

BILL ANALYSIS

Senate Research Center
85R29426 AAF-D

C.S.H.B. 1891
By: Nevárez (Uresti)
Agriculture, Water & Rural Affairs
5/16/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that members of the Kickapoo Traditional Tribe of Texas take pride in their rich cultural history. The parties further note that the white-tailed deer is integral to Kickapoo religion but that the members are restricted in conducting religious and ceremonial rites by current law. H.B. 1891 seeks to address this issue by providing a tribe member certain authority to hunt antlerless white-tailed deer.

H.B. 1891 amends the Parks and Wildlife Code to include a member of the Kickapoo Traditional Tribe of Texas who possesses documentation of membership sanctioned by the federal Bureau of Indian Affairs as a resident for purposes of statutory provisions relating to general hunting licenses. H.B. 1891 authorizes a documented member of the tribe who holds a resident hunting license 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. H.B. 1891 requires a documented member of the tribe hunting antlerless white-tailed deer to comply with all other Parks and Wildlife Code provisions and proclamations and to notify a local game warden, deputy game warden, or special game warden at least 24 hours before hunting antlerless white-tailed deer at a time of the year when a person who holds a resident hunting license but who is not a documented member of the tribe is prohibited from hunting such deer. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 1891 amends current law relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain 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. Prohibits a person, except as provided by Subsection (b) or permitted under a proclamation issued by the Texas Parks and Wildlife Commission under this chapter (Uniform Wildlife Regulatory Act), from hunting, catching, or possessing 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. Provides that a documented member of the Kickapoo Traditional Tribe of Texas hunting antlerless white-tailed deer under this subsection:

(1) is required to comply with all other provisions of this code and proclamations adopted under this code;

(2) is required to notify certain persons and entities;

(3) is prohibited from hunting antlerless white-tailed deer outside an open hunting season in a chronic wasting disease containment or surveillance zone, as determined by the Texas Parks and Wildlife Department (TPWD); and

(4) is prohibited from receiving a pecuniary gain from an action taken under this subsection.

(c) Provides that Subsection (b) applies only to hunting on land that is owned or leased by the Kickapoo Traditional Tribe of Texas, and located in a certain county.

SECTION 3. Amends Section 61.057(a), Parks and Wildlife Code, to prohibit a person, except as provided by Section 61.021 and Subsection (c) (relating to authorizing the Texas Parks and Wildlife Commission to allow hunting of antlerless deer or antelope in certain instances), from hunting an antlerless deer or antelope in this state without first having acquired an antlerless deer or antelope permit issued by TPWD on a form provided by TPWD. Makes nonsubstantive changes.

SECTION 4. Effective date: upon passage or September 1, 2017.