

## **BILL ANALYSIS**

Senate Research Center  
88R31574 BEE-D

C.S.H.B. 5271  
By: Zwiener (Springer)  
Water, Agriculture & Rural Affairs  
5/19/2023  
Committee Report (Substituted)

### **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 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.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 5271 amends current law relating to the control of white-tailed deer in certain areas by lethal means.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Parks and Wildlife Commission is modified in SECTION 3 (Section 43.1515, Parks and Wildlife Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter H, Chapter 43, Parks and Wildlife Code, by adding Section 43.1501, as follows:

Sec. 43.1501. DEFINITION. Defines "property owners' association."

SECTION 2. Amends Section 43.151, Parks and Wildlife Code, as follows:

Sec. 43.151. New heading: THREATS TO PUBLIC SAFETY OR DAMAGE BY WILDLIFE; CONTROL OF WHITE-TAILED DEER POPULATION IN CERTAIN AREAS. (a) Creates this subsection from existing text.

(b) Requires a political subdivision, state agency, federal agency, institution of higher education, or property owners' association to give written notice to the Texas Parks and Wildlife Department (TPWD) if the entity desires to control a white-tailed deer population by lethal means based on evidence demonstrating that the entity is experiencing an overpopulation of deer on property the entity owns and recreational hunting is not feasible for controlling the deer population.

SECTION 3. 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 locations of killing protected wildlife. Makes nonsubstantive changes.

SECTION 4. 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(a), 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 an entity under Section 43.151(b), to inspect the habitat or property referenced in the notice to determine whether the entity is experiencing an overpopulation of white-tailed deer on the entity's property and whether recreational hunting for controlling the deer population is feasible.

SECTION 5. Amends Sections 43.153(a) and (b), Parks and Wildlife Code, as follows:

(a) Authorizes a person described by Section 43.151(a) or an authorized representative of an entity described by Section 43.151(b), rather than authorizes 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 certain information, including a statement of facts relating to, as applicable, the damage or threat and the feasibility of recreational hunting to control overpopulation of white-tailed deer.

SECTION 6. Amends Section 62.006, Parks and Wildlife Code, by adding Subsection (c), as follows:

(c) Provides that Section 62.006 (Hunting for Hire) does not apply to:

(1) an entity described by Section 43.151(b) that employs a person for compensation or promise of compensation to control white-tailed deer through lethal means under a permit issued under Subchapter H, Chapter 43; or

(2) a person employed as described by Subdivision (1).

SECTION 7. Effective date: September 1, 2023.