

BILL ANALYSIS

C.S.H.B. 2159

By: Garza

State Cultural and Recreational Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the 1600's European expansion and intertribal conflicts led to migrations and dispersal as Kickapoo bands scattered widely throughout Indiana, Illinois, Missouri, and Texas. The tribe relocated to Eagle Pass, Texas as their primary reservation when in the United States. The Kickapoo have primarily lived by hunting, gathering, farming, and migrant farm labor.

The Kickapoo religion incorporates the Texas white-tailed deer, and utilizes the mean and carcass of the deer to conduct daily traditional ceremonies. Current law prevents the Kickapoo from conducting religious and ceremonial rites, as prescribed by Kickapoo religion and tribal custom, because they are not able to hunt year long. C.S.H.B. 2159 allows Texas Parks and Wildlife to issue a year round licence to a documented member of the Kickapoo Traditional Tribe of Texas for hunting antlerless white-tailed deer.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2159 amends the Parks and Wildlife Code to include a member of the Kickapoo Traditional Tribe of Texas who possesses documentation of membership issued by the Bureau of Indian Affairs as part of the definition of a resident.

C.S.H.B. 2159 allows Texas Parks and Wildlife to issue a year round licence to a documented member of the Kickapoo Traditional Tribe of Texas for hunting antlerless white-tailed deer.

C.S.H.B. 2159 requires that documented member of the Kickapoo Traditional Tribe of Texas hunting antlerless white-tailed deer notify a local game warden, deputy game warden, or special game warden at least 24 hours prior to hunting antlerless white-tailed deer.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. The substitute amends the definition of a resident to include "a member of the Kickapoo Traditional Tribe of Texas who possesses documentation of membership issued by the Bureau of Indian Affairs."

SECTION 2. The substitute replaces SECTION 2 of the original bill with language amending Section

61.021, Parks and Wildlife Code to include Subchapter (a) and (b):

“A documented member of the Kickapoo Traditional Tribe of Texas who holds a license under Section 42.002 may 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. A documented member of the Kickapoo Traditional Tribe of Texas hunting antlerless white-tailed deer under this subsection shall notify a local game warden, deputy game warden, or special game warden at least 24 hours prior to hunting antlerless white-tailed deer and comply with all other provisions of this code and proclamations adopted under this code.”

SECTION 3. In the substitute this section amends Section 61.057(a), Parks and Wildlife Code, as follows:

“(a) Except as provided by Section 61.021 and Subsection (c), no person may hunt an antlerless deer or antelope in this state without first having acquired an antlerless deer or antelope permit issued by the department on a form provided by the department.”

SECTION 4. Changes the effective date to read:

This act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.