

1-1 By: Zwiener (Senate Sponsor - Springer) H.B. No. 5271
 1-2 (In the Senate - Received from the House May 3, 2023;
 1-3 May 5, 2023, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; May 21, 2023, reported adversely,
 1-5 with favorable Committee Substitute by the following vote: Yeas 9,
 1-6 Nays 0; May 21, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 5271 By: Schwertner

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the control of white-tailed deer in certain areas by
 1-22 lethal means.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter H, Chapter 43, Parks and Wildlife
 1-25 Code, is amended by adding Section 43.1501 to read as follows:

1-26 Sec. 43.1501. DEFINITION. In this subchapter, "property
 1-27 owners' association" has the meaning assigned by Section 202.001,
 1-28 Property Code.

1-29 SECTION 2. Section 43.151, Parks and Wildlife Code, is
 1-30 amended to read as follows:

1-31 Sec. 43.151. THREATS TO PUBLIC SAFETY OR DAMAGE BY
 1-32 WILDLIFE; CONTROL OF WHITE-TAILED DEER POPULATION IN CERTAIN AREAS.

1-33 (a) A person who has evidence clearly showing that wildlife
 1-34 protected by this code is causing serious damage to commercial
 1-35 agricultural, horticultural, or aquicultural interests, or is a
 1-36 threat to public safety, and who desires to kill the protected
 1-37 wildlife shall give written notice of the facts to the department.

1-38 (b) A political subdivision, state agency, federal agency,
 1-39 institution of higher education, or property owners' association
 1-40 shall give written notice to the department if the entity desires to
 1-41 control a white-tailed deer population by lethal means based on
 1-42 evidence demonstrating that the entity is experiencing an
 1-43 overpopulation of deer on property the entity owns and recreational
 1-44 hunting is not feasible for controlling the deer population.

1-45 SECTION 3. Section 43.1515, Parks and Wildlife Code, is
 1-46 amended to read as follows:

1-47 Sec. 43.1515. RULES. The commission may adopt rules to
 1-48 implement this subchapter, including rules governing:

1-49 (1) reports that must be submitted to the department
 1-50 by a person who holds a permit issued by the department under this
 1-51 subchapter;

1-52 (2) the reinstatement of a canceled permit and a fee
 1-53 for the reinstatement;

1-54 (3) the possession of wildlife resources taken or held
 1-55 under this subchapter;

1-56 (4) the circumstances required to qualify for a
 1-57 permit; ~~and~~

1-58 (5) the electronic issuance of permits; and

1-59 (6) the means, methods, time, and locations of killing
 1-60 protected wildlife.

2-1 SECTION 4. Section 43.152, Parks and Wildlife Code, is
2-2 amended to read as follows:

2-3 Sec. 43.152. DEPARTMENT INSPECTION. (a) On receiving
2-4 notice from a person under Section 43.151(a) [43.151], the
2-5 department may inspect the property and determine if damage or a
2-6 threat to public safety is occurring as alleged in the notice.

2-7 (b) If the notice received by the department under Section
2-8 43.151(a) [43.151] alleges damage or a threat to public safety
2-9 caused by mule deer, pronghorn antelope, or desert bighorn sheep,
2-10 the department may not issue a permit under Section 43.154 unless
2-11 the department inspects the property and determines whether serious
2-12 damage or a threat to public safety is occurring.

2-13 (c) On receiving notice from an entity under Section
2-14 43.151(b), the department may inspect the habitat or property
2-15 referenced in the notice to determine whether the entity is
2-16 experiencing an overpopulation of white-tailed deer on the entity's
2-17 property and whether recreational hunting for controlling the deer
2-18 population is feasible.

2-19 SECTION 5. Sections 43.153(a) and (b), Parks and Wildlife
2-20 Code, are amended to read as follows:

2-21 (a) A person described by Section 43.151(a) or an authorized
2-22 representative of an entity described by Section 43.151(b) [who has
2-23 evidence of damage by depredation or threat to public safety] may
2-24 file with the department an application for a permit to kill the
2-25 protected wildlife.

2-26 (b) The application must be in writing, be sworn to by the
2-27 applicant, and contain:

- 2-28 (1) a statement of facts relating to, as applicable:
2-29 (A) the damage or threat; and
2-30 (B) the feasibility of recreational hunting to
2-31 control overpopulation of white-tailed deer; and

2-32 (2) an agreement by the applicant to comply with the
2-33 provisions of this subchapter and any rules adopted by the
2-34 commission under this subchapter.

2-35 SECTION 6. Section 62.006, Parks and Wildlife Code, is
2-36 amended by adding Subsection (c) to read as follows:

2-37 (c) This section does not apply to:

- 2-38 (1) an entity described by Section 43.151(b) that
2-39 employs a person for compensation or promise of compensation to
2-40 control white-tailed deer through lethal means under a permit
2-41 issued under Subchapter H, Chapter 43; or

2-42 (2) a person employed as described by Subdivision (1).

2-43 SECTION 7. This Act takes effect September 1, 2023.

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