

1-1 By: Seliger, Duncan, Uresti S.B. No. 460
1-2 (In the Senate - Filed January 31, 2011; February 14, 2011,
1-3 read first time and referred to Committee on Agriculture and Rural
1-4 Affairs; March 30, 2011, reported favorably by the following vote:
1-5 Yeas 3, Nays 0; March 30, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to regulation of the import, export, and management of
1-9 mule deer; providing penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Subchapter R, Chapter 43, Parks
1-12 and Wildlife Code, is amended to read as follows:

1-13 SUBCHAPTER R. WHITE-TAILED DEER MANAGEMENT PERMITS

1-14 SECTION 2. Chapter 43, Parks and Wildlife Code, is amended
1-15 by adding Subchapter R-1 to read as follows:

1-16 SUBCHAPTER R-1. MULE DEER MANAGEMENT PERMITS

1-17 Sec. 43.621. PERMIT FOR DEER MANAGEMENT. (a) The
1-18 department may issue a permit for the management of the wild mule
1-19 deer population.

1-20 (b) The deer managed under the permit remain the property of
1-21 the people of the state, and the holder of the permit is considered
1-22 to be managing the population on behalf of the state.

1-23 (c) If a special season with a special bag limit is
1-24 established by the commission for holders of a deer management
1-25 permit, the holder of the permit may receive compensation for
1-26 granting a person permission to kill a wild deer during that special
1-27 season on the acreage covered by the permit.

1-28 Sec. 43.622. MANAGEMENT PLAN. (a) The holder of a deer
1-29 management permit must annually submit a deer management plan for
1-30 approval or disapproval of the department. The management plan
1-31 must provide for specific management practices to be applied to the
1-32 deer population on the acreage, which may include, in addition to
1-33 other practices:

1-34 (1) the detention, for a period not to exceed 16
1-35 months, within an enclosure on the acreage covered by the permit, of
1-36 wild mule deer for the purpose of propagation with other wild deer
1-37 or breeder deer, and the release of those deer on that acreage;

1-38 (2) the killing of wild deer in open seasons
1-39 established by the commission in a number set in the management
1-40 plan; or

1-41 (3) the killing of wild deer during a special season
1-42 having a special bag limit established by the commission for this
1-43 permit.

1-44 (b) A management plan approved by the department must be
1-45 consistent with the regulatory responsibilities of the commission
1-46 under Chapter 61.

1-47 (c) A management plan may not authorize the killing of wild
1-48 deer within an enclosure designed for the temporary detention of
1-49 wild deer under Subsection (a)(1).

1-50 Sec. 43.623. CONDITIONS; DURATION; FEE. (a) A permit
1-51 issued under this subchapter is subject to conditions established
1-52 by the commission, including conditions governing:

1-53 (1) the number of deer that may be killed on the
1-54 property by a single person;

1-55 (2) the number and type of deer that may be killed or
1-56 taken under the permit;

1-57 (3) the number and type of deer that may be temporarily
1-58 detained in an enclosure; and

1-59 (4) the length of time that deer may be temporarily
1-60 detained in an enclosure.

1-61 (b) The permit is valid for a period prescribed by the
1-62 department of not less than one year.

1-63 (c) The department shall set a fee for the issuance or
1-64 renewal of a permit in an amount not to exceed \$1,000.

2-1 Sec. 43.624. INSPECTION. An authorized employee of the
2-2 department may inspect at any time without warrant the records
2-3 required by Section 43.625 and the acreage for which the permit is
2-4 issued for the purpose of determining the permit holder's
2-5 compliance with the management plan.

2-6 Sec. 43.625. RECORDS. The holder of a permit issued under
2-7 this subchapter shall maintain, in a form prescribed by the
2-8 department, an accurate record showing:

2-9 (1) the number of mule deer taken during the general
2-10 open seasons and during any special seasons;

2-11 (2) the number of mule deer temporarily detained and
2-12 released during the permit period; and

2-13 (3) any other information required by the department
2-14 that reasonably relates to the activities covered by the permit.

2-15 Sec. 43.626. APPLICATION OF GENERAL LAWS. Except as
2-16 expressly provided by this subchapter and the terms of the permit
2-17 and management plan, the general laws and regulations of this state
2-18 applicable to mule deer apply to deer on the acreage covered by the
2-19 permit. This subchapter does not restrict or prohibit the use of
2-20 high fences.

2-21 Sec. 43.627. PENALTY. (a) A person commits an offense if
2-22 the person:

2-23 (1) violates this subchapter or a rule adopted under
2-24 this subchapter;

2-25 (2) violates a condition of permit imposed under
2-26 Section 43.623(a);

2-27 (3) fails to maintain records required by Section
2-28 43.625; or

2-29 (4) kills or allows to be killed a deer temporarily
2-30 detained under Section 43.622(a)(1).

2-31 (b) An offense under Subsections (a)(1)-(3) is a Class C
2-32 Parks and Wildlife Code misdemeanor.

2-33 (c) An offense under Subsection (a)(4) is a Class A Parks
2-34 and Wildlife Code misdemeanor.

2-35 SECTION 3. This Act takes effect immediately if it receives
2-36 a vote of two-thirds of all the members elected to each house, as
2-37 provided by Section 39, Article III, Texas Constitution. If this
2-38 Act does not receive the vote necessary for immediate effect, this
2-39 Act takes effect September 1, 2011.

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