

BILL ANALYSIS

Senate Research Center
82R4143 SLB-D

S.B. 498
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Agriculture & Rural Affairs
2/15/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 498 amends the Parks and Wildlife Code by adding a qualified individual, as defined, to the list of those to whom the Texas Parks and Wildlife Department (TPWD) may issue a permit, authorizing the trapping and transporting of surplus white-tailed deer found on the property owned by the individual.

Currently, permits to trap, transport, and process surplus white-tailed deer can be issued only to political subdivisions or property owners' associations (POA) as defined by Section 202.001 (Definitions), Property Code. Individual tracts (e.g. industrial facilities or ranches) may use this permit, but only if the political subdivision that encompasses the individual tract applies on its behalf. This permit was originally requested to assist political subdivisions and POAs in dealing with deer overpopulation, and the statute was specifically crafted to address that need. Since then, the process has been shown to be of considerable benefit and individual landowners would like to have the same access to the process for the same reason—the program benefits animal welfare and habitat pressure by population reduction. In addition, the program benefits designated food programs and TPWD-approved charitable organizations.

S.B. 498 provides that all deer captured pursuant to this permit must be handled and harvested in a humane manner, and prohibits white-tailed deer, captured or processed pursuant to this permit, from being sold, bartered, or exchanged for any consideration. Landowners believe that having to secure a permit from an authority other than TPWD is unnecessary, burdensome, and time-consuming when TPWD has the requisite knowledge and can best determine when such action benefits animal welfare and habitat pressure by population reduction and processes at any time of the year.

As proposed, S.B. 498 amends current law relating to the trapping and transport of surplus white-tailed deer.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission is modified in SECTION 1 (Section 43.0612, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.0612, Parks and Wildlife Code, as follows:

Sec. 43.0612. TRAPPING AND TRANSPORTING SURPLUS WHITE-TAILED DEER; PERMIT REQUIRED. (a) Defines "property owners' association" and "qualified individual" in this section.

(b) Authorizes the Texas Parks and Wildlife Department (TPWD) to issue to a qualified individual, a political subdivision, or a property owners' association (POA) a permit authorizing the trapping and transporting of surplus white-tailed deer found on the property owned by the qualified individual or within the boundaries of the political subdivision or the geographic area in which property subject to the POA is located.

(c) Requires a qualified individual, a political subdivision, or a POA, not later than the 30th day before the date of the first planned trapping and transporting of white-tailed deer, to file with TPWD an application showing that an overpopulation of white-tailed deer exists on, rather than within, the property owned by the qualified individual or within the boundaries of the political subdivision or the geographic area in which property subject to the POA is located. Requires the permit, if TPWD issues a permit to a requesting qualified individual, political subdivision, or POA, to contain specific instructions detailing the location to which the trapped white-tailed deer are to be transported or transplanted.

(d) Authorizes TPWD, after receipt of an application, to issue to the qualified individual, political subdivision, or POA a permit specifying the location to which trapped white-tailed deer must be transported, and the purpose for which the trapped deer are to be used.

(e) Authorizes TPWD to deny a qualified individual, a political subdivision, or a POA a permit if no suitable destination for the trapped white-tailed deer exists.

(f) Requires a qualified individual, political subdivision, or a POA trapping and transporting white-tailed deer under this section to make reasonable efforts to ensure safe and humane handling of trapped white-tailed deer, and minimization of human health and safety hazards in every phase of the trapping and transporting of white-tailed deer.

(g) Authorizes a permit issued under this section to authorize a qualified individual, a political subdivision, or a POA to trap and transport white-tailed deer only between October 1 of a year and March 31 of the following year, unless white-tailed deer found on the property owned by the qualified individual or within the boundaries of, rather than in, the political subdivision or the geographic area in which property subject to the POA is located pose a threat to human health or safety, in which case the provision of Subsection (r) does not apply and a permit may authorize the qualified individual, political subdivision, or POA to trap and transport white-tailed deer at any time of the year.

(h) Provides that 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) Makes no changes to this subsection.

(j) Authorizes the Texas Parks and Wildlife Commission (commission) by rule to set, and authorizes TPWD to charge, a fee not to exceed \$300 for a white-tailed deer trapping and transporting permit issued under this section.

(k) Requires the commission to adopt rules for determining the circumstances under which a qualified individual, political subdivision, or POA may obtain a permit issued under this section.

SECTION 2. Effective date: September 1, 2011.