

SENATE AMENDMENTS

2nd Printing

By: Nevárez

H.B. No. 1891

A BILL TO BE ENTITLED

AN ACT

relating to a documented member of the Kickapoo Traditional Tribe
of Texas hunting certain deer.

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

SECTION 1. Section 42.001(1), Parks and Wildlife Code, is
amended to read as follows:

(1) "Resident" means:

(A) an individual who has resided continuously in
this state for more than six months immediately before applying for
a hunting license;

(B) a member of the United States armed forces on
active duty;

(C) a dependent of a member of the United States
armed forces on active duty;

(D) if approved by the director, a terminally ill
individual who is participating in an event sponsored by a
charitable nonprofit organization; ~~or~~

(E) a member of the Kickapoo Traditional Tribe of
Texas who possesses documentation of membership sanctioned by the
Bureau of Indian Affairs; or

(F) a member of any other category of individuals
that the commission by regulation designates as residents.

SECTION 2. Section 61.021, Parks and Wildlife Code, is
amended to read as follows:

1 Sec. 61.021. TAKING WILDLIFE RESOURCES PROHIBITED. (a)
2 Except as provided by Subsection (b) or permitted under a
3 proclamation issued by the commission under this chapter, no person
4 may hunt, catch, or possess a game bird or game animal, fish, marine
5 animal, or other aquatic life at any time or in any place covered by
6 this chapter.

7 (b) A documented member of the Kickapoo Traditional Tribe of
8 Texas who holds a license under Section 42.002 may hunt antlerless
9 white-tailed deer for religious ceremonial purposes on any day of
10 the year between one-half hour before sunrise and one-half hour
11 after sunset. A documented member of the Kickapoo Traditional
12 Tribe of Texas hunting antlerless white-tailed deer under this
13 subsection:

14 (1) shall comply with all other provisions of this
15 code and proclamations adopted under this code;

16 (2) shall notify:

17 (A) a local game warden, deputy game warden, or
18 special game warden at least 24 hours before hunting antlerless
19 white-tailed deer at a time of the year when a person who holds a
20 license under Section 42.002 but who is not a documented member of
21 the Kickapoo Traditional Tribe of Texas may not hunt antlerless
22 white-tailed deer; and

23 (B) the department not later than September 1 of
24 each year of the member's intent to hunt antlerless white-tailed
25 deer for the following calendar year;

26 (3) may not hunt antlerless white-tailed deer outside
27 an open hunting season in a chronic wasting disease containment or

1 surveillance zone, as determined by the department; and

2 (4) may not receive a pecuniary gain from an action
3 taken under this subsection.

4 (c) Subsection (b) applies only to hunting on land that is:

5 (1) owned or leased by the Kickapoo Traditional Tribe
6 of Texas; and

7 (2) located in a county that:

8 (A) borders the United Mexican States and has a
9 population of more than 50,000 but less than 70,000; or

10 (B) is adjacent to a county described by
11 Paragraph (A) and has a population of less than 9,000.

12 SECTION 3. Section 61.057(a), Parks and Wildlife Code, is
13 amended to read as follows:

14 (a) Except as provided by Section 61.021 and ~~[in]~~ Subsection
15 (c) ~~[of this section]~~, no person may hunt an antlerless deer or
16 antelope in this state without first having acquired an antlerless
17 deer or antelope permit issued by the department on a form provided
18 by the department.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2017.

ADOPTED

MAY 19 2017

Leroy Spaw
Secretary of the Senate

By:

C. Ph. 5. 4

H.B. No. 1891

Substitute the following for H.B. No. 1891:

By:

Chuy

C.S.H.B. No. 1891

A BILL TO BE ENTITLED

AN ACT

relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

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

SECTION 1. Section 42.001(1), Parks and Wildlife Code, is amended to read as follows:

(1) "Resident" means:

(A) an individual who has resided continuously in this state for more than six months immediately before applying for a hunting license;

(B) a member of the United States armed forces on active duty;

(C) a dependent of a member of the United States armed forces on active duty;

(D) if approved by the director, a terminally ill individual who is participating in an event sponsored by a charitable nonprofit organization; ~~or~~

(E) a member of the Kickapoo Traditional Tribe of Texas who possesses documentation of membership sanctioned by the Bureau of Indian Affairs; or

(F) a member of any other category of individuals that the commission by regulation designates as residents.

SECTION 2. Section 61.021, Parks and Wildlife Code, is amended to read as follows:

1 Sec. 61.021. TAKING WILDLIFE RESOURCES PROHIBITED. (a)
2 Except as provided by Subsection (b) or permitted under a
3 proclamation issued by the commission under this chapter, no person
4 may hunt, catch, or possess a game bird or game animal, fish, marine
5 animal, or other aquatic life at any time or in any place covered by
6 this chapter.

7 (b) A documented member of the Kickapoo Traditional Tribe of
8 Texas who holds a license under Section 42.002 may hunt antlerless
9 white-tailed deer for religious ceremonial purposes on any day of
10 the year between one-half hour before sunrise and one-half hour
11 after sunset. A documented member of the Kickapoo Traditional
12 Tribe of Texas hunting antlerless white-tailed deer under this
13 subsection:

14 (1) shall comply with all other provisions of this
15 code and proclamations adopted under this code;

16 (2) shall notify:

17 (A) a local game warden at least 24 hours before
18 hunting antlerless white-tailed deer at a time of the year when a
19 person who holds a license under Section 42.002 but who is not a
20 documented member of the Kickapoo Traditional Tribe of Texas may
21 not hunt antlerless white-tailed deer; and

22 (B) the department not later than September 1 of
23 each year of the member's intent to hunt antlerless white-tailed
24 deer for the following calendar year;

25 (3) may not hunt antlerless white-tailed deer outside
26 an open hunting season in a chronic wasting disease containment or
27 surveillance zone, as determined by the department; and

1 (4) may not receive a pecuniary gain from an action
2 taken under this subsection.

3 (c) Subsection (b) applies only to hunting on land that is:

4 (1) owned or leased by the Kickapoo Traditional Tribe
5 of Texas; and

6 (2) located in a county that:

7 (A) borders the United Mexican States and has a
8 population of more than 50,000 but less than 70,000; or

9 (B) is adjacent to a county described by
10 Paragraph (A) and has a population of less than 9,000.

11 SECTION 3. Section 61.057(a), Parks and Wildlife Code, is
12 amended to read as follows:

13 (a) Except as provided by Section 61.021 and [in] Subsection
14 (c) ~~[of this section]~~, no person may hunt an antlerless deer or
15 antelope in this state without first having acquired an antlerless
16 deer or antelope permit issued by the department on a form provided
17 by the department.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 20, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1891 by Nevárez (Relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Parks and Wildlife Code to define a member of the Kickapoo Traditional Tribe of Texas as a resident for hunting purposes. The bill would also authorize a documented member of the Kickapoo Traditional Tribe of Texas with a valid hunting license to hunt antlerless white-tailed deer for religious ceremonial purposes outside of established hunting seasons after notifying local game wardens at least 24 hours in advance and after giving the Parks and Wildlife Department (TPWD) notice no later than September 1 of intention to hunt antlerless white-tailed deer during the subsequent year. The bill would prohibit a hunter authorized under the provisions of the bill to receive a financial benefit from the actions allowed by the bill. The bill would prohibit hunting outside of established hunting seasons in a chronic wasting disease containment or surveillance zone, and would limit such hunting to land owned or leased by the Kickapoo Traditional Tribe of Texas in certain counties. Currently, only properties in Maverick County, Starr County, Jim Hogg County, Brooks County, and Kinney County would be included under the provisions of the bill.

Based upon information provided by TPWD, the bill would result in revenue loss of \$7,250 each fiscal year to the General Revenue-Dedicated Game, Fish, and Water Safety Account No. 9 (Fund 9) as the bill would allow out-of-state tribal members to purchase resident hunting licenses. The Comptroller's 2018-19 Biennial Revenue Estimate anticipates revenues for Fund 9 in the amounts of \$142.6 million for 2018 and \$144.5 million for 2019.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department
LBB Staff: UP, SD, SZ, MWI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1891 by Nevárez (Relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Parks and Wildlife Code to define a member of the Kickapoo Traditional Tribe of Texas as a resident for hunting purposes. The bill would also authorize a documented member of the Kickapoo Traditional Tribe of Texas with a valid hunting license to hunt antlerless white-tailed deer for religious ceremonial purposes outside of established hunting seasons after notifying local game wardens at least 24 hours in advance and after giving the Parks and Wildlife Department (TPWD) notice no later than September 1 of intention to hunt antlerless white-tailed deer during the subsequent year. The bill would prohibit a hunter authorized under the provisions of the bill to receive a financial benefit from the actions allowed by the bill. The bill would prohibit hunting outside of established hunting seasons in a chronic wasting disease containment or surveillance zone, and would limit such hunting to land owned or leased by the Kickapoo Traditional Tribe of Texas in certain counties. Currently, only properties in Maverick County, Starr County, Jim Hogg County, Brooks County, and Kinney County would be included under the provisions of the bill.

Based upon information provided by TPWD, the bill would result in revenue loss of \$7,250 each fiscal year to the General Revenue-Dedicated Game, Fish, and Water Safety Account No. 9 (Fund 9) as the bill would allow out-of-state tribal members to purchase resident hunting licenses. The Comptroller's 2018-19 Biennial Revenue Estimate anticipates revenues for Fund 9 in the amounts of \$142.6 million for 2018 and \$144.5 million for 2019.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: UP, SZ, MWI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1891 by Nevárez (Relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Parks and Wildlife Code to define a member of the Kickapoo Traditional Tribe of Texas as a resident for hunting purposes. The bill would also authorize a documented member of the Kickapoo Traditional Tribe of Texas with a valid hunting license to hunt antlerless white-tailed deer for religious ceremonial purposes outside of established hunting seasons after notifying local game wardens at least 24 hours in advance and after giving the Parks and Wildlife Department (TPWD) notice no later than September 1 of intention to hunt antlerless white-tailed deer during the subsequent year. The bill would prohibit a hunter authorized under the provisions of the bill to receive a financial benefit from the actions allowed by the bill. The bill would prohibit hunting outside of established hunting seasons in a chronic wasting disease containment or surveillance zone, and would limit such hunting to land owned or leased by the Kickapoo Traditional Tribe of Texas in certain counties. Currently, only properties in Maverick County, Starr County, Jim Hogg County, Brooks County, and Kinney County would be included under the provisions of the bill.

Based upon information provided by TPWD, the bill would result in revenue loss of \$7,250 each fiscal year to the General Revenue-Dedicated Game, Fish, and Water Safety Account No. 9 (Fund 9) as the bill would allow out-of-state tribal members to purchase resident hunting licenses. The Comptroller's 2018-19 Biennial Revenue Estimate anticipates revenues for Fund 9 in the amounts of \$142.6 million for 2018 and \$144.5 million for 2019.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: UP, SZ, MWI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 7, 2017

TO: Honorable John Frullo, Chair, House Committee on Culture, Recreation & Tourism

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1891 by Nevárez (Relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Parks and Wildlife Code to define a member of the Kickapoo Traditional Tribe of Texas as a resident for hunting purposes. The bill would also authorize a documented member of the Kickapoo Traditional Tribe of Texas with a valid hunting license to hunt antlerless white-tailed deer for religious ceremonial purposes outside of established hunting seasons after notifying local game wardens at least 24 hours in advance.

Based upon information provided by the Parks and Wildlife Department, the bill would result in revenue loss of \$7,250 each fiscal year to the General Revenue-Dedicated Game, Fish, and Water Safety Account No. 9 (Fund 9) as the bill would allow out-of-state tribal members to purchase resident hunting licenses. The Comptroller's 2018-19 Biennial Revenue Estimate anticipates revenues for Fund 9 in the amounts of \$142.6 million for 2018 and \$144.5 million for 2019.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: UP, SZ, MWI