

1-1 By: Harris S.B. No. 1583
1-2 (In the Senate - Filed March 10, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Agriculture and Rural
1-4 Affairs; April 20, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1583 By: Hegar

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

1-10 relating to the trapping and transport of surplus white-tailed
1-11 deer.

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

1-13 SECTION 1. Section 43.0612, Parks and Wildlife Code, is
1-14 amended to read as follows:

1-15 Sec. 43.0612. TRAPPING AND TRANSPORTING SURPLUS
1-16 WHITE-TAILED DEER; PERMIT REQUIRED. (a) In this section:

1-17 (1) "Property~~[, "property]~~ owners' association" has
1-18 the meaning assigned by Section 202.001, Property Code.

1-19 (2) "Qualified individual" means an individual who has
1-20 a wildlife management plan approved by the department.

1-21 (b) The department may issue to a qualified individual, a
1-22 political subdivision, or a property owners' association a permit
1-23 authorizing the trapping and transporting of surplus white-tailed
1-24 deer found on the property owned by the qualified individual or
1-25 within the boundaries of the political subdivision or the
1-26 geographic area in which property subject to the property owners'
1-27 association is located.

1-28 (c) Not later than the 30th day before the date of the first
1-29 planned trapping and transporting of white-tailed deer, a qualified
1-30 individual, a political subdivision, or a property owners'
1-31 association shall file with the department an application showing
1-32 that an overpopulation of white-tailed deer exists on ~~[within]~~
1-33 the property owned by the qualified individual or within the boundaries
1-34 of the political subdivision or the geographic area in which
1-35 property subject to the property owners' association is located.
1-36 If the department issues a permit to a requesting qualified
1-37 individual, political subdivision, or property owners'
1-38 association, the permit shall contain specific instructions
1-39 detailing the location to which the trapped white-tailed deer are
1-40 to be transported or transplanted.

1-41 (d) After receipt of an application, the department may
1-42 issue to the qualified individual, political subdivision, or
1-43 property owners' association a permit specifying:

1-44 (1) the location to which trapped white-tailed deer
1-45 must be transported; and

1-46 (2) the purpose for which the trapped deer are to be
1-47 used.

1-48 (e) The department may deny a qualified individual, a
1-49 political subdivision, or a property owners' association a permit
1-50 if no suitable destination for the trapped white-tailed deer
1-51 exists.

1-52 (f) A qualified individual, a political subdivision, or a
1-53 property owners' association trapping and transporting
1-54 white-tailed deer under this section must make reasonable efforts
1-55 to ensure:

1-56 (1) safe and humane handling of trapped white-tailed
1-57 deer; and

1-58 (2) minimization of human health and safety hazards in
1-59 every phase of the trapping and transporting of white-tailed deer.

1-60 (g) A permit issued under this section may authorize a
1-61 qualified individual, a political subdivision, or a property
1-62 owners' association to trap and transport white-tailed deer only
1-63 between October 1 of a year and March 31 of the following year,

2-1 unless white-tailed deer found on the property owned by the
2-2 qualified individual or within the boundaries of [in] the political
2-3 subdivision or [in] the geographic area in which property subject
2-4 to the property owners' association is located pose a threat to
2-5 human health or safety, in which case the provision of Subsection
2-6 (e) does not apply and a permit may authorize the qualified
2-7 individual, political subdivision, or property owners' association
2-8 to trap and transport white-tailed deer at any time of the year.

2-9 (h) A permit issued under this section does not entitle a
2-10 person to take, trap, or possess white-tailed deer found on any
2-11 privately owned land without the landowner's written permission,
2-12 unless the permit holder is the landowner.

2-13 (i) The state is not liable for and may not incur any expense
2-14 for the trapping and transporting of white-tailed deer under a
2-15 permit issued under this section.

2-16 (j) The commission by rule may set and the department may
2-17 [not] charge a fee not to exceed \$300 for a white-tailed deer
2-18 trapping and transporting permit issued under this section.

2-19 (k) The commission may adopt rules necessary for the
2-20 implementation of this chapter, including rules which enhance the
2-21 opportunity to relocate overpopulation of urban deer and relating
2-22 to required notification, record-keeping, permit conditions, and
2-23 the disposition of trapped white-tailed deer. The commission shall
2-24 adopt rules for determining the circumstances under which a
2-25 qualified individual, political subdivision, or property owners'
2-26 association may obtain a permit issued under this section.

2-27 SECTION 2. This Act takes effect September 1, 2009.

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