

BILL ANALYSIS

S.B. 460
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Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A deer management permit is considered by many as a landowner tool for white-tailed deer management, propagation, and hunting. The permit allows the permit holder, in accordance with certain prescribed standards, to temporarily detain white-tailed deer in enclosures on the property covered by the permit for the purpose of natural breeding. The deer and their offspring are then released to enhance the overall genetics of the herd. Interested parties contend that similar landowner management tools have been proven to work just as well for mule deer, and, for this reason, legislation is needed that will allow landowners and mule deer managers the opportunity to utilize the same tools as those used for white-tailed deer. A stronger mule deer herd, these parties contend, will attract hunters and wildlife enthusiasts and result in increased income from tourism. S.B. 460 seeks to extend the deer management permit program currently available for white-tailed deer managers by regulating the import, export, and management of mule deer.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 2 of this bill.

ANALYSIS

S.B. 460 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Department (TPWD) to issue a permit for the management of the wild mule deer population. The bill establishes that the deer managed under the permit remain the property of the people of Texas and establishes that the permit holder is considered to be managing the population on behalf of the state. The bill authorizes the holder of the permit, if a special season with a special bag limit is established by the Parks and Wildlife Commission for holders of a deer management permit, to receive compensation for granting a person permission to kill a wild deer during the special season on the acreage covered by the permit.

S.B. 460 requires the holder of a deer management permit to annually submit a deer management plan for approval or disapproval of TPWD and requires the plan to provide for specified management practices to be applied to the deer population on the acreage. The bill requires a management plan approved by TPWD to be consistent with the regulatory responsibilities of the commission under the Wildlife Conservation Act of 1983 and prohibits the plan from authorizing the killing of wild deer within an enclosure designed for the temporary detention of wild deer.

S.B. 460 specifies that a mule deer management permit is subject to conditions established by the commission, establishes that the permit is valid for a period prescribed by TPWD of not less than one year, and requires the department to set a fee for an original or renewal permit in an amount not to exceed \$1,000. The bill requires the permit holder to meet certain recordkeeping requirements and authorizes an authorized employee of TPWD to inspect at any time without warrant the required records and the acreage for which the permit is issued for the purpose of determining the permit holder's compliance with the management plan. The bill establishes that,

except as expressly provided by the bill's provisions and the terms of the permit and management plan, the general laws and regulations of Texas applicable to mule deer apply to deer on the acreage covered by the permit. The bill establishes that its provisions do not restrict or prohibit the use of high fences.

S.B. 460 makes it a Class C Parks and Wildlife Code misdemeanor to violate the bill's provisions or a rule adopted under those provisions, to violate any conditions imposed under the terms of the permit, or to fail to maintain the required records. The bill makes it a Class A Parks and Wildlife Code misdemeanor to kill or allow to be killed a deer temporarily detained.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.