

1-1 By: Harris S.B. No. 1765
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 29, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 29, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1765 By: Armbrister

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the management of deer on private property; providing
1-11 penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 43, Parks and Wildlife Code, is amended
1-14 by adding Subchapter S to read as follows:

1-15 SUBCHAPTER S. COMPREHENSIVE HIGH FENCE DEER MANAGEMENT PERMIT

1-16 Sec. 43.701. DEFINITIONS. In this subchapter:

1-17 (1) "Certified wildlife biologist" means a person:

1-18 (A) who is:

1-19 (i) certified as a wildlife biologist by
1-20 the Wildlife Society; and

1-21 (ii) not employed by the department; or

1-22 (B) who has:

1-23 (i) a bachelor's or higher degree in
1-24 wildlife science, wildlife management, or a related educational
1-25 field; and

1-26 (ii) five years or more of postgraduate
1-27 experience in research or wildlife management associated with
1-28 white-tailed deer or mule deer within the most recent 10 years.

1-29 (2) "Scientific breeder" has the meaning assigned by
1-30 Section 43.351.

1-31 Sec. 43.702. COMPREHENSIVE HIGH FENCE DEER MANAGEMENT
1-32 PERMIT. (a) The department shall issue a comprehensive high fence
1-33 deer management permit to a landowner or deer manager for the
1-34 management of deer on private property that is completely enclosed
1-35 by a high fence. The permit must allow:

1-36 (1) the management and harvest of deer on the property
1-37 covered by the permit;

1-38 (2) population control of deer on that property;

1-39 (3) the capture and holding of deer in an enclosure for
1-40 propagation and release on that property;

1-41 (4) the transport of deer between properties each of
1-42 which is covered by a permit issued under this section; and

1-43 (5) the recapture of a scientific breeder deer
1-44 released to the wild from a property covered by a permit issued
1-45 under this section and the return of the deer to its owner by a
1-46 person that holds a scientific breeder permit or a permit issued
1-47 under this section.

1-48 (b) A person who holds a comprehensive high fence deer
1-49 management permit is not required to hold any other permit issued
1-50 under this chapter if the comprehensive high fence deer management
1-51 permit allows the person to engage in the desired conduct, but the
1-52 person must otherwise comply with the laws and rules associated
1-53 with those other permits.

1-54 Sec. 43.703. PERMIT REQUIREMENTS. (a) The department may
1-55 approve an application for a comprehensive high fence deer
1-56 management permit only if:

1-57 (1) the application is administratively complete; and

1-58 (2) the property to which the permit applies is
1-59 completely enclosed by a high fence that is constructed and
1-60 maintained in a manner that reasonably contains the resident deer
1-61 population and restricts the entry of nonresident deer so that the
1-62 effect of the permit holder's activities on neighboring properties
1-63 is negligible.

2-1 (b) An application for a comprehensive high fence deer
2-2 management permit must contain:

2-3 (1) a comprehensive management plan for the property
2-4 to be covered by the permit that is developed by the permit holder,
2-5 employees of or professional consultants for the permit holder, or
2-6 a department wildlife biologist; and

2-7 (2) a statement that the application, including the
2-8 management plan, has been reviewed and approved by a department
2-9 wildlife biologist or a certified wildlife biologist.

2-10 (c) The management plan must include a recommended harvest
2-11 and may include:

2-12 (1) deer population goals and control;

2-13 (2) annual deer census data;

2-14 (3) plans for genetic management, if any;

2-15 (4) a general outline of the management practices to
2-16 be used;

2-17 (5) a description of supplemental feeding plans or
2-18 supplemental food locations;

2-19 (6) plans for the trapping and transport of deer;

2-20 (7) plans for holding wild deer for propagation; or

2-21 (8) any other plans related to the permit or to the
2-22 management of deer or the property covered by the permit.

2-23 (d) Subject to approval by a department wildlife biologist
2-24 or certified wildlife biologist, the permit holder annually may
2-25 amend the management plan in response to the needs of the deer on
2-26 the property covered by the permit and to the management of that
2-27 property. The permit holder must submit a copy of any amended plan
2-28 to the department.

2-29 Sec. 43.704. REPORTS. Not later than April 15 of each year,
2-30 the holder of a permit issued under this subchapter shall file a
2-31 report with the department that includes census data for that year
2-32 and may include an outline of progress toward the management plan's
2-33 goals.

2-34 Sec. 43.705. SPECIAL SEASON FOR DEER HARVEST. (a) A
2-35 special season for harvesting deer on property covered by a permit
2-36 issued under this subchapter runs from the Saturday closest to
2-37 October 1 of a year through the Sunday closest to February 1 of the
2-38 next year.

2-39 (b) If the department authorizes a longer season for hunting
2-40 deer under another permit issued under this chapter, that season
2-41 applies to a property covered by a permit issued under this
2-42 subchapter.

2-43 (c) The total number of deer authorized to be harvested
2-44 during one season on property covered by a permit issued under this
2-45 subchapter is specific to that property as provided by the
2-46 management plan for the property.

2-47 (d) A person may not hunt deer on property covered by a
2-48 permit issued under this subchapter unless the person holds a
2-49 hunting license issued by the department under Chapter 42.

2-50 Sec. 43.706. COMPREHENSIVE HIGH FENCE DEER MANAGEMENT TAGS;
2-51 WILDLIFE RESOURCE DOCUMENT. (a) The department shall issue
2-52 special comprehensive high fence deer management tags to a permit
2-53 holder in the quantity appropriate to the property covered by the
2-54 permit according to the approved management plan for the property.

2-55 (b) A person may not remove from property covered by a
2-56 permit issued under this subchapter a deer taken by a hunter on the
2-57 property unless the hunter has attached to the deer the tag issued
2-58 under this section. The person is not required to attach a hunting
2-59 license tag.

2-60 (c) The special tag must include the following written
2-61 information:

2-62 (1) the name of the property;

2-63 (2) the name of the hunter;

2-64 (3) the hunter's hunting license number; and

2-65 (4) the date of the kill.

2-66 (d) If a person other than the hunter is to remove the deer
2-67 from the property, a completed wildlife resource document as
2-68 defined by Section 42.001 must accompany the deer.

2-69 Sec. 43.707. TRANSPORT OF DEER. (a) A person may remove

3-1 live deer from one property covered by a permit issued under this
3-2 subchapter and transport the deer to another property covered by a
3-3 permit issued under this subchapter only during the period from
3-4 September 1 of a year through March 31 of the next year.

3-5 (b) A person transporting deer under this section must
3-6 ensure that a manifest accompanies the deer that includes:

- 3-7 (1) the source of the deer;
3-8 (2) the destination of the deer;
3-9 (3) the date of capture;
3-10 (4) the number and sex of the deer;
3-11 (5) the person in charge of the transport; and
3-12 (6) a set of blank comprehensive high fence deer
3-13 management tags, one for each deer.

3-14 (c) The blank tags shall be filled in before transporting
3-15 the deer to include for each deer the information required by
3-16 Subsection (b).

3-17 Sec. 43.708. SCIENTIFIC BREEDER DEER. A scientific breeder
3-18 deer held in an enclosure for propagation on property covered by a
3-19 permit issued under this subchapter may be released from the
3-20 enclosure along with other deer or returned to the scientific
3-21 breeder without losing its status as private property.

3-22 Sec. 43.709. PERMIT DURATION AND FEE. (a) A permit issued
3-23 under this subchapter is automatically renewable each year if the
3-24 permit holder is complying with this subchapter and rules adopted
3-25 under this subchapter. The department may deny renewal only if the
3-26 department can show that the permit holder is not complying with
3-27 this subchapter.

3-28 (b) The fee for issuance or renewal of a comprehensive high
3-29 fence deer management permit is \$2,000.

3-30 Sec. 43.710. RULES. (a) Except as provided by Subsection
3-31 (b), the commission may adopt rules as necessary to implement and
3-32 enforce this subchapter.

3-33 (b) The commission may not adopt rules modifying the
3-34 application requirements for or the scope of a permit issued under
3-35 this subchapter.

3-36 Sec. 43.711. PENALTIES. (a) A permit holder violates this
3-37 subchapter if the permit holder violates a specific provision of
3-38 this subchapter or a rule adopted under this chapter or fails to
3-39 make a reasonable effort to manage the deer on the property covered
3-40 by the permit according to the approved management plan. The
3-41 department may revoke or deny the renewal of the permit for one year
3-42 for a violation under this subsection if the department provides
3-43 sufficient evidence of the violation.

3-44 (b) A permit holder who intentionally kills or
3-45 intentionally allows to be killed a deer held in a special breeding
3-46 enclosure commits an offense under this subchapter. An offense
3-47 under this subsection is a Class A Parks and Wildlife Code
3-48 misdemeanor.

3-49 SECTION 2. Not later than December 31, 2005, the Parks and
3-50 Wildlife Commission shall adopt all rules necessary to implement
3-51 Subchapter S, Chapter 43, Parks and Wildlife Code, as added by this
3-52 Act.

3-53 SECTION 3. This Act takes effect immediately if it receives
3-54 a vote of two-thirds of all the members elected to each house, as
3-55 provided by Section 39, Article III, Texas Constitution. If this
3-56 Act does not receive the vote necessary for immediate effect, this
3-57 Act takes effect September 1, 2005.

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