

## **BILL ANALYSIS**

H.B. 2692  
By: Campos  
Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Nuisance birds, like grackles, are aggressive birds that roost in large flocks, damage property, spread pathogens, and are extremely noisy. These birds negatively affect urban tourism, which cities like San Antonio heavily rely on. Texas has strict regulations on the methods by which pest control services may be provided, but outside of pests like insects and larger wildlife, there is little service available to rein in birds due to the federal Migratory Bird Treaty Act of 1918, which protects all U.S. native birds from being killed, captured, or harmed. H.B. 2692 seeks to protect Texans and Texas businesses by providing an option for businesses and cities to clear nuisance birds in a way that does not interfere with standard licensed and regulated pest control services.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

H.B. 2692 amends the Occupations Code to exempt from the Texas Structural Pest Control Act a person who for compensation performs, offers to perform, or advertises for or solicits the person's performance of activities to control nuisance birds through the use of laser lights, noise-emitting devices, or recorded sounds operating at a volume that complies with any applicable municipal or county noise ordinance, order, or rule. This exemption expressly does not apply to or authorize the use of the following:

- devices to kill, harm, trap, or collect live nuisance birds;
- chemicals;
- explosive devices;
- devices emitting noise in excess of an applicable municipal or county noise ordinance, order, or rule; or
- activities involving a risk of the following:
  - harm to a person, animal, or property; or
  - damage to the environment.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.