

- SUBJECT:** Kickapoo Traditional Tribe of Texas hunting certain deer for religious rites
- COMMITTEE:** State Cultural and Recreational Resources — committee substitute recommended
- VOTE:** 5 ayes — Hilderbran, Geren, B. Cook, Kuempel, Phillips
0 nays
2 absent — Dukes, Bailey
- WITNESSES:** For — Makateonenodua (Raul) Garza; Isidro Garza, Jr.
Against — Ellis Gilleland
On — David Sinclair, Texas Parks and Wildlife Department
- BACKGROUND:** Parks and Wildlife Code, Ch. 42 contains general hunting license provisions. Sec. 42.001 defines a “resident” as a person who has resided in Texas continuously for six months before applying for a hunting license, a member or dependent of a member of the armed forces, or a member of any other category of individuals that the commission by regulation designates as residents.

The season for hunting white-tailed deer varies by different parts of the state. South Texas (29 counties) has the longest season, usually about 10 weeks between November and January. In addition, the Texas Parks and Wildlife Department issues an archery stamp that allows white-tailed deer hunting for a month beginning in late September.
- DIGEST:** CSHB 2159 would expand the definition of resident in Parks and Wildlife Code, ch. 42 to include a member of the Kickapoo Traditional Tribe of Texas who possessed documentation of membership issued by the Bureau of Indian Affairs. The bill would stipulate that a documented member of the Kickapoo Tribe who held a license could hunt antlerless white-tailed deer for religious ceremonial purposes on any day of the year between one-half hour before sunrise and one-half hour after sunset.

Outside of deer-hunting season, a tribe member would have to notify a local game warden, deputy game warden, or special game warden at least 24 hours before hunting antlerless white-tailed deer, and would have to comply with all other aspects of the code at all times.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 2159 would permit documented, properly licensed members of the Kickapoo Tribe to observe religious ceremonies and tribal customs by hunting antlerless, white-tailed deer at any time of the year. The Kickapoo Tribe of Texas possess a rich religious and cultural heritage that incorporates the use of white-tailed deer meat and carcasses in daily ceremonies and the use of deer ribs in prayer rituals. Current law prevents the Kickapoo from conducting their religious and ceremonial rites as prescribed by their customs because they are not permitted to hunt year round. The bill appropriately would grant an exception that would allow tribe members freedom to worship in the tradition of their ancestors.

The bill would not create safety or enforcement problems. It would pertain to approximately 150 Kickapoo hunters only in Maverick County, all of whom would be required to have hunting licenses and otherwise comply with the Parks and Wildlife Code. In addition, tribe members hunting out of season would be required to maintain frequent communications with wardens.

This bill represents an appropriate balance between respecting the traditional religious practices of the Kickapoo and complying with state hunting regulations enforced by the Texas Parks and Wildlife Department.

**OPPONENTS
SAY:**

The Legislature should not carve out religious or ceremonial rites and place them in statute. The state of Texas, for example, does not pass special laws that apply just to Roman Catholics or Southern Baptists.

NOTES:

The committee substitute differs from the bill as introduced by amending the definition of a resident to require documentation of tribe membership by the Bureau of Indian Affairs. The substitute also would specify that the Kickapoo could hunt any day of the year between one-half hour before sunrise and one-

half hour after sunset, would require notification of game wardens 24 hours before hunting deer out of season, and would remove provisions in the original bill establishing a special Kickapoo hunting license. The substitute also added an immediate effective date.