

By: Campbell

H.B. No. 1257

Substitute the following for H.B. No. 1257:

By: Hilderbran

C.S.H.B. No. 1257

A BILL TO BE ENTITLED

AN ACT

relating to a permit to take certain deer causing depredation;
providing a penalty.

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

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

SUBCHAPTER S. PERMIT TO CONTROL CERTAIN DEER

CAUSING DEPREDACTION

Sec. 43.651. APPLICATION OF SUBCHAPTER. This subchapter
applies only to depredating antlerless white-tailed deer and to the
taking of those deer. For purposes of this subchapter, a deer is
antlerless if the deer does not have a visible antler.

Sec. 43.652. THREAT OF DAMAGE BY DEER. A person who has
evidence showing that white-tailed deer historically have caused
depredation to the person's agricultural or horticultural
interests and who may desire to take the deer shall give written
notice of the facts concerning the historical depredation to the
department.

Sec. 43.653. APPLICATION FOR PERMIT. (a) Not later than
the 30th day before the first date a person described by Section
43.652 intends to plant a crop that is susceptible to damage caused
by white-tailed deer, the person may file with the department an
application for a permit to take depredating deer.

(b) The application must be in writing and must contain:

1 (1) a statement of:

2 (A) facts relating to the damage historically
3 caused by the deer; and

4 (B) the first date the person intends to plant a
5 crop that is susceptible to damage caused by deer; and

6 (2) an agreement by the applicant to comply with the
7 provisions of this subchapter relating to the disposition of any
8 deer taken under the permit.

9 (c) The application must be accompanied by:

10 (1) a statement signed by an employee of the office of
11 the Texas Cooperative Extension serving the area where the
12 applicant's property is located verifying that:

13 (A) the applicant's property is typically used to
14 plant a crop that is susceptible to damage caused by depredating
15 deer; and

16 (B) damage caused by depredating deer is
17 historically a problem on the applicant's property; and

18 (2) a statement by the applicant that the applicant or
19 the applicant's agent or lessee uses the applicant's property for
20 agricultural or horticultural purposes.

21 Sec. 43.654. PERMIT. (a) Except as provided by Section
22 43.658, not later than the 30th day after the date the department
23 receives an application that complies with Section 43.653, the
24 department may issue a permit for the taking of antlerless
25 white-tailed deer causing depredation without regard to the closed
26 season, bag limit, or means and methods. If the department issues a
27 permit under this subsection, the department shall deliver the

1 permit immediately to the permittee.

2 (b) A permit is valid from the date the permittee indicates
3 on the permit application as the first date the permittee intends to
4 plant a crop that is susceptible to damage caused by deer through
5 the 30th day after that date. The permit must specify:

6 (1) the cropland to which the permit applies; and

7 (2) the persons permitted to take the deer.

8 (c) A permit is automatically extended for the 15 days
9 immediately following the 30-day period described by Subsection (b)
10 if the permittee, not later than the second day before the end of
11 the 30-day period described by Subsection (b), notifies the
12 department or a department employee of the permittee's intention to
13 extend the permit.

14 Sec. 43.655. DISPOSITION OF DEER. (a) A permittee who
15 takes deer under the authority of the permit shall dispose of any
16 deer carcass in a manner that preserves as safe for human
17 consumption as much of the carcass as possible and may donate the
18 deer carcass to a charitable institution, hospital, or needy
19 person.

20 (b) The permittee shall provide documentation on a form
21 prescribed by the department to any person who receives a deer taken
22 under this subchapter. The documentation must accompany the deer
23 until the deer reaches a final destination and is finally
24 processed. For purposes of this subsection, "final destination"
25 and "final processing" have the meanings assigned by Section
26 42.001.

27 (c) On the expiration of a permit issued under this

1 subchapter, the permittee shall report to the department on a form
2 prescribed by the department the total number of deer taken under
3 the permit.

4 Sec. 43.656. CANCELLATION OF PERMIT. The department may
5 cancel a permit if the permit does not accomplish its intended
6 purposes.

7 Sec. 43.657. VIOLATIONS; PENALTY. (a) A permittee may
8 not dispose of a deer taken under a permit issued under this
9 subchapter or allow the deer to be disposed of except as allowed
10 under Section 43.655.

11 (b) A permittee may not violate a term or condition of the
12 permit.

13 (c) A person who violates this section commits an offense
14 that is a Class B Parks and Wildlife Code misdemeanor.

15 Sec. 43.658. DENIAL OF PERMIT. The department may refuse to
16 issue a permit under this subchapter to a person who previously has
17 failed to submit to the department the report required by Section
18 43.655(c).

19 Sec. 43.659. PERMIT INFORMATION CONFIDENTIAL. The name of
20 a permittee and the application for a permit and any information
21 accompanying the application under this subchapter are
22 confidential and not subject to disclosure under Chapter 552,
23 Government Code.

24 Sec. 43.660. RULES. The commission may adopt rules as
25 necessary to implement and enforce this subchapter.

26 SECTION 2. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2005.