

**CHAPTER 610**

**H.B. No. 1263**

**AN ACT**

relating to control of protected wildlife to prevent damage to agricultural, horticultural, or aquicultural interests or to protect public safety.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Subchapter H, Chapter 43, Parks and Wildlife Code, is amended to read as follows:

**SUBCHAPTER H. PERMITS TO CONTROL *WILDLIFE***

**PROTECTED BY THIS CODE [~~SPECIES~~]**

Sec. 43.151. ***THREATS TO PUBLIC SAFETY OR DAMAGE BY WILDLIFE [~~DAM-  
AGE TO CROPS OR DOMESTIC ANIMALS~~]***. (a) A person *who has evidence clearly*

*showing that wildlife* [~~whose crops or domestic animals are being damaged or destroyed by a wild bird or animal~~] protected by this code *is causing serious damage to agricultural, horticultural, or aquicultural interests or other property, or is a threat to public safety*, and who desires to kill the protected *wildlife* [~~bird or animal~~] shall give written notice of the facts to the county judge of the county in which the damage *or threat* occurs.

(b) The county judge, on receiving the notice, shall immediately cause a substantial copy of the notice to be posted in the county courthouse and shall notify the department of the location of the property where the damage *or threat* is occurring, the type of damage *or nature of the threat* [~~crops or animals being damaged~~], and the name of the applicant.

Sec. 43.152. DEPARTMENT INSPECTION. On receiving notice from a county judge, the department shall inspect the property and determine if damage *or a threat to public safety* is occurring as alleged in the notice. If the damage *or threat* is occurring, the department shall make recommendations to the person as are feasible and appropriate for controlling the damage *or threat*.

Sec. 43.153. APPLICATION FOR PERMIT. (a) A person *who has evidence of damage by depredation or threat to public safety* [~~whose crops or domestic animals are being damaged~~] may file with the department an application for a permit to kill the protected *wildlife* [~~wild birds or animals~~].

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

- (1) a statement of facts relating to the damage *or threat*; and
- (2) an agreement by the applicant to comply with the provisions of this subchapter relating to the disposition of *the protected wildlife* [~~game~~].

(c) The application must be accompanied by:

- (1) a statement signed by the employee of the department who made the investigation that damage is being done *or that a threat exists* and control measures have been recommended;
- (2) a statement by the applicant that he has taken all measures recommended by the department for the prevention of *the damage or threat*; and
- (3) a certification of the county judge that the application is true.

Sec. 43.154. PERMIT. (a) On receipt of an application, the department may issue a permit for the killing of *wildlife* [~~wild birds and wild animals~~] without regard to the closed season, bag limit, or *means and methods* [~~prohibition against night hunting~~].

(b) The department shall deliver the permit, if issued, to the county judge that sent the notice of damage *or threat*. The permit may not be delivered earlier than 24 hours after the notice from the county judge was received by the department.

(c) A permit must specify:

- (1) the period of time during which it is valid;
- (2) the area in which it applies;
- (3) the kind of *wildlife* [~~birds and animals~~] authorized to be killed; and
- (4) the persons permitted to kill the noxious *wildlife* [~~birds or animals~~].

(d) No permit authorizing the killing of migratory game birds protected by the Federal Migratory Bird Treaty Act may be issued unless the applicant has received a permit from the United States Department of Interior, Fish and Wildlife Service. No permit may be issued for the taking of *wildlife* [~~birds or animals~~] protected under Chapter 68 of this code (Endangered Species).

Sec. 43.155. DISPOSITION OF WILDLIFE [~~DEER~~]. (a) The holder of a permit issued under this subchapter who kills *wildlife* [~~a deer~~] under the authority of the permit shall give the location of the *wildlife* [~~deer~~] carcass to the game warden [~~management officer~~] or other department employee assigned to the area covered by the permit.

(b) The *game warden* [~~officer~~] or other department employee notified shall dispose of the carcass by donating it to a charitable institution, a [~~or~~] hospital, a [~~or to~~] needy person, any other appropriate recipient, or as directed by the court [~~persons~~].

Sec. 43.156. CANCELLATION OF PERMIT. The department may cancel a permit if the permit does not accomplish its intended purposes.

Sec. 43.157. VIOLATIONS; PENALTY. (a) No permittee may fail to notify a *game warden* [~~management officer~~] or other department employee of the killing of *wildlife* [~~a deer~~] as required by Section 43.155 of this code.

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

(c) No permittee may violate a term or condition of the permit.

(d) A person who violates this section commits an offense that is a Class B Parks and Wildlife Code misdemeanor.

SECTION 2. Section 64.002(d), Parks and Wildlife Code, is repealed.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 15, 1987, by a non-record vote. Passed by the Senate on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Sept. 1, 1987.