

BILL ANALYSIS

Senate Research Center

S.J.R. 22
By: Creighton et al.
Agriculture, Water & Rural Affairs
6/5/2015
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.J.R. 22 establishes that individuals have a constitutional right to hunt and fish, subject to laws passed by the legislature or regulations adopted by the Texas Parks and Wildlife Department (TPWD) that conserve and manage wildlife and preserve the future of hunting and fishing. S.J.R. 22 states that hunting and fishing are preferred means of managing and conserving wildlife. The amendment further states that it would not modify any provision of law relating to trespass, property rights, or eminent domain.

Hunting and fishing are activities that have been passed down from generation to generation and engrained in our state's heritage. But with recent lawsuits and certain efforts with the Clean Air Act and the Clean Water Act, our heritage is threatened and needs protection.

This amendment does not affect TPWD's ability to collect hunting and fishing license fees. Those fees directly fund wildlife conservation and habitat acquisition, maintenance, and restoration—clearly fitting the goals and language of the constitutional amendment. As a practical example, the Texas Constitution guarantees the right to keep and bear arms, but allows the legislature to regulate concealed carry. The Department of Public Safety of the State of Texas has been charging fees for concealed carry permits for roughly 20 years.

Right to Hunt and Fish constitutional amendments have been adopted by 18 other states.

S.J.R. 22 proposing a constitutional amendment relating to the right to hunt, fish, and harvest wildlife.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article I, Texas Constitution, by adding Section 34, as follows:

Sec. 34. (a) Provides that the people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing.

(b) Provides that hunting and fishing are preferred methods of managing and controlling wildlife.

(c) Provides that this section does not affect any provision of law relating to trespass, property rights, or eminent domain.

(d) Provides that this section does not affect the power of the legislature to authorize a municipality to regulate the discharge of a weapon in a populated area in the interest of public safety.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2015. Sets forth the required language of the ballot.