

SUBJECT: Possession, custody, or control exemptions for cougars, bobcats, coyotes

COMMITTEE: Culture, Recreation, and Tourism — committee substitute recommended

VOTE: 4 ayes — Hilderbran, Kuempel, Homer, Phillips

1 nay — D. Howard

2 absent — Dukes, O'Day

WITNESSES: For — None

Against — None

On — Tom Sidwa, Texas Department of State Health Services

BACKGROUND: Health and Safety Code, ch. 822, subch. E. establishes protocol for owning, harboring, or having custody or control of dangerous wild animals, including cougars, bobcats, and coyotes. The subchapter includes rules for registration, fees, liability insurance, inspection, relocation or disposition of an animal, reporting attacks, caging standards, treatment and transportation of an animal, penalties, and injunctions. In addition, it includes a list of those who are exempted from the rules established under the subchapter.

DIGEST: CSHB 3845 would exempt from Health and Safety Code, ch. 822, subch. E a person who was in possession, custody, or control of a cougar, bobcat, or coyote, as part of a predator or depredation control activity, who:

- had trapped or captured the cougar, bobcat, or coyote;
- transferred the animal to a person permitted to receive such an animal; or
- specialized in lure production or dog training related to a predator or depredation control activity.

It also would exempt:

- a person who temporarily was transporting an injured, infirm, orphaned, or abandoned dangerous wild animal for care or treatment; and
- a veterinarian, or a person who holds a rehabilitation permit for the specific species of animal, who was rehabilitating, treating, or caring for an injured, infirm, orphaned, or abandoned dangerous wild animal.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 3845 would make it easier for a person to practice predator control for dangerous wild animals. Currently, there are specific regulations pertaining to possession and transportation of dangerous wild animals in the state. Because predator control programs are required to protect livestock on ranches and farms, these regulations make it difficult for unlicensed people to protect their property. While individuals currently may be authorized to transport a dangerous wild animal with a hunting permit issued by Texas Parks and Wildlife Department (TPWD), this bill would reduce the burden of some of the rules governing containment and transportation in order to encourage commercial activities related to predator or depredation control activities.

The exemptions provided by this bill still would be subject to city, county, and state regulations, including the Department of State Health Services, which prohibit the transporting of quarantined animals.

**OPPONENTS
SAY:**

This bill would present a serious public health and safety risk. Many people trap dangerous wild animals for predator control programs on private land. In those cases, animals usually are not transported, but are left on-site, where birds of prey may dispose of the carcass. In other cases, trappers capture cougars, bobcats, or coyotes in order to sell the animals or their urine and feces for commercial gain. By exempting all trappers from Health and Safety Code, ch. 822, subch. E, those seeking a commercial gain would be exempted from rules governing caging requirements. These requirements ensure that cages are built in such a way as to render them inescapable and to provide a humane environment for animals kept in captivity. Additionally, liability insurance requirements ensure that both the trapper and other members of the public are covered in case of a dangerous incident.

Exempting trappers from the subchapter could result in people transporting animals that currently are under a rabies quarantine. Historically, indiscriminate coyote transportation has resulted in the spread of rabies from Texas populations to Louisiana and Florida.

**OTHER
OPPONENTS
SAY:**

Some provisions of this bill are unnecessary, and others would not go far enough to ensure that a trapper could transport the intended dangerous wild animals. Currently, anyone who hunts an animal from the wild is entitled to transport it with a state-issued hunting license for that animal. While this bill would allow a trapper to transfer a live cougar, bobcat, or coyote to a person permitted to receive one, no such permit currently is promulgated by TPWD, nor would this bill give TPWD any specific rulemaking authority to issue such permits. Further, this bill would not allow a person to transport a coyote because these animals are under a rabies quarantine.