

## BILL ANALYSIS

C.S.H.B. 2150  
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Culture, Recreation & Tourism  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

It has been reported that historical and archaeological findings confirm that elk were a native species to Texas before being hunted out of existence before the 20th century and that evidence including eye witnesses, elk bones and antlers, Native American photographs, and a petroglyph of an elk supports the theory that elk were in fact once widespread across the state. Interested parties have raised concerns that state law is ambiguous as it regards the species classification of elk. C.S.H.B. 2150 seeks to address this concern and others by clarifying that elk are indigenous to Texas while exempting the species from statutory provisions relating to nongame species.

### 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. 2150 amends the Parks and Wildlife Code to remove elk from the types of animals that are classified as exotic animals for purposes of statutory provisions relating to permits for the management of wildlife and exotic animals using aircraft and statutory provisions relating to hunting and possession of exotic animals. The bill excludes elk from statutory provisions relating to the management and regulation of nongame species.

### EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2150 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 43.103(3), Parks and Wildlife Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Subchapter G, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.1031 to read as follows: <u>Sec. 43.1031. CLASSIFICATION OF ELK.</u> <u>Notwithstanding the definition provided by Section 43.103(3), the commission by rule</u>	<b>No equivalent provision.</b>

may make a determination that elk are wild animals subject to the provisions of this subchapter that apply to exotic animals.

SECTION 3. Section 62.015(a), Parks and Wildlife Code, is amended.

SECTION 4. Subchapter A, Chapter 62, Parks and Wildlife Code, is amended by adding Section 62.0151 to read as follows:

Sec. 62.0151. CLASSIFICATION OF ELK. Notwithstanding the definition provided by Section 62.015(a), the commission by rule may make a determination that elk are wild animals subject to the provisions of this chapter that apply to exotic animals.

No equivalent provision.

SECTION 5. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 6. 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, 2013.

SECTION 2. Same as introduced version.

No equivalent provision.

SECTION 3. Section 67.0011, Parks and Wildlife Code, is amended to read as follows:

Sec. 67.0011. EXEMPTIONS [~~EXEMPTION OF CRAYFISH~~]. This chapter does not apply to:  
(1) crayfish, other than in public water; or  
(2) elk.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.