AND FEE. (a) Provides that a permit issued under this subchapter is automatically renewable each year if the permit holder is complying with this subchapter and rules adopted under this subchapter. Authorizes TPWD to deny renewal only upon showing that the permit holder is not complying with this subchapter.

(b) Provides that the fee for issuance or renewal of a permit is \$2,000.

Sec. 43.710. RULES. (a) Authorizes Texas Parks and Wildlife Commission (commission), except as provided by Subsection (b), to adopt rules as necessary to implement and enforce this subchapter.

(b) Prohibits the commission from adopting rules modifying the application requirements for or the scope of a permit issued under this subchapter.

Sec. 43.711. PENALTIES. (a) Provides that a permit holder violates this subchapter if the permit holder violates a specific provision of this subchapter or a rule adopted under this chapter or fails to make a reasonable effort to manage the deer on the property covered by the permit according to the approved management plan. Authorizes TPWD to revoke or deny the renewal of the permit for one year for a violation under this subsection upon providing sufficient evidence of the violation.

(b) Provides that a permit holder who intentionally kills or allows a deer held in a special breeding enclosure to be killed commits an Class A Parks and Wildlife Code misdemeanor under this subchapter.

SECTION 2. Requires the commission, not later than December 31, 2005, to adopt all rules necessary to implement Subchapter S, Chapter 43, Parks and Wildlife Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2005.