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HOUSE JOINT RESOLUTION NO. 721

Offered January 14, 2009

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Establishing a joint subcommittee to study waterfowl hunting in urban and suburban areas. Report.

Patron—Amundson

Referred to Committee on Rules

WHEREAS, in 2000, voters in Virginia amended the Constitution of Virginia, declaring in Section 4 of Article 11 the "Right of the people to hunt, fish, and harvest game"; and

WHEREAS, Virginia law states that the waters "are a natural resource which should be regulated by the Commonwealth," thereby charging the state with responsibility to exercise its police powers to "establish measures to effectuate the proper and comprehensive utilization and protection of such waters"; and

WHEREAS, the Virginia Department of Game and Inland Fisheries is vested with the authority to regulate hunting activities and specifically the hunting of waterfowl in Virginia waters; and

WHEREAS, one of the Department's duties is to "(e)nforce or cause to be enforced all laws for the protection, propagation and preservation of game birds and game animals of the Commonwealth and all fish in the inland waters thereof"; and

WHEREAS, hunting is a management tool that when used wisely often inhibits the overpopulation of species within a given habitat community and can provide for greater wildlife diversity; and

WHEREAS, in carrying out its responsibilities with respect to the hunting of waterfowl, the Department establishes waterfowl seasons, licenses waterfowl blinds, and regulates the location of waterfowl blinds; and

WHEREAS, as Virginia has become more urbanized, conflicts have arisen between local residents who live in close proximity to inland waters and waterfowl hunters; and

WHEREAS, concerns have been voiced not only that such hunting activity interferes with other water-related recreational opportunities, but also whether the risks to public safety are greater when weapons are being discharged from blinds in or near populated areas; and

WHEREAS, in order to resolve the emerging conflicts between those engaged in waterfowl hunting, property owners, and those enjoying other forms of recreational opportunities whether on land or in the water, an attempt should be made to develop a balanced urban and suburban waterfowl hunting policy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study waterfowl hunting in urban and suburban areas. The joint subcommittee shall have a total membership of six legislative members that shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates and two members of the Senate to be appointed by the Senate Committee on Rules. The joint subcommittee shall elect a chairman and vice chairman from among its membership.

In conducting its study, the joint subcommittee shall review current waterfowl blind policies and in doing so shall:

1. Determine the availability of waterfowl hunting opportunities statewide;
 2. Evaluate whether current rules and regulations governing waterfowl hunting include adequate criteria or guidelines for protecting the public, including whether there are or should be standards for distances from homes, yards, and human activities;
 3. Determine the appropriateness of materials used for blinds and their impact on water quality;
 4. Determine whether current times during which hunting is allowed are appropriate to protect the rights of hunters, area property owners, and those engaged in recreational activities;
 5. Analyze how state hunting laws and regulations relate to local laws and ordinances that address hunting, the discharge of firearms, recreation, and noise;
 6. Evaluate the relationship of waterfowl hunting in urban and suburban areas to recreational and commercial boat traffic, including fishing, canoeing, and kayaking;
 7. Assess the impact waterfowl hunting in urban and suburban areas has on endangered or threatened species of plants and animals; and
 8. Evaluate whether there are sufficient resources to enforce the waterfowl hunting laws in urban and suburban areas.
- Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates.

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59 Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be
60 provided by the Division of Legislative Services. Technical assistance shall be provided by Department
61 of Game and Inland Fisheries. All agencies of the Commonwealth shall provide assistance to the joint
62 subcommittee for this study, upon request.

63 The joint subcommittee shall be limited to four meetings for the 2009 interim, and the direct costs of
64 this study shall not exceed \$6,000 without approval as set out in this resolution. Approval for
65 unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the
66 joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is
67 agreed to, written authorization of both Clerks shall be required.

68 No recommendation of the joint subcommittee shall be adopted if a majority of the House members
69 or a majority of the Senate members appointed to the joint subcommittee (i) vote against the
70 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
71 joint subcommittee.

72 The joint subcommittee shall complete its meetings by November 30, 2009, and the chairman shall
73 submit to the Division of Legislative Automated Systems an executive summary of its findings and
74 recommendations no later than the first day of the 2010 Regular Session of the General Assembly. The
75 executive summary shall state whether the joint subcommittee intends to submit to the General
76 Assembly and the Governor a report of its findings and recommendations for publication as a House or
77 Senate document. The executive summary and the report shall be submitted as provided in the
78 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
79 and reports and shall be posted on the General Assembly's website.

80 Implementation of this resolution is subject to subsequent approval and certification by the Joint
81 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
82 delay the period for the conduct of the study, or authorize additional meetings during the 2009 interim.