

SUBJECT: Allowing release and capture of pen-reared quail to train bird dogs

COMMITTEE: State Recreational Resources — committee substitute recommended

VOTE: 7 ayes — Kuempel, Cook, Alexander, Ellis, Homer, Hope, Ritter

0 nays

2 absent — Crownover, J. Davis

WITNESSES: For — None

Against — Ellis Gilleland, Texas Animals

On — David Sinclair, Texas Parks and Wildlife Department

BACKGROUND: Parks and Wildlife Code sec. 64.004 states that no person may capture game birds with a net or trap without first obtaining a permit from the Texas Parks and Wildlife Department. A violation is a Class C Parks and Wildlife Code misdemeanor, punishable by a maximum fine of \$500 and minimum fine of \$25.

DIGEST: CSHB 857 would allow a licensed individual to release and recapture pen-reared quail in order to train bird hunting dogs on private property. It would authorize TPWD to create a license for training bird dogs with pen-raised quail and license fees to cover administration costs.

The pen-reared quail would be protected from intentional harm and would be permanently banded. Texas Parks and Wildlife Department (TPWD) could not prescribe how banding would be done.

TPWD could require anyone releasing pen-reared quail to provide proof of purchase to a game warden. The bill would provide regulations for devices used to recapture banded pen-raised quail. Any non-banded quail that was captured would have to be released into the wild.

A violation of the requirements of the bill would be punishable by a Parks and Wildlife Class C misdemeanor.

The bill would take effect September 1, 1999.

**SUPPORTERS
SAY:**

CSHB 857 would allow bird dog trainers to go onto other people's private property and use pen-raised quail to train bird dogs. Right now, those who release pen-raised quail must have a private bird hunting area license that is good only in a single county, and the licensee must post signs when training is being done. CSHB 857 would give bird dog trainers greater flexibility in choosing locations where dogs are trained because they could train in any county and would not have to post signs. It also would establish a license specifically for these individuals, with fees to cover costs of administration.

In order to make sure there are no abuses, this bill would provide protections for wild and domestic quail. Wild quail captured by mistake would have to be released immediately, and no one would be allowed intentionally harm a pen-reared quail. It also would make enforcement easier for game wardens. Proof of purchase would have to be shown upon request. Bird dogs are highly intelligent and are trained specifically not to harm or damage birds when they are retrieving.

**OPPONENTS
SAY:**

This bill would sanction the raising of birds in order to allow bird dogs to grab them in their mouths. Pen-raised quail are unable to fly very well because they were raised in an enclosed space. That makes these birds quite defenseless against dogs. While the bill states that no intentional harm could be done to the pen-raised quail upon release, the bird dog trainers are well aware a dog new to training could bite down hard enough to kill or injure the bird. These birds would be subject again and again to the inhumane treatment of capture by unskilled dogs that do not yet know how to retrieve a bird properly.

NOTES:

The committee substitute would not allow TPWD to prescribe rules on banding of pen-reared quail, while the original bill would have specified that TPWD would do this. The substitute would allow TPWD to require that proof of purchase be provided to a game warden by anyone releasing pen-reared quail. The original bill generally would have allowed the Parks and Wildlife Commission to adopt necessary rules, while the substitute outlined sections on licensing, fees, validity of license, recapture devices, and release of wild quail.