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## SENATE JOINT RESOLUTION NO. 322

Offered January 14, 2009

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

Patrons—Puller; Delegates: Amundson and Englin

Referred to Committee on Rules

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

WHEREAS, Article XI of the Constitution of Virginia declares that it is the policy of the Commonwealth to conserve and protect its natural resources; 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 to conserve the Commonwealth's wildlife by, for example, administering the Wildlife Action Plan; and

WHEREAS, one of its 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 can control populations 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 engage in activities near inland waters and waterfowl hunters; and

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

WHEREAS, in order to resolve the emerging conflicts between those engaged in waterfowl hunting, property owners, and those enjoying other 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 Senate, the House of Delegates 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 who 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. At least three of the members shall represent urban and suburban areas. 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 public safety, including whether there are or should be standards for distances from homes, yards, parks, public lands, and human activities;
3. Determine the appropriateness of materials used for blinds and their impact on water quality;
4. Determine whether current times of day and of the year during which hunting is allowed are appropriate to protect the rights of hunters, area property owners, those engaged in other activities, and breeding and nesting animals;
5. Analyze how state hunting laws and regulations relate to local laws and ordinances, and federal laws and regulations in the case of federal properties, that address hunting, the discharge of firearms,

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59 recreation, protection of parks and public lands, and noise;

60 6. Evaluate the relationship of waterfowl hunting in urban and suburban areas to recreational and  
61 commercial boat traffic, including fishing, canoeing, and kayaking;

62 7. Assess the impact waterfowl hunting in urban and suburban areas has on endangered or threatened  
63 species of plants and animals; and

64 8. Evaluate whether there are sufficient resources to enforce the waterfowl hunting laws in urban and  
65 suburban areas.

66 Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal,  
67 research, policy analysis, and other services as requested by the joint subcommittee shall be provided by  
68 the Division of Legislative Services. Technical assistance shall be provided by the Department of Game  
69 and Inland Fisheries. All agencies of the Commonwealth shall provide assistance to the joint  
70 subcommittee for this study, upon request.

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

76 No recommendation of the joint subcommittee shall be adopted if a majority of the House members  
77 or a majority of the Senate members appointed to the joint subcommittee (i) vote against the  
78 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the  
79 joint subcommittee.

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

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