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HOUSE JOINT RESOLUTION NO. 83

Offered January 9, 2002

Prefiled January 8, 2002

Establishing a joint subcommittee to study the provisions of the waterfowl blind statutes that determine how stationary blinds are licensed in the public waters and on the shores of the public waters in the Commonwealth.

 Patron—Cox

Referred to Committee on Rules

WHEREAS, the hunting of migratory waterfowl is regulated by law; and

WHEREAS, current law, with few exceptions, makes it unlawful to hunt migratory waterfowl in the public waters or from the shores of the public waters east of Interstate Route 95 from unlicensed blinds; and

WHEREAS, § 29.1-340, et seq., prescribes, among other things, how blinds are to be licensed; and

WHEREAS, owners of riparian rights, their lessees and permittees, have certain privileges to license and erect stationary blinds on their land and in the public waters in front of their land to shoot waterfowl; and

WHEREAS, all other waterfowl hunters may not erect a blind or hunt within 500 yards of a properly licensed and erected blind of a riparian rights owner without the consent of the owner, his lessee or permittee; and

WHEREAS, the waterfowl blind statutes date back to at least 1934 and were passed at a time when there were fewer people in the Commonwealth and less public interest in waterfowling; and

WHEREAS, there is today more public interest in waterfowling but less opportunity for it because current law restricts hunting in the state's public waters; and

WHEREAS, the Board of the Department of Game and Inland Fisheries may adopt certain regulations to meet changing conditions as to the hunting of migratory waterfowl, however, the right to determine how stationary blinds sites are to be assigned is specifically reserved to the General Assembly; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the provisions of the waterfowl blind statutes that determine how stationary blind sites are licensed in the public waters and on the shores of the public waters in the Commonwealth. The joint subcommittee shall consist of 12 members, which shall include eight legislative members and four non-legislative citizen members as follows: five members of the House of Delegates, to be appointed by the Speaker of the House in accordance with the principles of proportional representation contained in the Rules of the House; three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; one owner of riparian rights who has a licensed stationary blind in the public waters and has obtained a Harvest Information Program (H.I.P.) registration number during the most recent waterfowling season, to be appointed by the Speaker of the House; two persons who are not currently permittees or lessees of an owner of riparian rights, are not themselves owners of riparian rights, and have obtained a H.I.P. registration number during the most recent waterfowling season, one to be appointed by the Speaker of the House, the other by the Senate Committee on Privileges and Elections; and one owner of riparian rights who has a licensed stationary blind on his shore and has obtained a H.I.P. registration number during the most recent waterfowling season, to be appointed by the Senate Committee on Privileges and Elections.

In conducting its study, the subcommittee should consider how other states currently provide for the hunting of waterfowl in their public waters and recommend any changes to Virginia law that it deems appropriate to maximize waterfowling opportunities for all Virginians.

The direct costs of this study shall not exceed \$9,600.

The Division of Legislative Services and the Department of Game and Inland Fisheries shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work by November 30, 2002, and shall submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the

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59 study.