

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.

1 SECTION 2. Section 43.1515, Parks and Wildlife Code is
2 amended to read as follows:

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

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

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

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

12 (4) the circumstances required to qualify for a
13 permit; ~~and~~

14 (5) the electronic issuance of permits; and

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

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

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

23 (b) If the notice received by the department under Section
24 43.151(b) alleges damage or a threat to public safety caused by mule
25 deer, pronghorn antelope, or desert bighorn sheep, the department
26 may not issue a permit under Section 43.154 unless the department
27 inspects the property and determines whether serious damage or a

1 threat to public safety is occurring.

2 (c) On receiving notice from a political subdivision, state
3 agency, federal agency, institution of higher education, or
4 property owners' association under Section 43.151(c), the
5 department may inspect the property to:

6 (1) assess deer management plans for state or federal
7 listed species, or

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

11 SECTION 3. Section 43.153, Parks and Wildlife Code is
12 amended to read as follows:

13 Sec. 43.153. APPLICATION FOR PERMIT. (a) A person ~~who has~~
14 ~~evidence of damage by depredation or threat to public safety or~~
15 authorized representative of a political subdivision, state
16 agency, federal agency, institution of higher education, or a
17 property owner's association authorized by Section 43.151 to
18 provide notice to the department may file with the department an
19 application for a permit to kill the protected wildlife.

20 (b) The application must be in writing, be sworn to by the
21 applicant, and contain:

22 (1) a statement of facts relating to:

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

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

27 (2) an agreement by the applicant to comply with the

1 provisions of this subchapter and any rules adopted by the
2 commission under this subchapter.

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

7 SECTION 4. Section 43.157, Parks and Wildlife Code is
8 amended to read as follows:

9 Sec. 43.157. VIOLATIONS; PENALTY. ~~[(b)]~~ (a) No permittee
10 may dispose of a wildlife carcass killed under the permit or allow
11 the wildlife to be disposed of except as allowed under Section
12 43.155 of this code.

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

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

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

21 (e) It is not a violation of Section 62.006 for a person to
22 employ or be employed or to compensate or be compensated to kill
23 wildlife under a permit issued under this subchapter.

24 SECTION 5. This Act takes effect September 1, 2023.