

SUBJECT: Establishing a right to hunt, fish, and harvest wildlife

COMMITTEE: Culture, Recreation, and Tourism — favorable, without amendment

VOTE: 6 ayes — Guillen, Frullo, Larson, Márquez, Murr, Smith
0 nays
1 absent — Dukes

SENATE VOTE: On final passage, April 1 — 27-3 (Ellis, Garcia, Rodríguez)

WITNESSES: (*On House companion bill, HJR 61*)
For — Marida Favia del Core Borromeo, Exotic Wildlife Association; Robert Linder, Texas Outdoor Partners; Alice Tripp, Texas State Rifle Association; David Yeates, Texas Wildlife Association; (*Registered, but did not testify:* Ben Carter and Milam Mabry, Dallas Safari Club; Marla Flint, Southwestern Jones County Taxpayers Association; Corey Howell, Texas Chapter of the Wildlife Society; Ronald Hufford, Texas Forestry Association; Kaleb McLaurin, Texas and Southwestern Cattle Raisers Association; Tara Mica, National Rifle Association; Ceci Wallace, Texas Deer Association; Hugo Berlanga; Michael Booth)

Against — (*Registered, but did not testify:* Jon Weist, City of Irving; Nancy Williams, City of Austin)

On — Scott Houston, Texas Municipal League; Evelyn Merz, Lone Star Chapter Sierra Club; (*Registered, but did not testify:* Ann Bright, Texas Parks and Wildlife Department; Jon Weist, City of Irving)

DIGEST: SJR 22 would amend Art. 1 of the Texas Constitution by establishing the right to hunt, fish, and harvest wildlife under the Bill of Rights.

SJR 22 would provide that hunting and fishing were preferred methods of managing and controlling wildlife. Under the joint resolution, people would have the right to hunt, fish, and harvest wildlife, including by the

use of traditional methods. This right would be subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing.

The proposed constitutional amendment would not affect any provision of law relating to trespass, property rights, or eminent domain or 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.

The proposal would be presented to the voters at an election on November 3, 2015. The ballot proposal would read: “The constitutional amendment recognizing the right of the people to hunt, fish, and harvest wildlife subject to laws that promote wildlife conservation.”

**SUPPORTERS
SAY:**

SJR 22 would constitutionally guarantee the right to hunt, fish and harvest wildlife in this state. While Texas has a rich and vibrant hunting and fishing tradition, animal rights and anti-hunting organizations in other states have worked to limit hunting through onerous bag limits or by eliminating the hunting of certain types of game. To guard against such restrictions, many states already have passed right-to-hunt-and-fish amendments. SJR 22 would ensure that Texas’ long standing heritage of hunting and fishing was protected for future generations.

SJR 22 not only would preserve the cultural impact of hunting and fishing in this state, but it would protect the economic impact of these activities as well. The outdoor industry drives employment, investment, and tax revenue. It also funds conservation efforts across the state and has a critical impact on the rural landscape. Safeguarding the right to hunt and fish would protect landowners’ incentive to provide quality habitat for game animals. It also would ensure the protection of habitats of nongame species, including endangered species, and the open spaces of this state.

In stating that hunting and fishing were the preferred methods of managing wildlife populations, this joint resolution would not restrict the use of other methods to achieve this goal. Use of the term “traditional methods” would ensure the protection of all methods of hunting, fishing

and harvesting wildlife, while also allowing for the Texas Parks and Wildlife Department to prohibit methods of hunting that were not sporting or that could endanger wildlife populations.

OPPONENTS
SAY:

SJR 22 is unnecessary because there is no immediate threat to hunting and fishing in Texas. Given this, any effort to enshrine these rights in the Constitution could backfire if the electorate, which is composed mainly of citizens who do not hunt or fish, did not approve the proposed amendment at the polls. It is possible that this well-meaning effort could hurt the cause of hunting and fishing in the state at a time when no action is necessary.

SJR 22 would single out hunting and fishing as “preferred methods of managing and controlling wildlife” when there are many ways to manage and control wildlife to achieve a balanced ecosystem. Some other methods, such as techniques to limit the reproduction of certain species, might be more appropriate in certain situations.

Texas has tremendous nongame wildlife populations, including endangered and threatened species. Hunting and fishing of many of those species would not be appropriate and in some cases is prohibited by state and federal law. While the right to hunt, fish, and harvest wildlife under SJR 22 would be “subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing,” there could be confusion in interpreting this, further endangering threatened species.

OTHER
OPPONENTS
SAY:

Hunting and fishing is a privilege regulated by the Texas Parks and Wildlife Department. To guarantee hunting and fishing as a right, SJR 22 should be strengthened by including the public trust doctrine, the basis upon which the right to hunt and fish was established. The public trust doctrine, in Texas Parks and Wildlife Code, ch. 1, provides that the fish and wildlife of Texas are held in trust by the state for the benefit of all Texans. Failure to include public trust doctrine language in the proposed amendment would omit the basis for exercising this right.

NOTES:

The Legislative Budget Board estimates that the cost to the state for publication of the resolution would be \$118,681.

The House companion resolution, HJR 61 by Ashby, was reported favorably by the House Culture, Recreation, and Tourism Committee on March 31 and considered by the Calendars Committee on April 29.