

By: Darby

H.B. No. 1965

A BILL TO BE ENTITLED

AN ACT

relating to permits to control protected wildlife; providing a penalty.

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. ~~[(a)]~~ 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 other property]~~, 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 ~~[county judge of the county or to the mayor of the municipality in which the damage or threat occurs].~~

~~[(b) The county judge or mayor, on receiving the notice, shall immediately cause a substantial copy of the notice to be posted in the county courthouse or city hall, as applicable, and shall notify the department of the location of the property where the damage or threat is occurring, the type of damage or nature of the threat, and the name of the applicant.]~~

SECTION 2. Subchapter H, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.1515 to read as follows:

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

1           (1) reports that must be submitted to the department  
2 by a person who holds a permit issued by the department under this  
3 subchapter; and

4           (2) the reinstatement of a canceled permit and a fee  
5 for the reinstatement.

6           SECTION 3. Section 43.152, Parks and Wildlife Code, is  
7 amended to read as follows:

8           Sec. 43.152. DEPARTMENT INSPECTION. On receiving notice  
9 from a person under Section 43.151 [~~a county judge or mayor~~], the  
10 department may [~~shall~~] inspect the property and determine if damage  
11 or a threat to public safety is occurring as alleged in the notice.  
12 If the damage or threat is occurring, the department shall make  
13 recommendations to the person as are feasible and appropriate for  
14 controlling the damage or threat.

15           SECTION 4. Section 43.153, Parks and Wildlife Code, is  
16 amended by amending Subsections (b) and (c) and adding Subsection  
17 (d) to read as follows:

18           (b) The application must be in writing, [~~and~~] be sworn to by  
19 the applicant, and [~~must~~] contain:

20           (1) a statement of facts relating to the damage or  
21 threat; and

22           (2) an agreement by the applicant to comply with the  
23 provisions of this subchapter and any rules adopted by the  
24 commission under this subchapter [~~relating to the disposition of~~  
25 ~~the protected wildlife~~].

26           (c) The application must be accompanied by:

27           (1) a statement signed by the employee of the

1 department who made the investigation that damage is being done or  
2 that a threat exists and control measures have been recommended;  
3 and

4 (2) a statement by the applicant that he has taken all  
5 measures recommended by the department for the prevention of the  
6 damage or threat [~~, and~~

7 [~~(3) a certification of the county judge that the~~  
8 ~~application is true~~].

9 (d) The application must be accompanied by a permit  
10 application fee of \$50 or an amount set by the commission, whichever  
11 amount is more. Proceeds from the fee shall be deposited in the  
12 special game, fish, and water safety account.

13 SECTION 5. Section 43.154(b), Parks and Wildlife Code, is  
14 amended to read as follows:

15 (b) The department shall deliver or mail the permit, if  
16 issued, to the person requesting the permit or to the regional or  
17 local office of the department for pickup by the person [~~county~~  
18 ~~judge or mayor that sent the notice of damage or threat~~]. The  
19 permit may not be delivered earlier than 24 hours after the notice  
20 [~~from the county judge or mayor~~] was received by the department.

21 SECTION 6. Section 43.155, Parks and Wildlife Code, is  
22 amended to read as follows:

23 Sec. 43.155. DISPOSITION OF WILDLIFE. (a) The holder of a  
24 permit issued under this subchapter or a person designated by  
25 Section 43.154(c)(4) who kills wildlife under the authority of the  
26 permit shall [~~give the location of the wildlife carcass to the game~~  
27 ~~warden or other department employee assigned to the area covered by~~

1 ~~the permit.~~

2 ~~[(b) The game warden or other department employee notified~~  
3 ~~shall] dispose of the carcass by donating it to a charitable~~  
4 institution, a hospital, a needy person, or any other appropriate  
5 recipient ~~[, or as directed by the court].~~

6 (b) The permit holder or a person designated under Section  
7 43.154(c)(4) may not keep or sell any part of the wildlife taken  
8 under this subchapter, including antlers.

9 SECTION 7. Section 43.156, Parks and Wildlife Code, is  
10 amended to read as follows:

11 Sec. 43.156. CANCELLATION OF PERMIT. The department may  
12 cancel a permit if:

13 (1) the permit does not accomplish its intended  
14 purposes;

15 (2) the permit holder fails to submit a required  
16 report to the department; or

17 (3) the permit holder intentionally made false claims  
18 on the application for the permit.

19 SECTION 8. Subchapter H, Chapter 43, Parks and Wildlife  
20 Code, is amended by adding Section 43.1565 to read as follows:

21 Sec. 43.1565. REINSTATEMENT OF PERMIT. The department may  
22 reinstate a canceled permit if the permit holder submits an  
23 application for reinstatement in the same manner as required by  
24 Section 43.153 for an original permit and pays a fee set by the  
25 commission.

26 SECTION 9. Section 43.157, Parks and Wildlife Code, is  
27 amended by amending Subsection (d) and adding Subsection (e) to

1 read as follows:

2 (d) Except as provided by Subsection (e), a [A] person who  
3 violates this section commits an offense that is a Class B Parks and  
4 Wildlife Code misdemeanor.

5 (e) A person who violates a reporting requirement adopted  
6 under this subchapter commits an offense that is a Class C Parks and  
7 Wildlife Code misdemeanor.

8 SECTION 10. Section 43.157(a), Parks and Wildlife Code, is  
9 repealed.

10 SECTION 11. The change in law made by this Act applies only  
11 to an offense committed on or after the effective date of this Act.  
12 For the purpose of this section, an offense is committed before the  
13 effective date of this Act if any element of the offense occurs  
14 before that date. An offense committed before the effective date of  
15 this Act is covered by the law in effect when the offense was  
16 committed, and the former law is continued in effect for that  
17 purpose.

18 SECTION 12. This Act takes effect September 1, 2009.