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S.B. No. 460

A BILL TO BE ENTITLED

AN ACT

relating to regulation of the import, export, and management of mule deer; providing penalties.

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

SECTION 1. The heading to Subchapter R, Chapter 43, Parks and Wildlife Code, is amended to read as follows:

SUBCHAPTER R. WHITE-TAILED DEER MANAGEMENT PERMITS

SECTION 2. Chapter 43, Parks and Wildlife Code, is amended by adding Subchapter R-1 to read as follows:

SUBCHAPTER R-1. MULE DEER MANAGEMENT PERMITS

Sec. 43.621. PERMIT FOR DEER MANAGEMENT. (a) The department may issue a permit for the management of the wild mule deer population.

(b) 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) If a special season with a special bag limit is established by the commission for holders of a deer management permit, the holder of the permit may 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) The holder of a deer management permit must annually submit a deer management plan for approval or disapproval of the department. The management plan

1 must provide for specific management practices to be applied to the  
2 deer population on the acreage, which may include, in addition to  
3 other practices:

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

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

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

14 (b) A management plan approved by the department must be  
15 consistent with the regulatory responsibilities of the commission  
16 under Chapter 61.

17 (c) A management plan may not authorize the killing of wild  
18 deer within an enclosure designed for the temporary detention of  
19 wild deer under Subsection (a)(1).

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

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

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

27 (3) the number and type of deer that may be temporarily

1 detained in an enclosure; and

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

4 (b) The permit is valid for a period prescribed by the  
5 department of not less than one year.

6 (c) The department shall set a fee for the issuance or  
7 renewal of a permit in an amount not to exceed \$1,000.

8 Sec. 43.624. INSPECTION. An authorized employee of the  
9 department may inspect at any time without warrant the records  
10 required by Section 43.625 and the acreage for which the permit is  
11 issued for the purpose of determining the permit holder's  
12 compliance with the management plan.

13 Sec. 43.625. RECORDS. The holder of a permit issued under  
14 this subchapter shall maintain, in a form prescribed by the  
15 department, an accurate record showing:

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

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

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

22 Sec. 43.626. APPLICATION OF GENERAL LAWS. Except as  
23 expressly provided by this subchapter and the terms of the permit  
24 and management plan, the general laws and regulations of this state  
25 applicable to mule deer apply to deer on the acreage covered by the  
26 permit. This subchapter does not restrict or prohibit the use of  
27 high fences.

1       Sec. 43.627. PENALTY. (a) A person commits an offense if  
2 the person:

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

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

7           (3) fails to maintain records required by Section  
8 43.625; or

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

11       (b) An offense under Subsections (a)(1)-(3) is a Class C  
12 Parks and Wildlife Code misdemeanor.

13       (c) An offense under Subsection (a)(4) is a Class A Parks  
14 and Wildlife Code misdemeanor.

15       SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2011.