

BILL ANALYSIS

Senate Research Center
80R11519 ABC-D

H.B. 971
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not provide any exception to the prohibition against hunting, catching, or possessing a game bird or animal, unless permitted by a proclamation issued by the Texas Parks and Wildlife Commission (commission). Furthermore, there is no statute or commission proclamation that authorizes the Kickapoo Traditional Tribe of Texas to hunt antlerless white-tail deer.

The Kickapoo Traditional Tribe of Texas, one of three federally recognized Indian tribes in Texas, embraces deer as a sacred creature. This tribe's religion incorporates the Texas antlerless white-tailed deer into the tribe's religious ceremonies and utilizes the meat and ribs of these deer for such ceremonies. The Kickapoo are limited in performing religious ceremonies due to year-round hunting restrictions on white-tailed deer in this state. Without the open accessibility to hunt white-tailed deer, the Kickapoo are unable to baptize their children, conduct funerals, hold ceremonies for a fast, or administer a weekly mass.

H.B. 971 authorizes documented members of the Kickapoo Traditional Tribe of Texas to hunt antlerless white-tailed deer year round in order to conduct religious ceremonies.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.001(1), Parks and Wildlife Code, to redefine "resident."

SECTION 2. Amends Section 61.021, Parks and Wildlife Code, as follows:

Sec. 61.021. TAKING WILDLIFE RESOURCES PROHIBITED. (a) Provides an exception by Subsection (b).

(b) Authorizes a documented member of the Kickapoo Traditional Tribe of Texas who holds a hunting license under Section 42.002 (Resident License Required; Exception) to hunt certain deer for religious ceremonial purposes on any day of the year between a certain time period. Requires a documented member of the Kickapoo Traditional Tribe of Texas hunting antlerless white-tailed deer under this subsection to comply with all other provisions of this code and proclamations adopted under this code, to notify certain game wardens at least 24 hours before hunting antlerless white-tailed deer during an otherwise closed season under the game laws of this state, and to obtain explicit permission from the landowner before hunting antlerless white-tailed deer during an otherwise closed season under the game laws of this state on that landowner's privately owned property.

SECTION 3. Amends Section 61.057(a), Parks and Wildlife Code, to provide an exception by Section 61.021. Makes nonsubstantive changes.

SECTION 4. Effective date: upon passage or September 1, 2007.