

## **BILL ANALYSIS**

Senate Research Center  
87R4787 BEE-F

H.B. 2238  
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Water, Agriculture & Rural Affairs  
5/15/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Game wardens have raised concerns about poaching laws regarding the marking of property lines during periods of high water. It has been suggested that laws regarding property markings during these periods in some parts of Texas can make it difficult for game wardens to enforce poaching laws. When water rises above a fence, game wardens are currently able to identify private land by signs marked "Private Property. No Hunting." However, these signs are not widely used due to their cost, leaving it nearly impossible to distinguish the property line in these situations. H.B. 2238 seeks to address this issue by providing for alternative property markings for purposes of hunting on submerged private land.

H.B. 2238 amends the Parks and Wildlife Code to provide for certain submerged, privately owned land on or over which a person is prohibited from hunting or taking any wild animal or wild bird to be conspicuously marked as privately owned by a vertical purple line, at least eight inches in length and one inch in width, painted on trees or posts on the property so as to be readily visible to a person accessing the property when the property is submerged by water as an alternative to being conspicuously marked as privately owned by an applicable sign or signs.

H.B. 2238 amends current law relating to notice prohibiting hunting on or over certain submerged land.

### **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 62.0061(a), Parks and Wildlife Code, as follows:

(a) Prohibits a person, except as provided by Subsection (b) (relating to providing that Section 62.0061 (Hunting on or over Certain Submerged Land) does not apply to certain entities), from hunting or taking any wild animal or wild bird when the person is on or over privately owned land that is:

(1) makes no changes to this subdivision; and

(2) conspicuously marked as privately owned by:

(A) a vertical purple line, at least eight inches in length and one inch in width, painted on trees or posts on the property so as to be readily visible to a person accessing the property when the property is submerged by water; or

(B) creates this paragraph from existing text and makes no further changes.

SECTION 2. Effective date: September 1, 2021.