

BILL ANALYSIS

Senate Research Center

S.B. 460
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Agriculture & Rural Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Mule deer are a part of the deer (cervid) family, along with white-tailed deer, moose, elk and caribou. The mule deer population in Texas varies from about 150,000 in dry conditions to about 280,000 during wet periods, according to the Texas Parks and Wildlife Department (TPWD). A deer management permit (DMP), created in H.B. 3061, 75th Legislature, Regular Session, 1997, is essentially a landowner tool for white-tailed deer management, propagation, and hunting. A DMP allows the holder, in accordance with statutory and TPWD-prescribed standards, to temporarily detain white-tailed deer in enclosures on the property for the purpose of natural breeding in accordance with a management plan as approved and authorized by a TPWD wildlife biologist. The deer and their offspring are then released to enhance the overall genetics of the deer herd.

Landowner management tools, including the managed lands deer permit (MLDP), also available to white-tailed deer managers, have proven to work just as well for mule deer. Mule deer home ranges are primarily in the Trans-Pecos region, with smaller populations in the panhandle and Edwards Plateau regions. All of these regions experience wide fluctuations in populations, especially among the mule deer fawn population. For this reason, legislation is needed that will allow landowners/mule deer managers the opportunity to utilize the same tools as those currently used for white-tailed deer under the DMP program, that is, a DMP for mule deer. In addition, a future benefit to the program is the increased tourism dollars likely to be generated from a stronger mule deer herd and the nationwide reputation of superior mule deer in Texas.

The permit holder must comply with the standards TPWD prescribes. The purpose of the DMP is to eventually release the captive-bred and captive-reared deer into the wild to enhance the overall genetics and productivity of the local deer herd. The managed deer remain the property of the people of Texas.

Landowners must pay a \$1,000 fee for a DMP, and the permit must be renewed annually. The local TPWD wildlife biologist reviews the management plan to ensure the objectives have been met in order to renew the permit.

S.B. 460 will extend the DMP program currently available for white-tailed deer managers to mule deer managers in order to enhance management practices and productivity for the Texas mule deer population.

S.B. 460 amends current law relating to regulation of the import, export, and management of mule deer and to provide penalties.

RULEMAKING AUTHORITY

Rulemaking previously granted to the Texas Parks and Wildlife Commission is modified in SECTION 2 (Section 43.627, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter R, Chapter 43, Parks and Wildlife Code, to read as follows:

SUBCHAPTER R. WHITE-TAILED DEER MANAGEMENT PERMITS

SECTION 2. Amends Chapter 43, Parks and Wildlife Code, by adding Subchapter R-1, as follows:

SUBCHAPTER R-1. MULE DEER MANAGEMENT PERMITS

Sec. 43.621. PERMIT FOR DEER MANAGEMENT. (a) Authorizes the Texas Parks and Wildlife Department (TPWD) to issue a permit for the management of the wild mule deer population.

(b) Provides that the deer managed under the permit remain the property of the people of the state, and the holder of the permit is considered to be managing the population on behalf of the state.

(c) Authorizes the holder of the permit, if a special season with a special bag limit is established by the Texas Parks and Wildlife Commission (commission) for holders of a deer management permit, to receive compensation for granting a person permission to kill a wild deer during that special season on the acreage covered by the permit.

Sec. 43.622. MANAGEMENT PLAN. (a) Requires the holder of a deer management permit to annually submit a deer management plan for approval or disapproval of TPWD. Requires that the management plan provide for specific management practices to be applied to the deer population on the acreage, which may include, in addition to other practices:

(1) the detention, for a period not to exceed 16 months, within an enclosure on the acreage covered by the permit, of wild mule deer for the purpose of propagation with other wild deer or breeder deer, and the release of those deer on that acreage;

(2) the killing of wild deer in open seasons established by the commission in a number set in the management plan; or

(3) the killing of wild deer during a special season having a special bag limit established by the commission for this permit.

(b) Requires that a management plan approved by TPWD be consistent with the regulatory responsibilities of the commission under Chapter 61 (Uniform Wildlife Regulatory Act).

(c) Prohibits a management plan from authorizing the killing of wild deer within an enclosure designed for the temporary detention of wild deer under Subsection (a)(1).

Sec. 43.623. CONDITIONS; DURATION; FEE. (a) Provides that a permit issued under this subchapter is subject to conditions established by the commission, including conditions governing:

(1) the number of deer that may be killed on the property by a single person;

(2) the number and type of deer that may be killed or taken under the permit;

(3) the number and type of deer that may be temporarily detained in an enclosure; and

(4) the length of time that deer may be temporarily detained in an enclosure.

(b) Provides that the permit is valid for a period prescribed by TPWD of not less than one year.

(c) Requires TPWD to set a fee for the issuance or renewal of a permit in an amount not to exceed \$1,000.

Sec. 43.624. INSPECTION. Authorizes an authorized employee of TPWD to inspect at any time without warrant the records required by Section 43.625 and the acreage for which the permit is issued for the purpose of determining the permit holder's compliance with the management plan.

Sec. 43.625. RECORDS. Requires the holder of a permit issued under this subchapter, to maintain, in a form prescribed by TPWD, an accurate record showing:

(1) the number of mule deer taken during the general open seasons and during any special seasons;

(2) the number of mule deer temporarily detained and released during the permit period; and

(3) any other information required by TPWD that reasonably relates to the activities covered by the permit.

Sec. 43.626. APPLICATION OF GENERAL LAWS. Provides that, except as otherwise provided by this subchapter and the terms of the permit and management plan, the general laws and regulations of this state applicable to mule deer apply to deer on the acreage covered by the permit. Provides that this subchapter does not restrict or prohibit the use of high fences.

Sec. 43.627. PENALTY. (a) Provides that a person commits an offense if the person:

(1) violates this subchapter or a rule adopted under this subchapter;

(2) violates a condition of permit imposed under Section 43.623(a);

(3) fails to maintain records required by Section 43.625; or

(4) kills or allows to be killed a deer temporarily detained under Section 43.622(a)(1).

(b) Provides that an offense under Subsections (a)(1)-(3) is a Class C Parks and Wildlife Code misdemeanor.

(c) Provides that an offense under Subsection (a)(4) is a Class A Parks and Wildlife Code misdemeanor.

SECTION 3. Effective date: upon passage or September 1, 2011.