By:  Zwiener (Senate Sponsor - Springer) H.B. No. 5271

(In the Senate - Received from the House May 3, 2023; May 5, 2023, read first time and referred to Committee on Water, Agriculture & Rural Affairs; May 21, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; May 21, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Perry           X

Hancock         X

Blanco          X

Flores          X

Gutierrez       X

Johnson         X

Kolkhorst       X

Sparks          X

Springer        X

COMMITTEE SUBSTITUTE FOR H.B. No. 5271 By:  Schwertner

A BILL TO BE ENTITLED

AN ACT

relating to the control of white-tailed deer in certain areas by lethal means.

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

SECTION 1.  Subchapter H, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.1501 to read as follows:

Sec. 43.1501.  DEFINITION. In this subchapter, "property owners' association" has the meaning assigned by Section 202.001, Property Code.

SECTION 2.  Section 43.151, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.151.  THREATS TO PUBLIC SAFETY OR DAMAGE BY WILDLIFE; CONTROL OF WHITE-TAILED DEER POPULATION IN CERTAIN AREAS. (a) 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.

(b)  A political subdivision, state agency, federal agency, institution of higher education, or property owners' association shall give written notice to the department 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.  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 locations of killing protected wildlife.

SECTION 4.  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(a) [~~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(a) [~~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 an entity under Section 43.151(b), the department may 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.  Sections 43.153(a) and (b), Parks and Wildlife Code, are amended to read as follows:

(a)  A person described by Section 43.151(a) or an authorized representative of an entity described by Section 43.151(b) [~~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, as applicable:

(A)  the damage or threat; and

(B)  the feasibility of recreational hunting to control overpopulation of white-tailed deer; 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.

SECTION 6.  Section 62.006, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c)  This section 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.  This Act takes effect September 1, 2023.

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