By:  Zwiener H.B. No. 5271

A BILL TO BE ENTITLED

AN ACT

relating to the management of overpopulations of white-tailed deer in areas where recreational hunting is not feasible.

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

SECTION 1.  Section 43.151, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.151.  THREATS TO PUBLIC SAFETY OR DAMAGE BY WILDLIFE; OVERPOPULATION. (a) In this subchapter "property owners' association" has the meaning assigned by Section 202.001, Property Code.

(b)  A person who has evidence clearly showing that wildlife protected by this code is causing serious damage to commercial agricultural, horticultural, or aquicultural interests, or is a threat to public safety, and who desires to kill the protected wildlife shall give written notice of the facts to the department.

(c)  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 shall give written notice to the department 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.  Section 43.1515, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.1515.  RULES. The commission may adopt rules to implement this subchapter, including rules governing:

(1)  reports that must be submitted to the department by a person who holds a permit issued by the department under this subchapter;

(2)  the reinstatement of a canceled permit and a fee for the reinstatement;

(3)  the possession of wildlife resources taken or held under this subchapter;

(4)  the circumstances required to qualify for a permit; [~~and~~]

(5)  the electronic issuance of permits; and

(6)  the means, methods, time, and places of killing protected wildlife.

SECTION 3.  Section 43.152, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.152.  DEPARTMENT INSPECTION. (a) On receiving notice from a person under Section 43.151(b) [~~43.151~~], the department may inspect the property and determine if damage or a threat to public safety is occurring as alleged in the notice.

(b)  If the notice received by the department under Section 43.151(b) [~~43.151~~] alleges damage or a threat to public safety caused by mule deer, pronghorn antelope, or desert bighorn sheep, the department may not issue a permit under Section 43.154 unless the department inspects the property and determines whether serious damage or a threat to public safety is occurring.

(c)  On receiving notice from a political subdivision, state agency, federal agency, institution of higher education, or property owners' association under Section 43.151(c), the department may 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.  Section 43.153, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.153.  APPLICATION FOR PERMIT. (a) 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 the department [~~who has evidence of damage by depredation or threat to public safety~~] may file with the department an application for a permit to kill the protected wildlife.

(b)  The application must 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)  an agreement by the applicant to comply with the provisions of this subchapter and any rules adopted by the commission under this subchapter.

(c) [~~(d)~~]  The application must be accompanied by a permit application fee of $50 or an amount set by the commission, whichever amount is more. Proceeds from the fee shall be deposited in the special game, fish, and water safety account.

SECTION 5.  Section 43.157, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.157.  VIOLATIONS; PENALTY. (a) [~~(b)~~] No permittee may dispose of a wildlife carcass killed under the permit or allow the wildlife to be disposed of except as allowed under Section 43.155 of this code.

(b) [~~(c)~~]  No permittee may violate a term or condition of the permit.

(c) [~~(d)~~]  Except as provided by Subsection (d) [~~(e)~~], a person who violates this section commits an offense that is a Class B Parks and Wildlife Code misdemeanor.

(d) [~~(e)~~]  A person who violates a reporting requirement adopted under this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(e)  It is not a violation of Section 62.006 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.  This Act takes effect September 1, 2023.