

By: Campbell

H.B. No. 1257

A BILL TO BE ENTITLED

AN ACT

relating to depredation caused by deer; providing a penalty.

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

SECTION 1. Chapter 43, Parks and Wildlife Code, is amended by adding Subchapters A and S to read as follows:

SUBCHAPTER A. DEER OVERPOPULATION AND DEPREDATION REDUCTION

PROGRAM

Sec. 43.001. ESTABLISHMENT OF PROGRAM. (a) The department shall establish a deer overpopulation and depredation reduction program to:

(1) educate the public about how to avoid or minimize accidents involving motor vehicles and deer;

(2) prevent significant economic damage or serious damage to agricultural, horticultural, and aquacultural interests caused by deer; and

(3) allow individuals who experience significant economic damage or serious damage to agricultural, horticultural, and aquacultural interests caused by deer to hunt depredating deer without a hunting license under Chapter 42 or a permit under Subchapter H.

(b) The commission shall adopt rules as necessary to implement the deer overpopulation and depredation reduction program under this section.

Sec. 43.002. REPORT. Not later than January 1 of each

1 odd-numbered year, the department shall submit to the governor, the
2 lieutenant governor, the speaker of the house, and the chair of each
3 committee of the legislature that has primary oversight
4 jurisdiction over the department a written report that:

5 (1) summarizes the findings of any studies conducted
6 by the department related to Section 43.001; and

7 (2) proposes legislation necessary to implement or
8 improve the deer overpopulation and depredation reduction program
9 under Section 43.001.

10 SUBCHAPTER S. EMERGENCY PROTECTION FROM DEPREDATING DEER

11 Sec. 43.651. PROTECTION FROM DEPREDATION PERIOD. (a) The
12 Texas Cooperative Extension shall establish a protection from
13 depredation period for each county in this state for each crop
14 normally planted in that county that is susceptible to damage
15 caused by depredating deer.

16 (b) The protection from depredation period must specify a
17 date on which a crop begins to be susceptible to depredation caused
18 by deer and a date on which the crop is sufficiently mature to no
19 longer be susceptible to depredation caused by deer.

20 (c) The Texas Cooperative Extension shall post notice of the
21 protection from depredation period for each county at the county
22 courthouse and at each Texas Cooperative Extension office serving
23 an area where crops are typically planted that are susceptible to
24 damage caused by depredating deer.

25 (d) The Texas Cooperative Extension shall notify the
26 department in writing of the protection from depredation period.

27 Sec. 43.652. NOTICE; VERIFICATION. (a) Not later than the

1 third day before the first date a landowner or a landowner's agent
2 or lessee intends to hunt depredating deer under this subchapter,
3 the landowner, agent, or lessee must notify in writing the game
4 warden or other department employee assigned to the area in which
5 the landowner's property is located of the landowner's, agent's, or
6 lessee's intent.

7 (b) Not later than the next business day after the date of
8 notification, the game warden or other department employee shall
9 contact the office of the Texas Cooperative Extension serving the
10 area in which the landowner's property is located to verify that the
11 landowner's property is typically used to plant a crop that is
12 susceptible to damage caused by depredating deer.

13 (c) Not later than the second business day after the game
14 warden or other department employee contacts the Texas Cooperative
15 Extension under Subsection (b), the game warden or employee shall
16 notify the landowner, agent, or lessee if the landowner, agent, or
17 lessee is prohibited from hunting deer under this subchapter. The
18 game warden or other department employee may prohibit a landowner,
19 agent, or lessee from hunting deer under this subchapter only if the
20 Texas Cooperative Extension office contacted under Subsection (b)
21 notifies the game warden or other department employee that the
22 landowner's property is not typically used to plant a crop that is
23 susceptible to damage caused by depredating deer.

24 Sec. 43.653. HUNTING DEPREDATING DEER ALLOWED. A landowner
25 or the landowner's agent or lessee may hunt depredating deer during
26 the protection from depredation period without a hunting license
27 under Chapter 42 or a permit under Subchapter H if:

1 (1) 10 business days have elapsed since notification
2 was provided under Section 43.652(a); and

3 (2) the department has not prohibited the hunting
4 under Section 43.652.

5 Sec. 43.654. DISPOSITION OF WILDLIFE. (a) A landowner,
6 agent, or lessee who hunts deer under this subchapter shall give the
7 location of deer killed by the landowner, agent, or lessee to the
8 game warden or other department employee assigned to the area in
9 which the landowner's property is located.

10 (b) The game warden or other department employee notified
11 shall dispose of the carcass by donating it to a charitable
12 institution, a hospital, a needy person, or another appropriate
13 recipient.

14 Sec. 43.655. PENALTY. A landowner, agent, or lessee who
15 violates a provision of this chapter related to hunting deer
16 commits an offense that is a Class C Parks and Wildlife Code
17 misdemeanor.

18 Sec. 43.656. EXPIRATION. This subchapter expires September
19 1, 2006.

20 SECTION 2. (a) In this section, "department" means the
21 Parks and Wildlife Department.

22 (b) The department shall study the population density of
23 deer in this state and the effect that deer have on economic,
24 agricultural, horticultural, and aquacultural interests in this
25 state.

26 (c) The study must identify:

27 (1) areas of the state, by county or municipality, if

1 applicable, that historically experience or suffer from:

2 (A) deer overpopulation;

3 (B) significant economic damage or serious
4 damage to agricultural, horticultural, and aquacultural interests
5 caused by deer; or

6 (C) a significant number of accidents involving
7 motor vehicles and deer; and

8 (2) potential solutions to the problems described by
9 Subdivision (1) of this subsection.

10 (d) In conducting the study, the department shall cooperate
11 and consult with the Texas Cooperative Extension and county offices
12 of the Texas Cooperative Extension.

13 (e) As soon as possible after the effective date of this Act
14 and not later than September 1, 2005, the department shall begin the
15 study. Not later than September 1, 2006, the department shall
16 complete the study.

17 SECTION 3. As soon as possible after the effective date of
18 this Act and not later than September 1, 2006, the Parks and
19 Wildlife Department shall establish the program required by Section
20 43.001, Parks and Wildlife Code, as added by this Act.

21 SECTION 4. (a) Except as provided by Subsection (b) of this
22 section, as soon as possible after the effective date of this Act,
23 the Parks and Wildlife Department and the Texas Cooperative
24 Extension shall implement Subchapter S, Chapter 43, Parks and
25 Wildlife Code, as added by this Act.

26 (b) If this Act does not receive the vote necessary for
27 immediate effect, Subchapter S, Chapter 43, Parks and Wildlife

1 Code, as added by this Act, does not take effect.

2 SECTION 5. Except as provided by Section 4(b) of this Act:

3 (1) this Act takes effect immediately if it receives a
4 vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution; and

6 (2) if this Act does not receive the vote necessary for
7 immediate effect, this Act takes effect September 1, 2005.