

BILL ANALYSIS

Senate Research Center
81R7242 SLB-D

S.B. 1262
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 17th Century, European expansion and intertribal conflicts led to migrations and dispersal as the Kickapoo Tribe bands scattered widely throughout Indiana, Illinois, Missouri, and Texas. The tribe relocated to Eagle Pass, Texas, their primary reservation in the United States. The Kickapoo have primarily lived by hunting, gathering, farming, and migrant farm labor.

The Texas white-tailed deer is integral to the Kickapoo religion. The Kickapoo use the meat and carcass of the deer to conduct daily traditional ceremonies. Current law prevents Kickapoo from conducting religious and ceremonial rites, as prescribed by Kickapoo religion and tribal custom, because the Kickapoo are not allowed to hunt the deer year-round.

As proposed, S.B. 1262 allows the Texas Parks and Wildlife Department to issue a year-around license to a documented member of the Kickapoo Traditional Tribe of Texas for hunting antlerless white-tailed deer.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.001(1), Parks and Wildlife Code, to redefine "resident."

SECTION 2. Amends Section 61.021, Parks and Wildlife Code, as follows:

Sec. 61.021. TAKING WILDLIFE RESOURCES PROHIBITED. (a) Creates this subsection from existing text. Provides that except as provided by Subsection (b) or permitted under a proclamation issued by the Parks and Wildlife Commission under this chapter, no person may hunt, catch, or possess a game bird or game animal, fish, marine animal, or other aquatic life at any time or in any place covered by this chapter.

(b) Authorizes a documented member of the Kickapoo Traditional Tribe of Texas who holds a license under Section 42.002 (Resident License Required; Exemption) to hunt antlerless white-tailed deer for religious ceremonial purposes on any day of the year between one-half hour before sunrise and one-half hour after sunset. Requires a documented member of the Kickapoo Traditional Tribe of Texas hunting antlerless white-tailed deer under this subsection to comply with all other provisions of this code and proclamations adopted under this code; notify a local game warden, deputy game warden, or special game warden at least 24 hours before hunting antlerless white-tailed deer during an otherwise closed season under the game laws of this state; and obtain explicit permission from the landowner before hunting antlerless white-tailed deer during an otherwise closed season under the game laws of this state on that landowner's privately owned property.

SECTION 3. Amends Section 61.057(a), Parks and Wildlife Code, as follows:

(a) Provides that no person, except as provided by Section 61.021 (Taking Wildlife Resources Prohibited) and Subsection (c) (relating to the hunting of antlerless deer or antelope without a permit), rather than in Subsection (c) of this section, is authorized to hunt an antlerless deer or antelope in this state without first having acquired an antlerless deer or antelope permit issued by the Parks and Wildlife Department (TPWD) on a form provided by TPWD.

SECTION 4. Effective date: upon passage or September 1, 2009.