

BILL ANALYSIS

C.S.H.B. 3469
By: Campos
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that nuisance birds, such as grackles, are aggressive birds which roost in large flocks, damage property, spread pathogens, are extremely noisy, and negatively affect tourism, which cities like San Antonio heavily rely on. The bill author has also informed the committee that there is not much pest control service available to rein in birds due to federal protections, specifically the federal Migratory Bird Treaty Act of 1918, which protects applicable birds from being killed, captured, or harmed. C.S.H.B. 3469 seeks to address this issue by exempting from the Texas Structural Pest Control Act a person who performs, either without compensation or on behalf of a public improvement district, outdoor activities to control nuisance birds through certain non-lethal and non-invasive methods. The bill aims to offer municipalities and public improvement districts a narrow tool to address nuisance birds in public areas without disrupting existing regulatory frameworks or violating federal protections.

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

C.S.H.B. 3469 amends the Occupations Code to exempt from the Texas Structural Pest Control Act a person who performs, either without compensation or on behalf of a public improvement district, outdoor 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, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3469 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the type of person exempted from the Texas Structural Pest Control Act from 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 lights, noise-emitting devices, or recorded sounds at a lawful volume level, as in the introduced, to a person who performs, either without compensation or on behalf of a public improvement district, outdoor activities to control nuisance birds through such use.