

SUBJECT: Reduced fishing fees for the mentally and physically impaired

COMMITTEE: State Recreational Resources — committee substitute recommended

VOTE: 5 ayes — Kuempel, Horn, King, Merritt, Palmer
0 nays
4 absent — McCall, Hightower Hilderbran, Longoria

WITNESSES: For — None
Against — None
On — Paul Israel, Texas Parks and Wildlife Department; Sharon Cohen, Texas Department of Health

DIGEST: CSHB 1523 would allow the Texas Parks and Wildlife Department (TPWD) commission to waive or reduce the fee for a resident fishing license for those who have a mental or physical impairment that substantially limits one or more of their major life activities, which the Texas Parks and Wildlife Commission would be required to define by rule.

The bill would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

SUPPORTERS SAY: A number of groups already qualify for a reduced fishing license fee of \$6 including the blind, disabled veterans, and the elderly. Persons over 67 and under 17 years of age fish for free. There is no reason why the physically and mentally impaired should not be given the same opportunity to enjoy reduced rates. A resident fishing license currently costs \$19, which can be steep for someone on a fixed income or living on disability payments.

The TPWD currently allows mentally impaired individuals to obtain fishing licenses for no charge but only if they are accompanied by personnel of a hospital or other organization providing therapy. Families who have sacrificed to keep a mentally impaired individual in their home, however, are not able to obtain a fishing license at no charge or at a reduced cost.

CSHB 1523 would provide equitable treatment for mentally and physically impaired individuals who are cared for by their families.

The physically and mentally impaired face difficult obstacles every day that most people cannot even imagine. The amount of revenue the state would lose because this group of people would pay a reduced price for fishing licenses would be insignificant. Fishing is an activity that people of all ages and physical conditions can enjoy, and those who fish in state parks would still be required to pay park entrance fees.

It is not difficult to define “physical or mental impairment that substantially limits one or more of the major life activities.” This is a general legal definition used to describe people with disabilities and could be narrowed by the department to include only those with serious impairments. The department could require a certificate from a doctor if it found that people were falsely claiming to be impaired in order to pay less for their fishing license.

There would be no problem accommodating physically and mentally impaired people with the new automated licensing system since other people who now qualify for license reductions merely punch in a specific code to obtain their licenses at a reduced price.

**OPPONENTS
SAY:**

There are already a number of groups who qualify for reduced fishing and hunting licenses and at some point all these exemptions begin to add up to a significant revenue loss for the state. Many disabled people are fighting to be treated like everyone else and want equal, not preferential, treatment.

It would be difficult for the department to define who would qualify for this license and even more difficult to identify people who falsely claimed mental impairment.

NOTES:

The committee substitute added physical impairment as grounds for a reduction in fishing license fees, and provided that TPWD define substantial physical and mental impairment by rule.