

BILL ANALYSIS

C.S.H.B. 1257
By: Campbell
Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Over the past century, the deer population in Texas (and elsewhere) has grown exponentially. According to news accounts, the Texas deer population is 50 times greater than it was in the early 1900's. The growth of the Texas deer population was aided by the eradication of natural predators such as cougars, bears and wolves. Additionally, the eradication of the screwworm fly (*cochliomyia hominivorax*) in the 1960's to aid the Texas cattle industry, fostered explosive growth in the deer herds.

Deer are eating crops, causing enormous financial losses to farmers.

The Parks and Wildlife Code provides for deer management plans and control of depredating deer herds. However, these plans, along with expanded hunting seasons and the issuing of additional doe permits, have failed to curb the exploding antlerless deer population. CSHB 1257 addresses this issue by allowing farmers to take depredating antlerless deer during periods when young crops are susceptible to grazing deer herds.

RULEMAKING AUTHORITY

It is the opinion of the committee that rulemaking authority is expressly granted to the Parks and Wildlife Commission in Section 1 of the bill by adding Sec. 43.660 to the Parks and Wildlife Code.

ANALYSIS

Section 1 amends Chapter 43, Parks and Wildlife Code, by adding Subchapter S:

Sec. 43.651 specifies that this Subchapter S applies only to depredating antlerless white-tailed deer.

Sec. 43.652 requires a person who has experienced agricultural or horticultural losses and who desires to take the depredating deer shall give written notice to Parks and Wildlife Department.

Sec 43.653 requires that a person wishing to take depredating deer may, not earlier than 30 days before the planting of the crop, make a written application with the department, requesting a permit to take depredating deer. The application, among other things, must describe historical experience with depredating deer. The application must also be accompanied by a statement from the local Texas Cooperative Extension verifying that applicant's property is typically used to plant a crop and that such crop is historically targeted by depredating deer.

Sec 43.654 authorizes the permit to be issued by the department, allowing the taking of white-tail antlerless deer causing depredation without regard to closed hunting season, bag limit or means or methods.

Sec. 43.655 provides for disposition of the deer carcass which is taken under the permit. This section also requires the permittee to report to the department the total number of deer taken under the permit.

Sec. 43.656 provides that the department may cancel the permit if it doesn't accomplish the intended purpose.

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Sec. 43.657 provides for a penalty. Violating terms of the permit is a class B Parks and Wildlife Code misdemeanor.

Sec 43.658 provides that the department may deny future permits if the permittee does not report the total number of deer taken as required by Sec. 43.655.

Sec 43.659 makes the application confidential and not subject to disclosure under the Chapter 552 of the Government Code, (Public Disclosure).

Sec. 43.660 gives the department rule making authority to administer the program.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1257 modifies the original by:

- Removes the requirement that the Parks and Wildlife Department establish a "deer overpopulation and depredation reduction program" relating to minimizing collisions between deer and vehicles.
- Removes the requirement that the department file reports concerning findings of any studies conducted by the department relating to "deer overpopulation and depredation reduction programs."
- Removes the requirement that the Texas Cooperative Extension establish a "protection from depredation period" for each county that is susceptible to damage caused by depredating deer. Instead the committee substitute requires that the Texas Cooperative Extension provide a statement verifying that the applicant's property is typically used to plant crops susceptible to depredating deer and that crop damage in that area is historically a problem on applicant's property.
- Removes the requirement that the Parks and Wildlife Department contact the Texas Cooperative Extension to verify the applicant's property is typically used to plant a crop that is susceptible to loss by depredating deer. Instead, a statement provided by the Texas Cooperative Extension to the effect that the applicant's property is typically used to plant crops susceptible to depredating deer and that crop damage in that area is historically a problem on applicant's property.
- Removes the requirement that Parks and Wildlife Department employees remove and dispose of any deer carcass taken under the depredation control program. Instead the landowner is to dispose of the carcass in a manner which preserves the meat for consumption by charitable groups such as food banks.
- Changes an offense from a class C Parks and Wildlife misdemeanor to a class B misdemeanor under the committee substitute.
- Removes the sunset provision.
- Removes the requirement that the department conduct a study to identify areas which historically experience or suffer from deer overpopulation and its effects on agricultural and other economic losses, including motor vehicle collisions with deer.