

By: Zwiener

H.B. No. 5271

A BILL TO BE ENTITLED

AN ACT

relating to the management of overpopulations of white-tailed deer
in areas where recreational hunting is not feasible.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.151, Parks and Wildlife Code, is
amended to read as follows:

Sec. 43.151. THREATS TO PUBLIC SAFETY OR DAMAGE BY
WILDLIFE; OVERPOPULATION. (a) In this subchapter "property
owners' association" has the meaning assigned by Section 202.001,
Property Code.

(b) A person who has evidence clearly showing that wildlife
protected by this code is causing serious damage to commercial
agricultural, horticultural, or aquicultural interests, or is a
threat to public safety, and who desires to kill the protected
wildlife shall give written notice of the facts to the department.

(c) A political subdivision, state agency, federal agency,
institution of higher education, or property owners' association
that desires to control the white-tailed deer population by lethal
means shall give written notice to the department if it has
evidence that (1) it is necessary to prevent damage to habitat for
federal or state listed species, or (2) there is an overpopulation
of white-tailed deer on property owned by the applicable entity
where recreational hunting for controlling deer populations is not
feasible.

1 SECTION 2. Section [43.1515](#), Parks and Wildlife Code, is
2 amended to read as follows:

3 Sec. 43.1515. RULES. The commission may adopt rules to
4 implement this subchapter, including rules governing:

5 (1) reports that must be submitted to the department
6 by a person who holds a permit issued by the department under this
7 subchapter;

8 (2) the reinstatement of a canceled permit and a fee
9 for the reinstatement;

10 (3) the possession of wildlife resources taken or held
11 under this subchapter;

12 (4) the circumstances required to qualify for a
13 permit; ~~and~~

14 (5) the electronic issuance of permits; and

15 (6) the means, methods, time, and places of killing
16 protected wildlife.

17 SECTION 3. Section [43.152](#), Parks and Wildlife Code, is
18 amended to read as follows:

19 Sec. 43.152. DEPARTMENT INSPECTION. (a) On receiving
20 notice from a person under Section [43.151\(b\)](#) [~~43.151~~], the
21 department may inspect the property and determine if damage or a
22 threat to public safety is occurring as alleged in the notice.

23 (b) If the notice received by the department under Section
24 [43.151\(b\)](#) [~~43.151~~] alleges damage or a threat to public safety
25 caused by mule deer, pronghorn antelope, or desert bighorn sheep,
26 the department may not issue a permit under Section [43.154](#) unless
27 the department inspects the property and determines whether serious

1 damage or a threat to public safety is occurring.

2 (c) On receiving notice from a political subdivision, state
3 agency, federal agency, institution of higher education, or
4 property owners' association under Section 43.151(c), the
5 department may inspect the property to:

6 (1) assess deer management plans for state or federal
7 listed species; or

8 (2) determine if there is an overpopulation of deer
9 and if recreational hunting for controlling deer populations is
10 not feasible.

11 SECTION 4. Section 43.153, Parks and Wildlife Code, is
12 amended to read as follows:

13 Sec. 43.153. APPLICATION FOR PERMIT. (a) A person or
14 authorized representative of a political subdivision, state
15 agency, federal agency, institution of higher education, or
16 property owners' association authorized by Section 43.151 to
17 provide notice to the department [~~who has evidence of damage by~~
18 ~~depredation or threat to public safety~~] may file with the
19 department an application for a permit to kill the protected
20 wildlife.

21 (b) The application must be in writing, be sworn to by the
22 applicant, and contain:

23 (1) a statement of facts relating to:

24 (A) the damage or threat and feasibility of
25 recreational hunting; or

26 (B) need to prevent overpopulation for federal or
27 state listed species; and

1 (2) an agreement by the applicant to comply with the
2 provisions of this subchapter and any rules adopted by the
3 commission under this subchapter.

4 (c) [~~(d)~~] The application must be accompanied by a permit
5 application fee of \$50 or an amount set by the commission, whichever
6 amount is more. Proceeds from the fee shall be deposited in the
7 special game, fish, and water safety account.

8 SECTION 5. Section 43.157, Parks and Wildlife Code, is
9 amended to read as follows:

10 Sec. 43.157. VIOLATIONS; PENALTY. (a) [~~(b)~~] No permittee
11 may dispose of a wildlife carcass killed under the permit or allow
12 the wildlife to be disposed of except as allowed under Section
13 43.155 of this code.

14 (b) [~~(c)~~] No permittee may violate a term or condition of
15 the permit.

16 (c) [~~(d)~~] Except as provided by Subsection (d) [~~(e)~~], a
17 person who violates this section commits an offense that is a Class
18 B Parks and Wildlife Code misdemeanor.

19 (d) [~~(e)~~] A person who violates a reporting requirement
20 adopted under this subchapter commits an offense that is a Class C
21 Parks and Wildlife Code misdemeanor.

22 (e) It is not a violation of Section 62.006 for a person to
23 employ or be employed or to compensate or be compensated to kill
24 wildlife under a permit issued under this subchapter.

25 SECTION 6. This Act takes effect September 1, 2023.