

SUBJECT: Exempting falconers from structural pest control license requirements.

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 8 ayes — Kuempel, Thompson, Chisum, Gutierrez, Hamilton, Jones, Menendez, Quintanilla

0 nays

1 absent — Geren

WITNESSES: For — Jeffrey S. Cattoor

Against — None

On — Jimmy Bush, Texas Department of Agriculture

BACKGROUND: Texas Parks and Wildlife Code, ch. 49 regulates "falconry," defined as the practice of trapping, possessing, training, or flying a raptor – usually a hawk or kestrel – for hunting purposes. Texas residents who possess native raptors must obtain a falconry license or permit from the Texas Parks and Wildlife Department and from the U.S. Fish and Wildlife Service. To obtain an apprentice falconer license, an applicant must pass an examination testing their basic knowledge of falconry and related regulations, have their facilities inspected by a Texas game warden, and be sponsored by a general or master class falconer, who must approve of their advancement beyond apprentice level.

Today, falconry often is used as a form of pest control to deter large populations of "nuisance birds" from airport runways and urban areas where they are able to congregate in high densities due to the lack of natural predators.

Under current law, falconry-related bird control is subject to license requirements by the Structural Pest Control Service (SPCS) under the Texas Department of Agriculture. SPCS sets the guidelines for licensure and regulation of Texas pest management professionals. In order to obtain a pest control license, an individual must complete the licensing and

certification requirements for two separate pest control professional grades – commercial technician and commercial applicator.

DIGEST:

HB 693 would amend the Occupations Code to exempt falconers from SPCS pest control license requirements. To be exempt, a falconer would have to hold a valid Texas Parks and Wildlife permit and use a raptor to control or relocate other birds.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 693 would eliminate a double layer of regulation for falconers who use raptors to control bird populations. Exempting falconers from SPCS pest-control licensing requirements would not leave them unregulated. Practicing falconers already are required to maintain both federal and state falconry permits with extensive requirements designed to protect both the public and the raptors used in falconry.

A growing number of Texas cities are dealing with large populations of nuisance birds congregating in downtown, resort, and university areas. The noise and mess of these bird roosts can discourage tourism and destroy property. In addition, many bird species carry disease.

Many cities no longer want to use lethal methods to deter large populations of birds. Falconry offers a natural and effective alternative by relocating the birds. By flying a trained raptor such as a hawk in an area, a falconer can make it undesirable for other birds. Birds never adapt to the presence of a live predator, so its effectiveness never wanes. Falconry-related bird control is a natural, environmentally friendly, and ecologically beneficial system of control.

Under current law, falconers used to control birds are required to obtain pest control licenses from the SPCS. Most of the principal pest control licensing requirements do not apply to falconers, such as the use of pesticides or insecticides. Beekeepers who specialize in controlling bee nuisances formerly faced the same problem until the Legislature exempted them from these non-applicable pest control requirements. This bill would do the same thing for falconers.

OPPONENTS
SAY:

No apparent opposition.