

By: Hunter

H.B. No. 3977

Substitute the following for H.B. No. 3977:

By: Kuempel

C.S.H.B. No. 3977

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the trapping and transport of surplus white-tailed  
3 deer.

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

5 SECTION 1. Section 43.0612, Parks and Wildlife Code, is  
6 amended to read as follows:

7 Sec. 43.0612. TRAPPING AND TRANSPORTING SURPLUS  
8 WHITE-TAILED DEER; PERMIT REQUIRED. (a) In this section:

9 (1) "Property [~~,"property~~] owners' association" has  
10 the meaning assigned by Section 202.001, Property Code.

11 (2) "Qualified individual" means an individual who has  
12 a wildlife management plan approved by the department.

13 (b) The department may issue to a qualified individual, a  
14 political subdivision, or a property owners' association a permit  
15 authorizing the trapping and transporting of surplus white-tailed  
16 deer found on [~~within~~] the property owned by the qualified  
17 individual or within the boundaries of the political subdivision or  
18 the geographic area in which property subject to the property  
19 owners' association is located.

20 (c) Not later than the 30th day before the date of the first  
21 planned trapping and transporting of white-tailed deer, a qualified  
22 individual, a political subdivision, or a property owners'  
23 association shall file with the department an application showing  
24 that an overpopulation of white-tailed deer exists on [~~within~~] the

1 property owned by the qualified individual or within the boundaries  
2 of the political subdivision or the geographic area in which  
3 property subject to the property owners' association is located.  
4 If the department issues a permit to a requesting qualified  
5 individual, political subdivision, or property owners'  
6 association, the permit shall contain specific instructions  
7 detailing the location to which the trapped white-tailed deer are  
8 to be transported or transplanted.

9 (d) After receipt of an application, the department may  
10 issue to the qualified individual, political subdivision, or  
11 property owners' association a permit specifying:

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

14 (2) the purpose for which the trapped deer are to be  
15 used.

16 (e) The department may deny a qualified individual, a  
17 political subdivision, or a property owners' association a permit  
18 if no suitable destination for the trapped white-tailed deer  
19 exists.

20 (f) A qualified individual, a political subdivision, or a  
21 property owners' association trapping and transporting  
22 white-tailed deer under this section must make reasonable efforts  
23 to ensure:

24 (1) safe and humane handling of trapped white-tailed  
25 deer; and

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

1 (g) A permit issued under this section may authorize a  
2 qualified individual, a political subdivision, or a property  
3 owners' association to trap and transport white-tailed deer only  
4 between October 1 of a year and March 31 of the following year,  
5 unless white-tailed deer found on the property owned by the  
6 qualified individual or within the boundaries of [~~in~~] the political  
7 subdivision or [~~in~~] the geographic area in which property subject  
8 to the property owners' association is located pose a threat to  
9 human health or safety, in which case the provision of Subsection  
10 (e) does not apply and a permit may authorize the qualified  
11 individual, political subdivision, or property owners' association  
12 to trap and transport white-tailed deer at any time of the year.

13 (h) A permit issued under this section does not entitle a  
14 person to take, trap, or possess white-tailed deer found on any  
15 privately owned land without the landowner's written permission,  
16 unless the permit holder is the landowner.

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

20 (j) The commission by rule may set and the department may  
21 [~~not~~] charge a fee not to exceed \$300 for a white-tailed deer  
22 trapping and transporting permit issued under this section.

23 (k) The commission may adopt rules necessary for the  
24 implementation of this chapter, including rules which enhance the  
25 opportunity to relocate overpopulation of urban deer and relating  
26 to required notification, record-keeping, permit conditions, and  
27 the disposition of trapped white-tailed deer. The commission shall

1 adopt rules for determining the circumstances under which a  
2 qualified individual, political subdivision, or property owners'  
3 association may obtain a permit issued under this section.

4 SECTION 2. This Act takes effect September 1, 2009.