

**SUBJECT:** Management and hunting of wildlife from aircraft under one permit

**COMMITTEE:** State Recreational Resources — favorable, without amendment

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

**SENATE VOTE:** On final passage, March 1 — 28-1 (Rosson)

**WITNESSES:** For — None  
Against — Ellis Gilleland  
On — David Sinclair, Texas Parks and Wildlife Department

**BACKGROUND:** The Parks and Wildlife Department is authorized to issue permits allowing the use of aircraft to manage wildlife and control depredating animals. The management permit allows the use of aircraft for counting, photographing, relocating and capturing wildlife; the depredation permit allows the use of an aircraft for hunting predatory animals. A person may not conduct activities under both permits simultaneously.

**DIGEST:** SB 329 would amend Chapter 43G of the Parks and Wildlife Code to consolidate into one permit authority to manage and control wildlife and exotic animals from aircraft. The definition of management by the use of aircraft would be expanded to include hunting, in addition to the currently authorized counting, photographing, relocating and capturing.

The term wildlife would be redefined to include depredating animals, which would include bobcats, feral hogs, red foxes, coyotes and crossbreeds between coyotes and dogs, but not birds or fowl. Permits would apply to management of wildlife and exotic animals.

The Texas Parks and Wildlife Department could issue a permit upon finding management of wildlife or exotic animals by the use of aircraft was

necessary to protect or to aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops. The department could set a permit fee.

The bill would require a permit holder to submit a landowner's authorization to the department identifying the land to be managed and stating the kind and number of wildlife or exotic animals to be managed. The landowner's authorization could be submitted by a group of landowners or by an association on behalf of the landowners. A landowner agreement application to manage wildlife or exotic animals could be approved for the time necessary to complete the management activity, but at least one year.

A person would be prohibited from using an aircraft to manage wildlife or exotic animals without first obtaining a permit and a landowner's authorization for management of the animals by aircraft. A prohibition against possessing a firearm or other device capable of killing or wounding an animal while operating an aircraft under a management permit would be deleted.

The bill would specifically not authorize a person to hunt any animal or bird from an aircraft for sport. It would be a defense to prosecution on charges of harassment of wildlife or exotic animals if the person was engaged in hunting wildlife or exotic animals under the authority of a department permit.

No person could possess an exotic animal or the carcass of an exotic animal without a permit. Public health officers, law enforcement officers and veterinarians would be exempt from this prohibition.

Permit holders would have to report to the department as required by a department proclamation. A violation of reporting requirements would constitute a Class C Parks and Wildlife Code misdemeanor, punishable by a fine of \$25 to \$500. A defendant convicted of a Class A Parks and Wildlife Code misdemeanor within 10 years preceding the trial date would be punished for a Parks and Wildlife Code felony. Violations could be prosecuted in the county in which the defendant resided or in the county where the violation took place.

Except for a reporting violation, all other violations of this statute would be a Class A Parks and Wildlife Code misdemeanor punishable by a fine of not less than \$500 nor more than \$2,000, or confinement in jail for a term not to exceed 180 days, or both.

The change in law made by the bill would apply only to an offense committed on or after the bill's effective date, September 1, 1995.

**SUPPORTERS  
SAY:**

SB 329 would allow the Parks and Wildlife Department to be more efficient in the permitting process relating to the use of aircraft to manage wildlife. The legislation would combine permits, streamline landowner authorization to allow one landowner to grant authorization for an association or a hunting cooperative and allow the department to issue a permit for the time period required to complete the management activity or for at least one year.

The bill would impose a mandatory reporting requirement, use a strict definition of depredating animal and strictly prohibit using an aircraft for sport hunting. It would create penalties that would deter abuses — a violation would be a Class A Parks and Wildlife Code misdemeanor punishable by a fine of \$500 to \$2,000, or confinement in jail for up to 180 days, or both. These penalties would be severe enough to discourage individuals from violating these provisions.

The application and permitting process instituted by the department would specifically identify the area and the kind and number of wildlife or exotic animals to be managed by aircraft. An individual would be prohibited from using an aircraft to manage wildlife or exotic animals without first obtaining a permit and a landowner's authorization for management of animals by aircraft.

**OPPONENTS  
SAY:**

This legislation would allow permit holders to hide their true intention in applying for a permit, because they would not have to specifically state a reason for obtaining a permit. Under current law an individual registering to manage wildlife is prohibited from even having a firearm in the aircraft. This legislation would allow more permitted individuals to carry firearms in aircraft and to kill animals from the aircraft.

The current system is designed to allow the department to keep track of which permit holders are authorized to kill wildlife while using an aircraft and to limit the use of aircraft to take game. There is no reason to change the law to erase this recordkeeping mechanism.

Enforcement of these provisions in some areas of the state would be almost impossible as state game wardens are already spread too thin.

The definition of "wildlife" is too broad, including any vertebrates or hybrids that normally live in a state of nature and are not ordinarily domesticated, including depredating animals. This broad definition would encourage the misuse of an aerial management permit to kill or take game.