

SUBJECT: Permits for possession of protected wildlife

COMMITTEE: State Recreational Resources — committee substitute recommended

VOTE: 7 ayes — Kuempel, Siebert, Black, Hightower, Oakley, Rabuck, Woolley
0 nays
2 absent — Horn, B. Turner

WITNESSES: For — None
Against — Ellis Gilleland
On — James Robertson, Texas Parks and Wildlife Department

BACKGROUND: The Texas Parks and Wildlife Department (TPWD) is authorized to issue permits to take protected wildlife (animals, birds, fish and other aquatic life) for propagation, zoological gardens, aquariums, rehabilitation, scientific purposes and for private transplanting.

DIGEST: CSHB 1964 would amend the Parks and Wildlife Code to create a requirement for a permit to possess and otherwise deal with protected wildlife, unless permitted under another license or permit or specifically excepted in the law.

The bill would redefine protected wildlife as specifically *indigenous* mammals, birds, reptiles, amphibians, fish and other aquatic life. The bill would establish guidelines for when a permit is necessary to collect, hold, possess, display, transport, release, or propagate protected wildlife. Permits would be issued for scientific research, educational display, zoological collection or rehabilitation, but not to propagate protected wildlife for rehabilitation or educational display.

The Parks and Wildlife Commission would retain the authority to set fees for permits, exemptions from fees and to adopt rules governing the collecting, holding, possession, propagation, release, display, or transport of

protected wildlife for scientific research, educational display, zoological collection, or rehabilitation.

All federally protected wildlife taken, transported, collected and subsequently held that is prohibited by federal law would remain the property of the state and have to be relinquished to the department or an agent of the department. The department could seek injunctive relief from prohibited activities, and courts could assess penalties up to \$1,000 for each violation.

Any person committing an offense relating to the permitting rules of the department would commit a Class C Parks and Wildlife Code misdemeanor, punishable by a fine of \$25 to \$500.

CSHB 1964 would allow the department to issue permits for trapping, transporting, and transplanting game animals or game birds from the wild to make adjustments in game populations for better wildlife management. The permits could be issued only if recommended by separate wildlife stocking plans approved by the department, but no person would be allowed to trap, transport, or transplant game animals without a permit.

The department could issue a permit to trap, transport or transplant white-tailed deer if there was an over population of deer in an area where deer hunting is inadequate, because of human health or safety concerns, to maintain a balanced population of deer. Transplanted white-tailed deer will be subject to lawful hunting after the relocation.

The state would not be liable for and may not incur any expense related to the trapping, transporting, or transplanting of game animals or game birds.

CSHB 1964 would take effect September 1, 1995.