

BILL ANALYSIS

C.S.H.B. 2026
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Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Parks and Wildlife Code is an ever changing document that is required to be updated by the Texas Legislature from time to time because of changes in wildlife management and enforcement theory. This bill will repeal some ambiguous language and clarify a number of statutes related to the taking of wildlife resources, possession of wildlife eggs, disposition of seized wildlife, including exotic livestock and fowl. Furthermore, this bill will repeal of the alligator hunting license and allow for a person to take an alligator with a hunting license. Repeal of the maximum number of acres for a private bird hunting area and clarification of area sign placement is in this bill. Clarification about which animals may be held under a Game Breeder's License and the tagging of pronghorn and javelina. The bill clarifies the definition of game birds held under a Game Bird Breeder's License and includes the egg of a game bird. The bill repeals a penalty in Chapter 61, which is in direct conflict with a penalty in Chapter 62. Currently, a person may not hunt an alligator, frog, or a turtle from a boat on public water, but it routinely is allowed. This bill will make this activity legal. This bill will clarify and simplify taxidermy regulations. Currently, a taxidermist must report to the department when the taxidermist sells a taxidermy mount that they are selling to regain their labor fee, if the original person does not pick up their mount. This bill removes the archaic term of "game management officer" in the Chapter 62 and replaces it with the correct term "game warden." This bill deletes the archaic term "civet cat" because a civet cat is included in the list of fur-bearing animals as a skunk. Additionally, this bill amends Section 102.021, Government Code, by allowing for the cost of any cold storage or processing necessary for an unlawfully possessed game bird, fowl, animal, game fish, or exotic animal (Sec. 12.110, Parks and Wildlife Code) to be included as court cost. This bill repeals hunting a fur-bearing animal without landowner consent in Chapter 71, which is a direct conflict with Section 62.022, hunting without landowner consent.

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

SECTION 1: Section 1.101, Parks and Wildlife Code, is amended by adding Subdivision (5) to define the term "take."

SECTION 2: Section 12.013, Parks and Wildlife Code, is amended to clarify that a department employee may possess wildlife and fish and also adds for the purpose of disease diagnosis and prevention.

SECTION 3: Section 12.110, Parks and Wildlife Code, is amended to allow illegal exotic to be included in the disposition of confiscated game and that the cost of processing be included in addition to cold storage cost assessed the violator. Also, assigns the definition found in Section 62.015(a) to "exotic wildlife." This section describes how the department may sell confiscated live game.

SECTION 4: Section 12.409, Parks and Wildlife Code, is amended to include the term "egg" as wildlife and that each egg illegally possessed is a separate offense.

SECTION 5: Section 42.002(b), Parks and Wildlife Code, is amended by removing the alligator hunting license as an exception to a resident hunting license for taking alligators.

SECTION 6: Section 42.005(c), Parks and Wildlife Code, is amended by removing the nonresident alligator hunting license as an exception to a nonresident hunting license issued under the subchapter.

SECTION 7: Section 43.073, Parks and Wildlife Code, is amended by renaming the section to “Area Limitations and Markings.”

SECTION 8: Section 43.073(a) and (c), Parks and Wildlife Code, is amended by clarifying that a person is not restricted to 8,000 acres for a private bird hunting license on a contiguous tract of land and that signs denoting the hunting area are only required at the entrances of the property.

SECTION 9: Section 44.001, Parks and Wildlife Code, is amended by defining game animals to include pronghorn, javelina, and certain squirrels.

SECTION 10: Section 44.002, Parks and Wildlife Code, is amended by clarifying that a license is required for selling game animals under Chapter 44.

SECTION 11: Section 44.005(b), Parks and Wildlife Code, is amended to require that pronghorn antelope and javelina be tagged with a suitable permanent tag bearing the breeder’s serial number.

SECTION 12: Section 43.006, Parks and Wildlife Code, is amended to clarify that game animals defined in the chapter may be sold by a person holding a game breeder’s license.

SECTION 13: Chapter 45, Parks and Wildlife Code, is amended by adding Section 45.0001, Definitions and further defines game birds and migratory game birds.

SECTION 14: Section 45.001, Parks and Wildlife Code, is amended to require a game bird breeder’s license to sell game bird eggs.

SECTION 15: Section 45.003(c), Parks and Wildlife Code, is amended by adding that a person with a Class 1 or Class 2 Commercial Game Bird Breeder’s License may sell eggs regardless of the number of eggs being sold.

SECTION 16: Section 45.005, Parks and Wildlife Code, is amended by changing the heading to include “Egg Sales.”

SECTION 17: Section 45.005(a), Parks and Wildlife Code, is amended by requiring a commercial game bird breeder who sells bird eggs to issue a receipt with certain information to the buyer.

SECTION 18: Section 45.0061, Parks and Wildlife Code, is amended by adding game bird eggs to the requirement that a non-breeder must show proof of purchase to a game warden of where the bird eggs were acquired.

SECTION 19: Section 45.007(b), Parks and Wildlife Code, is amended by requiring that only game bird eggs may be acquired from a licensed game bird breeder in Texas or a lawful out-of-state source.

SECTION 20: Section 45.008(a) and (b), Parks and Wildlife Code, is amended to require that the bird eggs shall be included in the game bird breeders annual report to the department.

SECTION 21: Section 62.003(c), Parks and Wildlife Code, amends subsection (a) and adds subsection (c) to allow a person to hunt alligators, frogs and turtles from a boat or other water craft on public water. The section further includes provisions outlawing computer-assisted remote hunting and providing penalties.

SECTION 22: Section 62.003 (a) and (c), Parks and Wildlife Code, is amended to outlaw hunting from certain vehicles. It also allows hunting of alligators, frogs, or turtles in certain circumstances.

SECTION 23: Section 62.023(a) and (c), Parks and Wildlife Code, is amended to allow a taxidermist to sell mounted game animals and game birds that have not been picked up by the person who left the animals or birds to be mounted. The taxidermist must keep a record of the hunter for two years.

SECTION 24: Section 62.069, Parks and Wildlife Code, is amended to delete the term “game management officer” and replace it with the term “game warden” as a person who may arrest a person committing a violation of the Hunting in State Parks subchapter.

SECTION 25: Section 65.006, Parks and Wildlife Code, is amended by renaming the section to “Permit Required” and repealing the requirement for an alligator hunting license.

SECTION 26: Section 66.0071 is added to the Parks and Wildlife Code regarding the removal of harmful aquatic plants.

SECTION 27: Section 71.001(1), Parks and Wildlife Code, is amended by deleting the term “civet cat” as a fur-bearing animal. The listing of skunk includes civet cat.

SECTION 28: Section 102.021, Government Code, is amended by including the cost of cold storage and processing as an additional court cost of a person who unlawfully possesses a game bird, fowl, animal or game fish (§12.110, PARKS AND WILDLIFE CODE).

SECTION 29: The following Parks and Wildlife Code laws are repealed: (1) Section 61.901(c), related to penalties in Section 62.003 and 62.004; (2) Section 62.023(b), related to the requirement of a transportation affidavit (affidavit repealed); (3) Section 65.007, related to the alligator license fee; and (4) Section 71.004(b), related to hunting fur-bearing animals without landowner consent.

SECTION 30: Standard Transition Clause. The repeal of Section 65.007 (alligator license) applies only to a license issued after September 1, 2006.

SECTION 31: This Act takes effect immediately if the required vote is obtained in both houses. If the Act does not receive the vote needed, the it is effective on September 1, 2005.

EFFECTIVE DATE

This Act takes effect immediately if the required vote is obtained in both houses. If the Act does not receive the vote needed, the it is effective on September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

This substitute adds regulations on the removal of harmful aquatic plants clinging to a vessel or watercraft, trailer, motor vehicle, or other mobile device used to transport or launch a vessel or watercraft. Under SECTION 3, section 12.110 this substitute adds an exception for provisions in Subsection (d) and adds language to include the donation of confiscated game that is edible. It adds "storage, care, feeding" to the expenses to be assessed against the violator(s) conviction and provides for the sale of confiscated live game.

This substitute adds language outlawing computer-assisted remote hunting and provides a penalty. It also outlaws hunting from certain vehicles and allows hunting of alligators, frogs, or turtles in certain circumstances.

Under SECTION 23, it specifies that the game not claimed can be mounted and adds language for a tanned hide. It prevents the taxidermist from selling migratory game birds.

Finally, SECTION 26 adds language regarding the removal of certain harmful aquatic plants clinging or attached to the person's vessel or watercraft, or trailer, motor vehicle, or other mobile device used to transport or launch a vessel or watercraft.