

SUBJECT: Allowing landowner or landowner's agent to take depredating feral hogs

COMMITTEE: State Cultural and Recreational Resources — committee substitute recommended

VOTE: 5 ayes — Hilderbran, Geren, B. Cook, Kuempel, Phillips
0 nays
2 absent — Dukes, Bailey

WITNESSES: For — John Raeke; Bob Turner, Texas Sheep and Goat Raisers Association; Wayne Tyroch; Zachary Xavier Yanta, Texas Farm Bureau
Against — None
On — Jack King, Sportsmen Conservationists of Texas; Gary Nunley, Texas Wildlife Damage Management Service; David Sinclair, Texas Parks and Wildlife Department

BACKGROUND: Under Parks and Wildlife Code, sec. 42.002, no person may hunt any bird or animal in Texas without a hunting license. Sec. 71.004 exempts from this requirement a landowner or landowner's agent who takes a fur-bearing animal such as a raccoon or fox causing depredation on that person's land.

DIGEST: CSHB 815 would allow a landowner or landowner's agent to take feral hogs causing damage on that person's land without having acquired a hunting license.
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, 2003.

SUPPORTERS SAY: CSHB 815 would allow landowners to protect their property, livelihoods, and families from wild hogs without the need to obtain a hunting license. State law already allows a person to kill a fur-bearing animal that is destroying property, and there is no reason to distinguish between a fox in the henhouse

and a feral hog tearing up a wheat field. Landowners have the right to protect their private property and should not need a state license to do so.

Feral hogs have become a severe problem in many parts of Texas, and CSHB 815 would be an important step toward combating this problem. Feral hogs root up seed, devour plants, crush quail eggs, attack baby lambs, and tear down fences, destroying people's livelihoods and damaging agricultural output in the process. Hogs have been known to attack humans and carry diseases that could devastate Texas' ranching industry. Landowners and their agents need the authority to control this menace and should not have to pay a fee to protect their own livelihood and safety.

CSHB 815 would allow landowners to drive back the growing threat of feral hogs across the state. The hog population has exploded in recent years and could get out of control without actions to check them. Though once confined to remote parts of the state, feral hogs now encroach into farms, ranches, small towns, and suburbs across the state.

The bill would allow landowners or their agents who do not hunt to protect their property from destruction by feral hogs. Although some landowners own hunting licenses and can take feral hogs on their property legally, many other landowners do not hunt and would not obtain a license if not for the menace of feral hogs. Landowners kill depredating feral hogs out of necessity, not for sport, and they should not have to pay a fee and obtain a license simply to protect their own property.

The Legislative Budget Board estimates no fiscal impact to the state if CSHB 815 is enacted, and there is no reason to worry that the bill would erode funding for the Texas Parks and Wildlife Department (TPWD).

**OPPONENTS
SAY:**

Although feral hogs are a serious problem in Texas, CSHB 815 would not address the cause of this problem nor provide a solution. Most landowners who have to contend with feral hogs already have hunting licenses or could obtain one without difficulty.

By introducing a new exemption from licensing requirements, CSHB 815 would complicate the enforcement duties of state wildlife officials. For example, if a game warden observed a landowner hunting deer on that

person's land, it would be difficult to prove that the person was hunting a regulated species if the landowner claimed to be hunting feral hogs. The state would have to establish guilt beyond a reasonable doubt in court, and that standard would be much harder to meet once an exemption was introduced.

Although the bill's fiscal note anticipates no significant cost to the state, the TPWD would have to forgo license fees for landowners who would not have to be licensed to hunt hogs on their land. Such fees pay for TPWD's general operations, including wildlife enforcement.

NOTES:

The committee substitute amended the bill as filed to allow a landowner's agent, as well as the landowner, to take feral hogs without a hunting license. The substitute also would replace the word "hunt" in the original bill with the word "take."

SB 236 by Fraser, which would allow a landowner or landowner's agent to kill coyotes without a hunting license, passed the Senate on April 3 by voice vote and has been referred to the House State Cultural and Recreational Resources Committee.