

- SUBJECT:** Regulating the import, export, and management of mule deer
- COMMITTEE:** Culture, Recreation, and Tourism — favorable, without amendment
- VOTE:** 6 ayes — Guillen, Deshotel, Dukes, Kuempel, Price, T. Smith  
1 nay — T. King  
2 absent — Elkins, Larson
- SENATE VOTE:** On final passage, April 7 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** (*On House companion bill, HB 957:*)  
For — Marty Berry, Richard Cain, Texas Deer Association; Mark Hubbard; Macy Ledbetter, Texas Deer Association, Texas Wildlife Association; (*Registered, but did not testify:* Gilbert Adams, David Hayward, Karl Kinsel, Texas Deer Association; Elizabeth Choate, Texas Veterinary Medical Association; Chris Harris)  
  
Against — Michael Berger; Vernon Bevill, Texas Wildlife & Fisheries Management Council; Kirby Brown, Texas Wildlife Association; Bill Eikenhorst; Greg Simons; Don Steinbach; (*Registered, but did not testify:* Bob Dittmar)  
  
On — Clayton Wolf, Texas Parks and Wildlife Department.
- BACKGROUND:** Ch. 43 of the Parks and Wildlife Code governs special licenses and permits issued by the Texas Parks and Wildlife Department (TPWD). Subch. R covers deer management permits.
- DIGEST:** **Wild mule deer management permits.** SB 460 would allow TPWD to issue permits for the management of wild mule deer, which would remain the property of Texas taxpayers. If TPWD established a special season with a bag limit, permit holders could receive compensation for allowing people to kill wild deer on the land covered by the permit.  
  
Permit holders would have to submit a management plan to the department for approval on an annual basis. The plan would have to list

details for specific management practices for deer under the permit, which could include detention periods during which deer could mate and the killing of wild deer during open or special seasons established by TPWD.

A permit would have several conditions, including the number of deer that could be killed by one person, the number or type of deer that could be taken or killed under the permit, the number or type that could be held in an enclosure, and the length of time the deer could be held in the enclosure. The permit would be valid for at least one year, and the fee set by the department could not exceed \$1,000 for either issuance or renewal.

Permit holders would be subject to warrantless inspection of required records and land by authorized TPWD employees at any time. Using a form prescribed by TPWD, permit holders would be required to maintain records of the number of deer taken during general and special seasons, the number of deer detained and released during the permit period, and any other required information reasonably related to activities allowed under the permit.

The general laws of Texas applicable to mule deer would be applicable to deer on land covered by the permit. SB 460 would not restrict or prohibit the use of high fences.

**Penalties.** An offense would be committed if a person:

- violated the provisions created by or rules adopted under the bill;
- violated conditions of the permit;
- failed to maintain records; or
- killed or allowed a deer to be killed while in temporary detention.

Violation of the bill's provisions or permit conditions would be a class C misdemeanor under the Parks and Wildlife Code (\$25 to \$500 fine). The killing of temporarily detained deer would be a class A misdemeanor under the Parks and Wildlife Code (\$500 to \$4,000 fine and/or up to one year in jail).

**Effective date.** The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

SB 460 would extend Texas' deer management program to mule deer in order to improve management practices and output for the Texas mule deer population. The bill simply would permit the short-term detainment of wild mule deer for temporary breeding purposes. The detainment period under the bill would allow managers to tag fawn and trace the parentage of deer, which would result in superior breeding outcomes. Scientific breeding is not the intent of the bill, therefore, costly research about mule deer would not be needed before enactment of SB 460.

Under the supervision of TPWD, mule deer managers would have to operate within certain parameters concerning their deer breeding practices. At the same time, the bill would authorize mule deer managers to receive compensation for allowing deer to be killed on property covered by the permit. Since many ranchers make more money in the deer industry than the cattle industry, the bill could encourage people to manage mule deer. While the department would research and understand the effects of mule deer breeding, the revenue generated by the mule deer management permit would benefit TPWD greatly.

**OPPONENTS  
SAY:**

More research concerning mule deer should be conducted before deer managers are able to breed this type of deer. Mule deer are believed to be more fragile and less resilient than white-tailed deer. Data regarding habitat, carrying capacity, and behavior in pens are insufficient to support mule deer management in Texas at this time. It is impossible to predict the number of offspring that would survive these efforts, and an overpopulation of mule deer could result. Since mule deer differ greatly from white-tailed deer and there is a dearth of research on these animals, SB 460 would represent a premature effort to expand the deer management industry.

**NOTES:**

The companion bill, HB 957 by Hunter, was considered in a public hearing on March 30 and was reported favorably, without amendment, by the House Culture, Recreation, and Tourism Committee on April 12.