

SUBJECT: Landowner license exemption for hunting certain animals

COMMITTEE: State Recreational Resources — favorable, without amendment

VOTE: 7 ayes — Kuempel, Cook, Crownover, J. Davis, Homer, Hope, Ritter
0 nays
2 absent — Alexander, Ellis

WITNESSES: For — Gary Joiner, Texas Farm Bureau
Against — None
On — Jim Butler, Texas A&M System Agriculture Program and Texas Wildlife Damage Management Service; David Sinclair, Texas Parks and Wildlife Department

BACKGROUND: Sec. 71.004(a) of the Parks and Wildlife Code prohibits taking, selling, purchasing, or possessing a fur-bearing animal, pelt, or carcass, except as provided by proclamation of the Parks and Wildlife Commission. However, the prohibition does not apply to a landowner or the landowner's agent who takes a fur-bearing animal causing depredation on that person's land. A fur-bearing animal is defined as a wild beaver, otter, mink, ring-tailed cat, badger, skunk, raccoon, muskrat, opossum, fox, nutria, or civet cat.

DIGEST: HB 1947 would allow a landowner or the landowner's agent to take, without a hunting or trapper's license, a fur-bearing animal that is causing depredation on the landowner's land.
The bill would take effect September 1, 1999.

SUPPORTERS SAY: HB 1947 would clarify that a landowner does not need a license to hunt or trap fur-bearing animals causing damage to property, crops, or other resources on the owner's land. The Parks and Wildlife Code already allows landowners or their agents to take these animals, but the license issue needs to be clarified so that there is no chance of landowners being charged with an offense. A

first time offense is a Class C misdemeanor, punishable by a maximum \$500 fine. Such a limited exception would have no fiscal implications for the state.

OPPONENTS
SAY:

There is no need for this addition to the statute. Current law is already clear enough that TPWD does not enforce the license requirement in these situations. Most landowners already have hunting or trapping licenses anyway.

Adding exemptions to hunting and trapping license requirements would set a bad precedent. Additional special exemptions could cause enforcement problems and also could open the door to adding more exemptions for larger groups of people. This represents a major source of funding for the Texas Parks and Wildlife Department. Although a hunting license is inexpensive, TPWD cannot afford to lose the funds that license sales generate.

NOTES:

A related bill, HB 2973 by Staples, which would add coyotes to the definition of a fur-bearing animal, was left pending in the State Recreational Resources Committee on April 14.