

BILL ANALYSIS

H.B. 5271
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Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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's 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 the 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.

H.B. 5271 seeks to address 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 5271 amends the Parks and Wildlife Code to require 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 Parks and Wildlife Department (TPWD) if it has evidence of either of the following:

- that lethal means are necessary to prevent damage to habitat for federal or state listed species; or
- that there is an overpopulation of white-tailed deer on property owned by the entity where recreational hunting for controlling deer populations is not feasible.

An entity that is authorized to give this notice may file with TPWD an application for a permit to kill the protected wildlife. The application must include a statement of facts relating to either the damage or threat and feasibility of recreational hunting in the area or the need to prevent overpopulation for federal or state listed species.

H.B. 5271 authorizes TPWD, upon receiving notice from an applicable entity, to inspect the property to assess deer management plans for state or federal listed species or to determine if there is an overpopulation of deer and if recreational hunting for controlling deer populations is not feasible.

H.B. 5271 establishes that it is not a violation of the prohibition against hunting for hire for a person to employ or be employed or to compensate or be compensated to kill wildlife under a permit issued by TPWD. The bill includes in the rules that the Parks and Wildlife Commission may adopt with respect to permits to control protected wildlife, rules governing the means, methods, time, and places of killing protected wildlife.

EFFECTIVE DATE

September 1, 2023.