

## **BILL ANALYSIS**

Senate Research Center

H.B. 5271  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Hill Country, in central Texas, has one of the highest white-tailed deer populations in the state. The white-tailed deer overpopulation has been a problem for decades and the most significant problem facing the herds is the severe competition for food. It is not healthy to have dense populations of deer or any other animal. The safety of motorists, property damage, deterioration of bird populations, and the possibility of disease within white-tailed herds are all major concerns. Without natural controls on deer populations, deer put stress on plants and other wildlife. Deer populations need to reach stable levels for the sake of the deer as well as other native plants and animals. Under current law, Travis County Parks and the Natural Resources Program are severely limited in means to control deer on county preserves, parks, and open-space lands.

The bill addresses this issue by increasing the number of entities that may be eligible for an urban deer depredation permit, which would allow certain political subdivisions, institutions of higher education, and property owners' associations to manage deer in urban environments where public hunting is not feasible or to protect endangered species' habitats. The legislation would also allow these entities to compensate professional agents for deer management.

H.B. 5271 amends current law relating to the management of overpopulations of white-tailed deer in areas where recreational hunting is not feasible.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Parks and Wildlife Commission is modified in SECTION 2 (Section 43.1515, Parks and Wildlife Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 43.151, Parks and Wildlife Code, as follows:

Sec. 43.151. New heading: THREATS TO PUBLIC SAFETY OR DAMAGE BY WILDLIFE; OVERPOPULATION. (a) Defines "property owners' association."

(b) Creates this subsection from existing text.

(c) Requires a political subdivision, state agency, federal agency, institution of higher education, or property owners' association that desires to control the white-tailed deer population by lethal means to give written notice to the Texas Parks and Wildlife Department (TPWD) if it has evidence that (1) it is necessary to prevent damage to habitat for federal or state listed species, or (2) there is an overpopulation of white-tailed deer on property owned by the applicable entity where recreational hunting for controlling deer populations is not feasible.

SECTION 2. Amends Section 43.1515, Parks and Wildlife Code, as follows:

Sec. 43.1515. RULES. Authorizes the Texas Parks and Wildlife Commission (TPWC) to adopt rules to implement Subchapter H (Permits to Control Wildlife Protected by This

Code), including rules governing the means, methods, time, and places of killing protected wildlife. Makes nonsubstantive changes.

SECTION 3. Amends Section 43.152, Parks and Wildlife Code, as follows:

Sec. 43.152. DEPARTMENT INSPECTION. (a) Authorizes TPWD, on receiving notice from a person under Section 43.151(b), rather than Section 43.151, to inspect the property and determine if damage or a threat to public safety is occurring as alleged in the notice.

(b) Makes a conforming change to this subsection.

(c) Authorizes TPWD, on receiving notice from a political subdivision, state agency, federal agency, institution of higher education, or property owners' association under Section 43.151(c), to inspect the property to:

(1) assess deer management plans for state or federal listed species; or

(2) determine if there is an overpopulation of deer and if recreational hunting for controlling deer populations is not feasible.

SECTION 4. Amends Section 43.153, Parks and Wildlife Code, as follows:

Sec. 43.153. APPLICATION FOR PERMIT. (a) Authorizes a person or authorized representative of a political subdivision, state agency, federal agency, institution of higher education, or property owners' association authorized by Section 43.151 to provide notice to TPWD, rather than a person who has evidence of damage by depredation or threat to public safety, to file with TPWD an application for a permit to kill the protected wildlife.

(b) Requires that the application be in writing, be sworn to by the applicant, and contain:

(1) a statement of facts relating to:

(A) the damage or threat and feasibility of recreational hunting; or

(B) need to prevent overpopulation for federal or state listed species; and

(2) makes no change to this subdivision.

(c) Redesignates existing Subsection (d) as Subsection (c).

SECTION 5. Amends Section 43.157, Parks and Wildlife Code, as follows:

Sec. 43.157. VIOLATIONS; PENALTY. Redesignates Subsections (b)-(e) as Subsections (a)-(d).

(e) Provides that is not a violation of Section 62.006 (Hunting for Hire) for a person to employ or be employed or to compensate or be compensated to kill wildlife under a permit issued under this subchapter.

SECTION 6. Effective date: September 1, 2023.