

- SUBJECT:** Allowing political subdivisions to trap and transport or transplant deer
- COMMITTEE:** State Cultural and Recreational Resources — committee substitute recommended
- VOTE:** 5 ayes — Hilderbran, Geren, B. Cook, Kuempel, Phillips  
0 nays  
2 absent — Dukes, Bailey
- WITNESSES:** For — Dave Benson, Charles A. Edwards, and Gerhardt Schulle, Jr., City of Lakeway; Virginia W. Jones, Village of the Hills; Drew Traeger, Town of Hollywood Park  
Against — Brynn Hagen, Texas Humane Legislation Network  
On — Scott Boruff and David Sinclair, Texas Parks and Wildlife Department
- BACKGROUND:** Under Parks and Wildlife Code, sec. 43.061, no person may trap, transport, or transplant game animals or game birds in the wild without a permit. The Texas Parks and Wildlife Department (TPWD) may issue permits for this purpose to allow adjustments in game populations for better wildlife management. The permits may be issued only if recommended by separate wildlife stocking plans approved by TPWD.  
  
Sec. 43.0611 allows TPWD to issue a permit to an individual to trap and transport or transplant white-tailed deer, because of human health or safety concerns, if there is an overpopulation of deer in an area where hunting is inadequate to maintain a balanced population of deer. Transplanted white-tailed deer are subject to lawful hunting after relocation. The state is not liable for and cannot incur any expense for trapping, transporting, or transplanting white-tailed deer under a permit issued under this statute.
- DIGEST:** CSHB 1427 would allow TPWD to issue to a political subdivision a white-tailed deer removal permit for trapping and transporting or transplanting white-tailed deer found within its boundaries if the political subdivision

demonstrated an overpopulation of white-tailed deer. Not more than 15 days after TPWD received a request for a permit, TPWD would have to issue or deny the permit to the requesting political subdivision. If TPWD issued a permit, it would have to contain specific instructions detailing the location to which the trapped white-tailed deer were to be transported or transplanted.

A political subdivision removing white-tailed deer would have to make reasonable efforts to ensure safe and humane handling of trapped white-tailed deer and to minimize human health and safety hazards.

A permit could authorize a political subdivision to trap and transport or transplant white-tailed deer only between October 1 and March 31, unless the deer posed a threat to human health or safety in the political subdivision, in which case a permit could authorize a political subdivision to trap and transport or transplant white-tailed deer at any time of the year.

A permit would not entitle a person to take, trap, or possess white-tailed deer on any privately owned land without the landowner's permission. The state would not be liable for and could not incur any expense for trapping and transporting or transplanting white-tailed deer. TPWD could not charge a fee for the deer removal permit. The commission would have to adopt rules necessary to implement the bill's provisions.

The bill would take effect September 1, 2003.

**SUPPORTERS  
SAY:**

CSHB 1427 would allow a political subdivision with an overpopulation of white-tailed deer that has become burdensome to obtain a permit from TPWD to trap the deer and transport or transplant them. The overpopulation of white-tailed deer continues to plague many areas in Texas and represents a critical public safety and public health problem for affected political subdivisions and unincorporated urban areas. The unmanageable deer population has resulted in an increasing number of accidents involving deer and vehicles.

Deer relocation under TPWD's trapping, transporting, and transplanting (TTT) program is the least costly option available to affected communities. It also is the most widely acceptable alternative to the general public, because it does not involve lethal means to control the deer population.

Current TTT requirements severely restrict ranchers and other potential deer recipients by making them develop and maintain approved wildlife management plans, which restrict the relocation of deer from outlying urban areas. CSHB 1427 would reduce current statutory restrictions with regard to TTT for political subdivisions and would assist in more effective deer control, particularly for suburban areas. By requiring TPWD to issue a permit to a political subdivision for TTT with specific instructions on relocation, this bill would provide a workable solution to deer overpopulation while ensuring humane and environmentally sound standards.

**OPPONENTS  
SAY:**

CSHB 1427 is an attempt to circumvent TPWD's authority and duties with regard to white-tailed deer to fulfill the wishes of the City of Lakeway and other political subdivisions. The bill would put TTT in the hands of more than 1,300 municipalities without sufficient approval and input from TPWD. It would allow the governing body of a political subdivision to make wildlife decisions that they are not qualified to make. CSHB 1427 would state no habitat requirements for relocated deer, nor would it specify standards for determining the extent of overpopulation within a political subdivision. Wildlife management plans now required for TTT relocation are an effective tool for habitat and disease control. TPWD offers free, technical guidance for obtaining such plans.

This bill would allow the relocation of deer anywhere in Texas without regard for habitat and without sufficient state oversight. With more than 4.5 million deer, the state should retain its statutory requirements to consider habitat and the impact of relocation.

**NOTES:**

The committee substitute changed the filed bill by requiring that TPWD issue specific instructions with a TTT permit detailing the location to which the trapped white-tailed deer were to be transported or transplanted. It also would remove language from the original bill regarding wildlife management plans and chronic wasting disease.

The companion bill, SB 1582 by Wentworth, was reported favorably, as substituted, by the Senate Natural Resources Committee on May 9 and recommended for the Local and Uncontested Calendar.