

1-1 By: Jackson S.B. No. 498  
1-2 (In the Senate - Filed February 1, 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 the trapping and transport of surplus white-tailed  
1-9 deer.

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

1-11 SECTION 1. Section 43.0612, Parks and Wildlife Code, is  
1-12 amended to read as follows:

1-13 Sec. 43.0612. TRAPPING AND TRANSPORTING SURPLUS  
1-14 WHITE-TAILED DEER; PERMIT REQUIRED. (a) In this section:

1-15 (1) "Property[, ~~property~~] owners' association" has  
1-16 the meaning assigned by Section 202.001, Property Code.

1-17 (2) "Qualified individual" means an individual who has  
1-18 a wildlife management plan approved by the department.

1-19 (b) The department may issue to a qualified individual, a  
1-20 political subdivision, or a property owners' association a permit  
1-21 authorizing the trapping and transporting of surplus white-tailed  
1-22 deer found on the property owned by the qualified individual or  
1-23 within the boundaries of the political subdivision or the  
1-24 geographic area in which property subject to the property owners'  
1-25 association is located.

1-26 (c) Not later than the 30th day before the date of the first  
1-27 planned trapping and transporting of white-tailed deer, a qualified  
1-28 individual, a political subdivision, or a property owners'  
1-29 association shall file with the department an application showing  
1-30 that an overpopulation of white-tailed deer exists on [within] the  
1-31 property owned by the qualified individual or within the boundaries  
1-32 of the political subdivision or the geographic area in which  
1-33 property subject to the property owners' association is located.  
1-34 If the department issues a permit to a requesting qualified  
1-35 individual, political subdivision, or property owners'  
1-36 association, the permit shall contain specific instructions  
1-37 detailing the location to which the trapped white-tailed deer are  
1-38 to be transported or transplanted.

1-39 (d) After receipt of an application, the department may  
1-40 issue to the qualified individual, political subdivision, or  
1-41 property owners' association a permit specifying:

1-42 (1) the location to which trapped white-tailed deer  
1-43 must be transported; and

1-44 (2) the purpose for which the trapped deer are to be  
1-45 used.

1-46 (e) The department may deny a qualified individual, a  
1-47 political subdivision, or a property owners' association a permit  
1-48 if no suitable destination for the trapped white-tailed deer  
1-49 exists.

1-50 (f) A qualified individual, a political subdivision, or a  
1-51 property owners' association trapping and transporting  
1-52 white-tailed deer under this section must make reasonable efforts  
1-53 to ensure:

1-54 (1) safe and humane handling of trapped white-tailed  
1-55 deer; and

1-56 (2) minimization of human health and safety hazards in  
1-57 every phase of the trapping and transporting of white-tailed deer.

1-58 (g) A permit issued under this section may authorize a  
1-59 qualified individual, a political subdivision, or a property  
1-60 owners' association to trap and transport white-tailed deer only  
1-61 between October 1 of a year and March 31 of the following year,  
1-62 unless white-tailed deer found on the property owned by the  
1-63 qualified individual or within the boundaries of [in] the political  
1-64 subdivision or [in] the geographic area in which property subject

to the property owners' association is located pose a threat to human health or safety, in which case the provision of Subsection (e) does not apply and a permit may authorize the qualified individual, political subdivision, or property owners' association to trap and transport white-tailed deer at any time of the year.

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

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

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

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

SECTION 2. This Act takes effect September 1, 2011.

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