

HJR

12

Pat

The attached materials were
received this afternoon,
and should be added to your packets for
HJR-12

Thank you

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR12
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title: Constitutional Amendment relating to hunting, BRU: Elective Operations
trapping, and fishing Component: Elections
 Sponsor: Representative Dyson
 Requester: House Resources Committee Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual		1.5				
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	1.5	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		1.5				
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	1.5	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumiai Phone 465-3935
 Division: Division of Elections Date/Time 3/7/01 11:00 AM
 Approved by: Lieutenant Governor Fran Ulmer Date 03/07/2001
 Agency: Office of the Lieutenant Governor

For distribution information, call the Governor's Legislative Office



ALASKA OUTDOOR COUNCIL

P.O. Box 2193
Palmer, Ak. 99645
(907) 745-3772
FAX 745-6944

March 7, 2000

Representative Fred Dyson
Alaska State Capitol
Juneau, AK 99801

Dear Representative Dyson:

The Alaska Outdoor Council (AOC) appreciates your efforts to sustain consumptive uses of wildlife as an important Alaskan heritage. Your legislation, HJR 12 HUNTING, TRAPPING AND FISHING, will provide Alaska's consumptive users a much needed level of protection.

We have ample historical evidence that consumptive uses have lost considerable ground over the past three decades here in Alaska. Actions like ANILCA, Sheep Mountain, Cooper Lake, Paint River, etc. have closed substantial areas to consumptive uses since statehood. Environmental groups continue to pressure the state for more closures and have effectively emasculated any attempts to manage wildlife for sustained yield. In fact very little has been done to reverse the dramatic declines in several ungulate populations over the past eight years. Declines that have resulted or will soon result in major new restrictions on consumptive uses.

It is clear for those of us who have been working to support wildlife conservation efforts over the past several decades that the environmental groups have every intention of stopping consumptive uses of wildlife. Although they consistently present themselves to be supportive of consumptive uses, their testimony before the Legislature and the Board of Game has always opposed increased opportunities, and has always supported increased restrictions. This is a matter of public record.

On behalf of our membership and the thousands of Alaskans who still cherish their natural relationship with the natural world and choose to participate in that world rather than just observe it, we would like to thank you for your courage and foresight in promoting legislation that will protect this important Alaskan heritage. Please feel free to contact us if we can be of any assistance in the passage of HJR 12.

Sincerely,

Carl Rosier
President

Official State Association of the National Rifle Association

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DONELAN, CLEARY, WOOD & MASER, P.C.

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March 26, 1996

Via Telecopier

Roger Holmes, Director
Division of Fish and Wildlife
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4001

Re: Proposed Amendment to the
Constitution of Minnesota To Preserve
Recreational Hunting

Dear Mr. Holmes:

You advise that the Minnesota legislature is considering measures which could lead to establishment in the state constitution of provisions which would preserve in residents of the state the right to engage in recreational hunting, subject to reasonable restrictions on seasons, bag limits, means and methods of take, and subject also to principles of sustained yield management. An alternative being considered would extend such constitutional recognition to the "privilege" of engaging in recreational hunting in contrast to the "right" of doing so.

You have requested my views on such proposals in light of my experience as Legal Counsel to the International Association of Fish and Wildlife Agencies, an organization whose government members include the fifty state fish and wildlife agencies. That experience over thirty years includes defending in court on numerous occasions against attempts by animal protection groups to close down recreational hunting. It also includes counseling with the State of Alaska for the last two years on the establishment of subsistence hunting provisions in that state's constitution.

No doubt exists that a considerable debt is owed to the hunters and anglers of America who, for over fifty years, have funded the restoration of game species from critical scarcity to relative abundance through the payment of license fees and of excise taxes on sporting equipment. They have willingly footed the bill for conservation. Nevertheless, there are problems in establishing constitutional recognition for a particular user group.

PRESENTED BY

DEPARTMENT OF LAW

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Certainly in everyday conversation one distinguishes between a right and a privilege. We commonly speak of recreational hunting as a privilege which has been handed down to make clear that it is not a right to which an individual is entitled. Nevertheless, whether the subject constitutional provision were framed in terms of a right or a privilege, the mere presence in the constitution of a provision establishing safeguards for residents to engage in recreational hunting will inevitably shift decision-making authority from the legislature to the courts to elaborate the implications of the constitutional status bestowed on this particular use. And, the fact of constitutional recognition by itself will almost certainly open the way for argument that the right/privilege may not be restricted in the absence of a demonstration of conservation justification. If the burden were thereby to shift to DNR, requiring it to demonstrate a conservation justification for each challenged element of its fish and wildlife regulations, significant agency resources would be expended in the process.

The presumption in favor of the validity of agency action means that a plaintiff bears the burden of proof, freeing the agency from the need to prove the validity of its regulations merely because a plaintiff alleges a violation. Without the presumption of validity of agency action taken pursuant to authority delegated by the legislature, a vast drain on the time and resources of agencies, and of courts, would occur. And, of course, if the courts rendered unforeseen decisions with which the legislature were dissatisfied, legislative recourse would be limited.

Five years ago, a group of Montana sportsmen sought to gather signatures sufficient to place on the ballot an initiative (CI-62) which would guarantee in the Montana constitution the right of residents to hunt game animals. In opposition thereto, it was asserted that elevation of the privilege of hunting to constitutional status would undercut the state's authority to discriminate in favor of residents in establishing fees for licenses and permits, an authority which the Supreme Court of the United States had upheld in Baldwin v. Montana Fish & Game Comm'n, 432 U.S. 371 (1978). In Baldwin, nonresident discrimination was upheld against constitutional challenge under the Privileges and Immunities Clause because the Court found that recreational hunting is not a fundamental right of U.S. citizenship. The signature drive bogged down when opponents claimed that providing constitutional status for hunting would undermine Montana's ability to charge higher nonresident license fees.

I argued for the state in Baldwin and personally am not convinced that the ruling in Baldwin would have been undercut, but the possibility cannot be ruled out. In any case, the argument apparently convinced enough people in Montana to stall the CI-62 initiative drive.

In summary, explicit constitutional recognition, whether of a right or of a privilege in residents to engage in recreational hunting, poses problems (1) by transferring decision-making authority from the legislature to the courts, and (2) by raising the very real prospect that the burden in litigation would shift to the agency to justify conservation measures. Language negating explicitly any shift of burden could resolve

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the second point. By the nature of the subject, no language could resolve the first one if the constitution is amended.

Sincerely,

Paul A. Lenzini
Paul A. Lenzini, *Legal Counsel*
International Association of
Fish and Wildlife Agencies

8500-500



State of Wisconsin \ DEPARTMENT OF NATURAL
RESOURCES

Box 7921

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March 30, 1998

TO: State Fish and Wildlife Directors

FROM: George E. Meyer - Chair, Legal Committee

SUBJECT: Report - Constitutional Amendments on the Right to Hunt/Ballot Initiatives

Enclosed is a copy of the Report prepared by the IAFWA Legal Committee on the issue of Right to Hunt Constitutional Amendments/Ballot Initiatives. It was approved unanimously by the Legal Committee on March 22, 1998. I hope it will prove to provide useful information for you and your staff if the issues arise in your State. Please note that the Subcommittee members, and in fact the members of the Legal Committee, remain available to discuss the issue and provide information to you and your staff.

I want to thank the Subcommittee for their effort in producing the draft report for consideration and action by the Legal Committee. They include:

L. Brooks Garland, TN - Co-Chair
Jim Christenson, WI - Co-Chair
Ron Arnold, WY
Steve Masten, ME
Scott Porter, KY

We also received significant input and assistance from Paul Lenzini, Legal Counsel for the IAFWA, Tom Sherman, Legal Counsel for the Wildlife Legislative Fund of America, and Roger Holmes from Minnesota DNR. Thanks Paul, Tom and Roger.

In addition, the Legal Committee meetings and action this Spring were well attended and very fruitful in addressing issues and forming a strong networking group of attorneys. If your Legal Counsel attended, thanks. If your Legal Counsel was unable to attend, I urge you to encourage their attendance at the September meeting of the IAFWA. It looks like we'll have significant issues to address and discuss this Fall, including a joint meeting with the Law Enforcement Committee to discuss issues before them, e.g. Violator's Compact, and how the Committees may work together to address issues.

See you in September.

Attachment

cc. Jim Christenson - LS/5
Steve Miller - AD/5
Tom Hauge - WM/4
Tom Harelson - LE/5

iafwa. jsc

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March 7, 2001

Through Excellent Customer Service

CONSTITUTIONAL INITIATIVES
“RIGHT TO HUNT”
REPORT OF THE SUBCOMMITTEE

In recent years state wildlife agencies have been faced with legislative initiatives to amend their state constitution to create the right to hunt, trap and fish. For the purpose of this report, we will refer to these efforts as “Right to Hunt” amendments.

In addition, states with the ballot initiative and referendum available to address hunting, trapping and fishing laws, are facing efforts to modify their constitutions to eliminate the voters* right to modify those laws by ballot initiatives. For the purpose of this report, we will refer to these amendments as “Ballot Initiative.”

The state wildlife agencies experiencing these initiatives, or anticipating they will be proposed in their state, have asked the International Association of Fish and Wildlife Agencies (IAFWA) and its Legal Committee for advice on this issue.

The Legal Committee, at its September 7, 1997 meeting in Scottsdale, AZ, formed a Subcommittee to review, analyze and prepare a report on the various known efforts to amend state constitutions on the right to hunt or ballot initiatives, identifying their pros and cons. The constitutional amendment issues were briefly discussed earlier at its meeting in 1996. Since the 1996 meeting, the issue has again arisen in various states, including Minnesota, Wyoming, Colorado and Tennessee. Legal counsel or agency representatives from those states, and others, suggested the Legal Committee review the issue and advise the state agencies on it. The Subcommittee met in St. Paul, MN, on November 12, 1997, to discuss and receive input prior to preparing this draft report. Paul Lenzini, legal counsel for the IAFWA, submitted comments and information pertinent to this analysis. Tom Sherman, attorney for the Wildlife Legislative Fund of America (WLFA), which has drafted a model constitutional amendment which would prohibit the initiative and referendum provisions of state constitutions from being used to enact or reject laws which permit, limit, or prohibit taking of any species of wildlife, also provided information for consideration.

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Both amendment initiatives (Right to Hunt or Ballot Initiative) appear to be motivated by a genuine concern that their creation will aid in guaranteeing the future of hunting and

fishing and thwart efforts of anti-hunting groups and others to stop or diminish these recreational activities in the future. Persons supporting amendments informed the Subcommittee that amending their state*s constitution seems like a good idea, but they also want to assure that the effort does not interfere with or impair the excellent wildlife management and use programs they now enjoy. Recent initiatives include the creation of a constitutional amendment in Alabama and the development of a recommended draft of language by the WLFA. The Alabama language establishes a constitutional preference for a user group. The WLFA draft primarily seeks to eliminate the Ballot initiative for statutory provisions relating to wildlife management Please see the attached table prepared by the WLFA which identifies initiative states.

We think that it may be useful to briefly revisit the legal underpinnings and history of state hunting, fishing and trapping (I refer to all of them with the term "hunting") regulation which we must reflect on as we consider this issue.

LEGAL UNDERPINNINGS

It has long been recognized that wild animals are subject to the authority of the sovereign and that the harvest of them is a privilege subject to regulation. The U.S. Supreme Court reviewed this history a century ago in the case of Geer v. Connecticut, 161 U.S. 519 (1896), and found the principle to be consistent in ancient Greece and the Roman Empire, during the subsequent history of northern Europe, and in England since the Norman Conquest nearly a thousand years ago. It was then vested in the colonial governments in North America, and passed to the states upon separation from the mother country.

Under the U.S. Constitution, the several states retain authority to regulate the wildlife resource as common property unless specifically pre-empted by federal law. Baldwin v. Montana Fish and Game Comm'n., 436 U.S. 371, 365-367 (1978). "We take it to be correct doctrine in this country that the ownership of wild animals, so far as they are capable of ownership, is in the state, not as a proprietor, but in its sovereign capacity, as the representative and for the benefit of all its people in common." Geer at 529, quoting State v. Rodman, 58 Minn. 393, 59 N.W. 1089

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(1894).¹ Regulatory authority derives both from the state*s common ownership and the police power. Geer at 534, Lacoste v. Dept. of Conservation, 263 U.S. 545, 552 (1924) ("Protection of the wildlife of the state is peculiarly within the police power, and the state has great latitude in determining what means are appropriate for its protection.") This

authority to regulate wildlife harvest extends to both public and private land. Mountain States Legal Foundation v. Hodel, 799 F.2d 1423, 1426 (10 Cir. 1986).

In the last 100 years, or so, most of the states have developed comprehensive sets of laws for the conservation, management and harvest of their wildlife, normally consisting of statutes, orders and administrative rules (regulations), and court interpretations (common or case law) of the statutes and regulations. Although some states have constitutional provisions respecting the protection and management of wildlife, most do not. Of those states that have language respecting hunting or wildlife management, it appears the language has been part of the state constitution either for a long time or inserted only very recently. It is reasonable to infer that states that have had such language in their constitution for a long time have a set of wildlife laws, and court interpretations of them, considering and consistent with it. It is also reasonable to infer that recent amendments to a constitution will lead to a reexamination of the wildlife statutes and regulations of that state in light of the amendment. Therefore, the experience of states with longstanding language does not necessarily predict the experience of states with newly enacted language.

RIGHT TO HUNT

With the short history of recent amendments, we simply do not have a body of law (court interpretations) to determine what their impact will be on management and regulation. Successful initiatives may be seen as a benefit in their apparent solidification of legislative and public support for these recreational activities. However, even with public or legislative support, we must expect that the courts will be asked at some time to

¹Geer also held that a state could prohibit out-of-state transport of game taken within its borders. This was later found to be violative of the interstate commerce clause and overturned. Hughes v. Oklahoma, 441 U.S. 322 (1979), Geer still correctly expresses the principle that states regulate their game as common property for the common good. See Mountain States Legal Foundation v. Hodel, 799 F.2d 1423, 1426 (10 Cir. 1986).

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examine and determine just what an amendment means for wildlife management and regulation for the state. We must assume that courts will view a constitutional amendment as legally significant.

The Southeastern Association of Fish and Wildlife Agencies Legal Committee, in October, 1997, reviewed and acted on this issue. Following its review, the Committee voted that it "does not approve of the use of constitutional amendments to state constitutions to create a right or privilege to fish and hunt because of the legal ramifications of an elevated standard of review of legislative and administrative agency actions." "The Committee does not support preparing draft language for those states considering such a constitutional amendment." Legal Counsel representing the states of Tennessee, Minnesota, Wisconsin, Kentucky and Wyoming, at the subcommittee meeting in St. Paul MN, in the main, expressed more concerns than benefits over such initiatives. Following that meeting of the Subcommittee where these concerns were discussed, Ron Arnold, an Assistant Attorney General for the state of Wyoming, and a member of this Subcommittee, presented these concerns to a legislative Committee in Wyoming considering an initiative to modify the Wyoming constitution to recognize the right or privilege to hunt. The legislative Committee dropped further consideration of the initiative.

Let us emphasize at this point that this analysis and any conclusions made are speculative. When a state wildlife agency is in a position to comment on a proposal, we suggest it recommend the amendment not be pursued. Where a constitution has been amended, or legislation otherwise enacted, this broad statement of position cannot, and should not, bear on any interpretation or effect of the language. The law of each state will vary and conclusions cannot be reached without a comprehensive review of those laws. This Subcommittee, and we suggest the Legal Committee, should leave any in-depth analysis to the attorney representing the state fish and wildlife agency so he or she may provide advice to the agency.

Keeping in mind that each state*s laws respecting wildlife management and the sports of hunting, fishing or trapping, may greatly vary, a number of general concerns have consistently been raised by attorneys when discussing the merits or demerits of proposing or creating a constitutional amendment.³ Concerns include:

*Proposed with
Constitutional Right
to Hunt provisions*

²In constitutional usage, the term "right" may well have the same meaning as the term "privilege." For the purposes of trying to anticipate the impacts on hunting, we should assume them to be the same.

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1. Potential problems of placing a proposed constitutional amendment on the ballot include:
 - a. It may serve as a rallying cry for anti-hunting/fishing groups and create a cohesive group where one previously did not exist.
 - b. Such proposal may polarize individuals against fishing and hunting, where those individuals may have previously had little or no interest in the issue.
 - c. It may be viewed by the public as a firearms issue, rather than hunting, and encourage those concerned with firearms to oppose it.
 - d. The proposal may raise questions or concerns about private property rights and trespass laws.
2. What might the impact be if the proposal fails passage? Possible results may include:
 - a. A more wary and skeptical public may be created respecting hunting and fishing activities and agency management strategies.
 - b. A legislature may be made more wary and may more cautiously approach or view wildlife management, fishing and hunting proposals in the future; or, the failure may be viewed as a mandate to proactively question or modify the wildlife management authority of the agency or the authorized recreational activities.
 - c. Failure may be seen as a public endorsement of the anti-hunting agenda. Certainly, anti-hunting groups will make this argument.
3. State authority to conduct natural resource management may change as a result of the creation of a constitutional right to hunt. The effect of including this right or privilege in the constitution may be troublesome for a number of reasons, including:
 - a. It may mean the state will lose the presumption of validity and have to meet a higher constitutional standard for its management. Currently, the constitutional standard of review for game and fish laws is whether they are rationally related to legitimate governmental purposes. The presumption is that they are, and the burden lies upon the challenger to show they are not. Because of the presumption and the fact that the burden on the challenger is not easy to sustain, the

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constitutionality of fish and game laws is rarely challenged. If hunting and fishing are made a constitutional right, the burden will shift and a much stricter standard will apply. There will be no presumption of constitutionality, and when challenged the state will, we suspect, have to prove that its fish and game laws are necessary to achieve a compelling governmental purpose, and there are no less restrictive alternatives available. With this difficult burden to sustain, the courts will be making the management decisions. The decision-making authority will be shifted from the legislature and agency to the courts. We suggest that this burden issue may be addressed by appropriate language in any Constitutional amendment.

- b. Once the amendment is a part of the state constitution and interpreted by the courts, there may well be no remedy in the legislature from a bad ruling provoked by a hard set of facts.
- c. In criminal prosecutions defendants may contend that the state must prove beyond a reasonable doubt that the law or regulation in question and its enforcement in their situation meets the constitutional standard.
- d. It is likely litigation will result with any constitutional amendment. Any citizen unhappy with a citation or wishing to challenge a law or initiative will likely raise their position or challenge on a constitutional basis as well as any other. Litigation may include actions for declaratory and injunctive relief. For instance, to what extent is the law truly necessary for conservation, as opposed to serving ethical or traditional practice purposes? Will seasons or methods of taking be affected? Of course, as with any litigation, it is costly and time-consuming.
- e. Will such a constitutional right impact firearms laws or regulations? Will it result in different treatment of nonresidents? Is the right to hunt a right to keep and bear arms?
- f. Will the state be required to expend funds to support or insure some certain level of hunting opportunity?
- g. Will such an amendment be interpreted as creating a fundamental right which may be reviewed by the federal courts as interfering with other laws, e.g. Migratory Bird Treaty Act, or Endangered Species Act?

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- h. How might such an amendment affect professional hunters or guides? Can the state continue to regulate, charge a fee, or otherwise restrict this activity?
- i. How might an amendment affect the viability of inter-state compacts respecting conservation law violations?
- j. Impacts on private property. It is possible that courts might find the prohibition on infringement of the hunting right extends to private landowners as well. On the one hand, trespass laws could become less enforceable; on the other, landowners might be limited in their ability to develop land, insofar as doing so diminishes hunting opportunity.

From the perspective of the hunter, a constitutional right to hunt may sound good, especially if anti-hunting groups become more active or successful: On closer-examination, however, creation of a constitutional right may create unanticipated consequences. As is the case with all other natural resources, the legal basis for the management of the wildlife resource and the regulation of its harvest lies in the fact that it is a common resource to be maintained for the benefit of the public. Its utilization by any individual is a privilege granted and regulated consistently with the collective public benefit. From the perspective of both the resource management agency as well as the hunter, making hunting a constitutional right may fundamentally alter and drastically interfere with wildlife management as currently practiced.

BALLOT INITIATIVE

As stated earlier in this report, the WLFA developed a draft constitutional amendment with the primary purpose of prohibiting the initiative and referendum provisions of a state constitution from being used to enact or reject laws which permit, limit, or prohibit the taking of any species of wildlife. The model amendment also includes a provision that the fish and wildlife belong to the people and shall be utilized and maintained on a sustained yield basis. In addition, it provides that fish and wildlife laws, and the agency empowered to conserve the fish and wildlife resources, shall not permit any taking which will reduce the

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population of any species authorized for taking as a game species below that level essential to its continued health and existence.

In that the model addresses the goals of the fish and wildlife program, as well as establishing restrictions of the regulatory agency, it is reasonable to anticipate similar issues and potential problems will arise with this type of an effort as the "Right to Hunt" amendment discussed previously. And, therefore, the position of the Subcommittee, and its recommendation, remains the same. The effort to amend the constitution, or actually enact the amendment, may raise more problems than it will resolve.

Any state seeking to reduce or eliminate the right of the people in initiative states to address fish and wildlife regulations may also subject it to the criticism that it is seeking to disenfranchise the voters. Thus, it can be expected that voters with little or no interest in the fish and wildlife program of the state may be brought into the mix. To this Subcommittee, adding this element of voter's rights merely serves only to amplify the issues raised with any hunting and fishing amendment and requires a sound analysis by the agency, and its legal counsel, on its role in or position on the pursuit of such an amendment.

Let us, however, add that this recommendation should not be read to demean or criticize the WLFA in its effort to achieve the goals we all share.

INDEPENDENT ANALYSIS BY STATE AGENCY LEGAL COUNSEL

Necessity

The fish and game laws of each state vary greatly, as do the history of their creation and interpretation. "One size fits all" should not be the philosophy in addressing concerns over or insuring the future of fishing and hunting. To understand or anticipate the mischief that may arise out of a proposal to amend the state constitution to create a right to hunt an in-depth analysis of the state laws must be conducted. Each state may reach different conclusions. In some cases the agency will have little or no say in such an initiative. However, ultimately, those who must act on the proposal, e.g. the person or group proposing it, the legislature, and the public, should develop their position based upon the development and availability of a sound analysis on the probable impacts of the initiative, be they perceived as good or bad. We strongly urge any agency facing

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such a proposal to create ample legislative history making clear the intended purpose of the constitutional change.

There have been suggestions that the Legal Committee develop a draft of a constitutional amendment that can be recommended to and used by a state agency. Because of the variance in state laws, and the foregoing discussion, the Subcommittee is of the opinion that development of a draft is not possible or prudent. Even the amendments or drafts that have been created or developed may not achieve the goals desired in light of the laws of your state. Amendments or drafts are available from the various states that have been struggling with this issue, along with information the state agency legal counsel can give. The draft by the WLFA is available from that organization, along with any information that can be provided by Tom Sherman. And, the members of this Subcommittee may be contacted by agency legal counsel for information and assistance.

Other Alternatives that may Serve to Achieve the Goal

Alternatives may exist to assure the future of hunting and fishing in each state short of pursuit or passage of constitutional amendment. Although the decision to pursue any initiative is a matter of policy for the agency, the alternatives listed below are either currently being pursued to address the very concerns identified as motives for pursuing constitutional amendments, or have been enacted to achieve those purposes. They include:

1. A review of current wildlife laws and modification as necessary, possibly including a statement of policy about the importance of hunting and fishing to the citizens of the state and the legislature's intention that they be preserved for future generations;
2. A review of hunter harassment laws to determine if they need modification to strengthen them in light of recent court rulings.
3. The modification of firearms use laws to ensure that the state retains sole authority to regulate hunting, with any authority of other jurisdictions to regulate the use of firearms for safety reasonably limited;
4. Enhancement of educational programs respecting hunting and fishing;

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5. The establishment of youth hunting and fishing programs and opportunities that serve to introduce youth to these recreational activities, such as special hunting or fishing days, waters, or experiences;
6. Maintenance of a liaison programs with conservation groups and associations to create a cohesive and strong support group for the continuation of these recreational activities or needed modifications or additions to the wildlife laws, which may include an official advisory role and state budget;
7. A review and analysis of state trespass laws to determine if they need adjusting to assure they even-handedly protect private property rights while furthering their availability for public recreational use if the landowner does not object. This review may include an analysis of the state's landowner liability laws respecting private landowner liability for recreational user accidents on private property.

SUMMARY

This Subcommittee is charged with preparing a report which identifies the pros and cons of the initiatives, both on Right to Hunt Amendments and the Ballot Initiative Amendments. The report, as for cons, is replete with examples of problems that may arise with the amendments. Attorneys confronted with this issue tell us that their main focus in analyzing drafts and providing advice was to minimize any negative impacts they may have on the agency's authority to manage and regulate wildlife and assure it remains in the state agency. The jury is still out on recently created amendments, but when weighing the possible benefits against the possible problems that may arise, the Subcommittee cannot recommend that they be pursued.

It has been suggested that this report include copies, or examples, of amendments that have been pursued or enacted. Some have suggested that the Subcommittee recommend the best and worst language, or that it even draft "good" language. It is the firm conviction of the Subcommittee that language currently being considered, or that has been enacted, not be included in the report. It also does not support any effort to "rate" the language as good, bad, or best. Matter of fact, the Subcommittee has concluded that it cannot draft "good" language. With the impossibility to predict the outcome of the enactment of such amendments, by jurisdiction, or otherwise, it would be irresponsible to recommend language.

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In the alternative, the Subcommittee suggests that any agency, or their legal counsel, with questions on amendments contact a member of the Subcommittee, or the attorney representing a state facing this issue, for information, language and advice. We continue to be of the opinion that discussion with legal counsel, or other agency representatives, who have experienced or are addressing amendments will work to convey the best information.

The position of this Subcommittee has been developed with the full consideration for the Directors and how we might best serve them. We are of the opinion that our recommendation serves the Directors best and will continue to be available for assistance.

Based upon information made available to the Subcommittee, the following States have or are experiencing efforts for such constitutional amendments

Alabama (passed)
Colorado
Idaho
Minnesota
Tennessee
Wisconsin
Wyoming

Respectfully Submitted

LEGAL COMMITTEE

George E. Meyer, Chair

legcom.jsc

The Citizen's Initiative Process

(Data compiled by the Wildlife Legislative Fund of America)

State	Statutory Initiatives		Constitutional Initiative	Statutory Referendum
	Direct	Indirect		
Alaska	Yes	No	No	Yes
Arizona	Yes	No	Yes	Yes
Arkansas	Yes	No	Yes	Yes
California	Yes	No	Yes	Yes
Colorado	Yes	No	Yes	Yes
Florida	No	No	Yes	No
Idaho	Yes	No	No	Yes
Maine	No	Yes	No	Yes
Maryland	No	No	No	Yes
Massachusetts	No	Yes	Yes	Yes
Michigan	No	Yes	Yes	Yes
Mississippi	No	No	Yes	No
Missouri	Yes	No	Yes	Yes
Montana	Yes	No	Yes	Yes
Nebraska	Yes	No	Yes	Yes
Nevada	No	Yes	Yes	Yes
New Mexico	No	No	No	Yes
North Dakota	Yes	No	Yes	Yes
Ohio	No	Yes	Yes	Yes
Oklahoma	Yes	No	Yes	Yes
Oregon	Yes	No	Yes	Yes
South Dakota	Yes	No	Yes	Yes
Utah	Yes	Yes	No	Yes
Washington	Yes	Yes	No	Yes
Wyoming	Yes	No	No	Yes

At a Glance:

Direct Statutory Initiative: Specified number of voters petition to propose statutes for public vote. Places measure directly on ballot without legislative action.

Indirect Statutory Initiative: Specified number of voters petition to propose statutes for public vote. Requires action from the legislature prior to vote.

Constitutional Initiative: Specified number of voters petition to propose constitutional amendment for public vote.

Statutory Referendum: Public petition to vote for approval or disapproval of legislative act.

Initiative states, where voters can propose laws or constitutional amendment by petition, and/or reject them by popular vote.





Alaska State Legislature

- Interim (May-Dec.) -
10928 Eagle River Rd., Suite 140
Eagle River, Alaska 99577
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FAX (907) 694-1015

- Session (Jan-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

HJR 12 Sponsor Statement

"A Resolution proposing amendments to the Constitution relating to Hunting, trapping, and fishing.

Updated: February 27, 2001

Contact: Representative Fred Dyson's office at (907) 465-2199

For the nearly 250 years of recorded history and for 8-11,000 years of known human habitation, Alaskans have hunted, fished, and trapped for their food, clothing, and material needs.

For Alaska's Native peoples, hunting, fishing, and trapping and gathering is a precious tie to a rich cultural heritage and to an intimate relationship with the land.

For Alaska's non-Native residents, hunting, fishing and trapping are major attractions and are among the primary reasons they came to Alaska. Non-native Alaskans often also rely on fish and game for sources of food and clothing. For many hunting, fishing, and trapping are long-held family traditions.

Hunting and fishing provide millions of pounds of food for Alaskans each year. This valuable renewable resource should not be under-rated. It is arguably healthier, depends almost solely on solar energy, does not require a large marketing and shipping overhead, reduces our dependency on the lower 48, and does not require tilled land, insecticides, and fertilizer. We are truly fortunate to be Alaskans.

Our State Constitution is a significant way for Alaskans to come to consensus and clearly state their collective values and priorities. The passage of this amendment will allow Alaskans to protect these valuable and historic activities for future generations.

This constitutional amendment is similar to one passed in North Dakota, Virginia, and Minnesota. The right of Alaskans to hunt, trap, and fish does not preclude all other uses of these natural resources.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>

HOUSE JOINT RESOLUTION NO. 12
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE DYSON

Introduced: 2/2/01

Referred: Resources, Judiciary, Finance

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to hunting,**
2 **trapping, and fishing.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** Article VIII, sec. 1, Constitution of the State of Alaska, is amended to read:

5 **Section 1. Statement of Policy.** (a) It is the policy of the State to encourage
6 the settlement of its land and the development of its resources by making them
7 available for maximum use consistent with the public interest.

8 * **Sec. 2.** Article VIII, sec. 1, Constitution of the State of Alaska, is amended by adding a
9 new subsection to read:

10 (b) Hunting, trapping, and fishing are a valued part of the heritage of the State
11 that shall be forever preserved for the people and shall be managed by law for the
12 public good.

13 * **Sec. 3.** The amendments proposed by this resolution shall be placed before the voters of
14 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
15 State of Alaska, and the election laws of the state.

Environmental Sanity: -- Think Globally, Act Locally

A presentation by Dr. Samuel Harbo, Jr., Emeritus Professor of Wildlife Management & Biometrics University of Alaska, Fairbanks representing the Alaska Outdoor Council at the Wolf Summit Fairbanks, Alaska, January 16 - 18, 1993

At the core of many of our environmental problems is our profligate use of cheap energy, energy that allows us to utilize distant resources in far-flung economies. No longer is consumption constrained by the sustainable limits of local resources.

The distancing of consumption from the source seems to have made us myopic, diminishing our sense of stewardship. We seem unable to visualize the effects an action taken in one geographic area might have on the environmental health of more distant areas. The current controversy is a case in point. To fully assess the environmental impacts of the proposed management plans, one must look beyond the three Alaskan areas proposed for wolf management. I am going to do so, relating the finding to our Alaskan situation.

U.S. food production requires enormous amounts of energy, with nearly all from fossil fuels. As the slide shows, the food system uses nearly 17 percent of the total U.S. energy budget. Within the food system, food processing and distribution account for 40 percent of the energy use, reflecting the fact that no longer do we depend on local sources for our food. On average, a morsel of food travels 1300 miles from point of production to point of consumption.

Agriculture itself -- the on farm component -- is energy consumptive and energy dependent, with nearly all coming from fossil fuels. Most activities on the farm depend on energy consumptive machinery. As you can see from the slide, fertilizers and pesticides account for nearly one-third of the on farm energy use. We are using up nature's capital -- fossil fuels -- to produce and market agricultural products.

The relationship of energy used to production is mind boggling. For example, one gallon of gasoline is used per bushel of corn produced. On average, nearly 10 calories of energy are expended per calorie of food consumed. This dependence on fossil fuels to produce food cannot be sustained.

The dependence on nonrenewable energy has other serious consequences. Our farms have steadily increased in size to provide the capitalization needed for the large, expensive equipment now used in agribusiness. Individual fields have grown larger to accommodate the large, heavy equipment. In the process, we have lost the fencerows, marshes and small natural drainage systems that helped conserve soil and water and that provided wildlife habitat. Heavy equipment compacts soil and decreases soil friability. The most damaging consequence, however, has been the increase in land degradation.

The problem of land degradation is not restricted to the U.S. The amount of arable land surface suffering moderate or severe degradation in the late 1970's ranged from 27 per cent in South America to 52 per cent in Australia. And the situation has worsened.

Soil erosion in the U.S. is worse now than ever before. Current losses are 25 to 50 per cent greater than when the Soil Conservation Service was established in the 1930's. Currently, for every bushel of Iowa corn produced, 5 bushels of Iowa topsoil are lost. At current rates, by 2015 Iowa's topsoil will be no more. In Eastern Washington, 20 bushels of top soil are lost for every bushel of wheat harvested. Much of current agriculture is not sustainable; we are mining our soils.

Having larger farms and fewer farmers also causes social ramifications. No longer do we have cohesive rural communities with strong local economies based on local resources. The soybean futures on the Chicago Exchange in early September may be influenced less by the harvest prospects in the midwest than by the state of the seed bed preparation in Argentina. We have lost our sense of local economies, and with it our strong ties to the land and our sense of stewardship.

The connections between reliance on local resources, attitudes toward the environment, and energy conservation are being increasingly recognized in conservation and environmental thinking.

Cheap energy has also changed animal husbandry in the U.S. No longer do we have small operations using local resources with the objective of serving local needs. Rather, we have very large operations that cannot be supported only with local resources: operations that are designed to satisfy distant markets. The associated transportation, processing, storage and distribution are energy intensive.

An added environmental insult is that most of the large dairy and beef operations involve penned animals. No longer do we allow those plant eaters to be efficient solar energy converters. Rather we grow and harvest the hay and grains, using energy intensive and soil destroying methods, and then transport those feeds to the penned animals. And then comes the problem of concentrated animal wastes; a problem we attempt to solve using energy intensive methods.

Our reliance on energy intensive methodology is the root cause of many of our environmental problems. Air pollution, soil erosion, ozone problems and water pollution all relate to our demand for energy.

Some of our ground water pollution is directly related to agriculture, particularly our use of commercial fertilizers. My brother in the corn and soybean area of the midwest no longer drinks water directly from his 80-foot well, but distills the water first due to the dangerous levels of nitrates in solution.

What is the relevance of all this to our current topic? I will use a moose management example for Game Management Subunit 20A to show the relevance.

Subunit 20A lies immediately to the south of Fairbanks, and consists of between 16 and 17 thousand square kilometers of moose habitat. The moose population has varied greatly in size, with a high of about 23,000 animals in the early sixties and a current population of about 11,000 animals.

I will describe a plausible scenario showing the potential for Subunit 20A. A temporary reduction in wolf numbers would allow the moose population to increase. Naturally occurring wildfires and modest habitat manipulation consisting of small-scale prescription burning, could provide additional high quality habitat for moose habitat that could support a very productive moose population of 20,000 animals.

Let's suppose we decide to maintain a wolf population of 350 wolves in 20A. In a nearly pure moose-wolf system, a ratio of one wolf to 30 moose results in nearly stable moose numbers. Subunit 20A is not a pure system. Other predators of note are black and grizzly bears. However, 20A also has other large prey -- caribou and Dall sheep. For ease of presentation I am assuming that, so far as the effects on moose numbers are concerned, the additional predator species are offset by the additional prey species. A more sophisticated analytic approach indicates that this simplistic approach is warranted.

Using the 1 wolf to 30 moose ratio, the 350 wolves could be supported by 10,500 moose, leaving 9,500 moose to produce a surplus for take by humans. In a productive situation a harvest rate of 25 per cent is sustainable. Hence, the 9,500 moose could produce a harvestable surplus of 2,375 moose annually, more than 2,000 animals greater than the current average harvest of about 350- moose. Assuming an average of 500 pounds of meat per moose, the increased harvest is more than one million pounds greater than our current harvest. In addition, the wolf population would have increased by more than 20 per cent.

All of this could be done solely through predator management and modest habitat manipulation. Both are ecologically and environmentally safe.

Comparing the energy inputs of the 20A moose scenario with that of beef production in the Lower 48 is revealing. In the Managed Wildlife System, the integrity of the natural ecosystem and the efficiency of the system's solar energy converters -- the moose -- remain intact. The system runs almost entirely on solar energy, without significant inputs of fossil fuel energy, without tillage that leads to soil erosion, and without using fertilizers, herbicides, pesticides or growth hormones. In addition, most benefits accrue directly to the local residents, providing strong incentives to manage the system in a healthy, sustainable manner.

In contrast, the Managed Domestic Meat Production System is fossil fuels dependent. In most beef operations, energy intensive cropping and haying operations separate the primary producers from the primary consumers. The entire marketing effort, which includes processing, storage and distribution, also is energy intensive, since most

products from such systems are destined for distant markets. Without substantial inputs of fossil fuels, fertilizers, herbicides and pesticides, the Managed Domestic Meat Production System would collapse.

From an Alaskan conservationist's perspective, the choice of System is clear.

A closing comment about value systems is appropriate.

One of the most important and cherished attributes in our society is our cultural and value system diversity. I don't believe any single value system or viewpoint should be imposed on everyone, everywhere, at all times. It is doubly important that such not occur if elements of that value system fly in the face of environmental sanity, undermining the creed "think globally, act locally."

I also believe an ethical question is raised if individuals pursue a course of action that they know to be environmentally damaging.

Joni

The attached materials were
received this afternoon,
and should be added to your packets for
HJR-12

Thank you

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HJR12
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
Title: Constitutional Amendment relating to hunting, BRU: Elective Operations
trapping, and fishing Component: Elections
Sponsor: Representative Dyson
Requester: House Resources Committee Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual		1.5				
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	1.5	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		1.5				
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	1.5	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumiai Phone 465-3935
Division: Division of Elections Date/Time 3/7/01 11:00 AM
Approved by: Lieutenant Governor Fran Ulmer Date 03/07/2001
Agency: Office of the Lieutenant Governor

For distribution information, call the Governor's Legislative Office



ALASKA OUTDOOR COUNCIL

P.O. Box 2193
Palmer, Ak. 99645
(907) 745-3772
FAX 745-6944

March 7, 2000

Representative Fred Dyson
Alaska State Capitol
Juneau, AK 99801

Dear Representative Dyson:

The Alaska Outdoor Council (AOC) appreciates your efforts to sustain consumptive uses of wildlife as an important Alaskan heritage. Your legislation, HJR 12 HUNTING, TRAPPING AND FISHING, will provide Alaska's consumptive users a much needed level of protection.

We have ample historical evidence that consumptive uses have lost considerable ground over the past three decades here in Alaska. Actions like ANILCA, Sheep Mountain, Cooper Lake, Paint River, etc. have closed substantial areas to consumptive uses since statehood. Environmental groups continue to pressure the state for more closures and have effectively emasculated any attempts to manage wildlife for sustained yield. In fact very little has been done to reverse the dramatic declines in several ungulate populations over the past eight years. Declines that have resulted or will soon result in major new restrictions on consumptive uses.

It is clear for those of us who have been working to support wildlife conservation efforts over the past several decades that the environmental groups have every intention of stopping consumptive uses of wildlife. Although they consistently present themselves to be supportive of consumptive uses, their testimony before the Legislature and the Board of Game has always opposed increased opportunities, and has always supported increased restrictions. This is a matter of public record.

On behalf of our membership and the thousands of Alaskans who still cherish their natural relationship with the natural world and choose to participate in that world rather than just observe it, we would like to thank you for your courage and foresight in promoting legislation that will protect this important Alaskan heritage. Please feel free to contact us if we can be of any assistance in the passage of HJR 12.

Sincerely,

Carl Rosier
President

Official State Association of the National Rifle Association

Revised to HJR, McCombs

HOUSE JOINT RESOLUTION NO. 12

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY REPRESENTATIVE DYSON

Introduced: 2/2/01

Referred: Resources, Judiciary, Finance

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12 public good.

13 * **Sec. 3.** The amendments proposed by this resolution shall be placed before the voters of
14 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
15 State of Alaska, and the election laws of the state.

Testimony - Wayne England, AD F&G.

Acknowledges similar bills = passed in other states w/ 2 parts.

- says Dept of Law says it could look like the intent is to side w/ a new part

∴ People may abuse system; Hunt out of season; By; side this "Right"

Suggests putting this in w/ one sustained yield regulated

ATTY - Steve White

(Fate) - Resolution seems clean - what = "unintended consequences"
Res. seems only to produce something that has already been

(Wayne) - Paul Linzini says don't use "public good" if will conflict w/ sustained yield

also "By Law" - should read "By law; Regulation"

He submitted paperwork from A.G. of Tennessee - when they decided Wayne thinks hunters could stop development not to do it in an area

(Mary K.) does Article 3 provide enough protection

(Wayne) - can't answer - too sick

(Kathleen) - I see that this could elevate hunting rights above sustained yield

(Steve White) - Asst AG - for Bill concept - just wants to be careful

7 states have const. Right to hunt provision

this is similar to North Dakota & Minnesota

He provided letter by me Linzini's concerns - 2nd page,

const. around puts power w/ court - in statute

the legislature still has power to change

(Salvi) lets focus on resource issues; let JUD deal w/ legal.

(White) also states he does not see any direct conflict w/ or sustained yield
is worried about "public good's" interpretation

(Kathleen) what about where it says "forever preserved"; a season?

DONELAN, CLEARY, WOOD & MASER, P.C.

ATTORNEYS AND COUNSELORS AT LAW

SUITE 750
1100 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-3934

OFFICE: (202) 371-9500

TELECOPIER: (202) 371-0000

March 26, 1996

Via TelecopierRoger Holmes, Director
Division of Fish and Wildlife
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4001Re: Proposed Amendment to the
Constitution of Minnesota To Preserve
Recreational Hunting

Dear Mr. Holmes:

You advise that the Minnesota legislature is considering measures which could lead to establishment in the state constitution of provisions which would preserve in residents of the state the right to engage in recreational hunting, subject to reasonable restrictions on seasons, bag limits, means and methods of take, and subject also to principles of sustained yield management. An alternative being considered would extend such constitutional recognition to the "privilege" of engaging in recreational hunting in contrast to the "right" of doing so.

You have requested my views on such proposals in light of my experience as Legal Counsel to the International Association of Fish and Wildlife Agencies, an organization whose government members include the fifty state fish and wildlife agencies. That experience over thirty years includes defending in court on numerous occasions against attempts by animal protection groups to close down recreational hunting. It also includes counseling with the State of Alaska for the last two years on the establishment of subsistence hunting provisions in that state's constitution.

No doubt exists that a considerable debt is owed to the hunters and anglers of America who, for over fifty years, have funded the restoration of game species from critical scarcity to relative abundance through the payment of license fees and of excise taxes on sporting equipment. They have willingly footed the bill for conservation. Nevertheless, there are problems in establishing constitutional recognition for a particular user group.

PRESENTED BY

DEPARTMENT OF LAW

MARCH 7, 2001

DONELAN, CLEARY, WOOD & MASER, P.C.

Page 2

Roger Holmes, Director

March 26, 1996

Certainly in everyday conversation one distinguishes between a right and a privilege. We commonly speak of recreational hunting as a privilege which has been handed down to make clear that it is not a right to which an individual is entitled. Nevertheless, whether the subject constitutional provision were framed in terms of a right or a privilege, the mere presence in the constitution of a provision establishing safeguards for residents to engage in recreational hunting will inevitably shift decision-making authority from the legislature to the courts to elaborate the implications of the constitutional status bestowed on this particular use. And, the fact of constitutional recognition by itself will almost certainly open the way for argument that the right/privilege may not be restricted in the absence of a demonstration of conservation justification. If the burden were thereby to shift to DNR, requiring it to demonstrate a conservation justification for each challenged element of its fish and wildlife regulations, significant agency resources would be expended in the process.

The presumption in favor of the validity of agency action means that a plaintiff bears the burden of proof, freeing the agency from the need to prove the validity of its regulations merely because a plaintiff alleges a violation. Without the presumption of validity of agency action taken pursuant to authority delegated by the legislature, a vast drain on the time and resources of agencies, and of courts, would occur. And, of course, if the courts rendered unforeseen decisions with which the legislature were dissatisfied, legislative recourse would be limited.

Five years ago, a group of Montana sportsmen sought to gather signatures sufficient to place on the ballot an initiative (CI-62) which would guarantee in the Montana constitution the right of residents to hunt game animals. In opposition thereto, it was asserted that elevation of the privilege of hunting to constitutional status would undercut the state's authority to discriminate in favor of residents in establishing fees for licenses and permits, an authority which the Supreme Court of the United States had upheld in Baldwin v. Montana Fish & Game Comm'n, 432 U.S. 371 (1978). In Baldwin, nonresident discrimination was upheld against constitutional challenge under the Privileges and Immunities Clause because the Court found that recreational hunting is not a fundamental right of U.S. citizenship. The signature drive bogged down when opponents claimed that providing constitutional status for hunting would undermine Montana's ability to charge higher nonresident license fees.

I argued for the state in Baldwin and personally am not convinced that the ruling in Baldwin would have been undercut, but the possibility cannot be ruled out. In any case, the argument apparently convinced enough people in Montana to stall the CI-62 initiative drive.

In summary, explicit constitutional recognition, whether of a right or of a privilege in residents to engage in recreational hunting, poses problems (1) by transferring decision-making authority from the legislature to the courts, and (2) by raising the very real prospect that the burden in litigation would shift to the agency to justify conservation measures. Language negating explicitly any shift of burden could resolve

DONELAN, CLEARY, WOOD & MASER, P.C.

Page 3
Roger Holmes, Director
March 26, 1996

the second point. By the nature of the subject, no language could resolve the first one if the constitution is amended.

Sincerely,

Paul A. Lenzini
Paul A. Lenzini, *Legal Counsel*
International Association of
Fish and Wildlife Agencies

8500-000



State of Wisconsin \ DEPARTMENT OF NATURAL
RESOURCES

Box 7921

Tommy G. Thompson, Governor
George E. Meyer, Secretary

101 South Webster

Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

March 30, 1998

TO: State Fish and Wildlife Directors
FROM: George E. Meyer - Chair, Legal Committee

SUBJECT: Report - Constitutional Amendments on the Right to Hunt/Ballot Initiatives

Enclosed is a copy of the Report prepared by the IAFWA Legal Committee on the issue of Right to Hunt Constitutional Amendments/Ballot Initiatives. It was approved unanimously by the Legal Committee on March 22, 1998. I hope it will prove to provide useful information for you and your staff if the issues arise in your State. Please note that the Subcommittee members, and in fact the members of the Legal Committee, remain available to discuss the issue and provide information to you and your staff.

I want to thank the Subcommittee for their effort in producing the draft report for consideration and action by the Legal Committee. They include:

L. Brooks Garland, TN - Co-Chair
Jim Christenson, WI - Co-Chair
Ron Arnold, WY
Steve Masten, ME
Scott Porter, KY

We also received significant input and assistance from Paul Lenzini, Legal Counsel for the IAFWA, Tom Sherman, Legal Counsel for the Wildlife Legislative Fund of America, and Roger Holmes from Minnesota DNR. Thanks Paul, Tom and Roger.

In addition, the Legal Committee meetings and action this Spring were well attended and very fruitful in addressing issues and forming a strong networking group of attorneys. If your Legal Counsel attended, thanks. If your Legal Counsel was unable to attend, I urge you to encourage their attendance at the September meeting of the IAFWA. It looks like we'll have significant issues to address and discuss this Fall, including a joint meeting with the Law Enforcement Committee to discuss issues before them, e.g. Violator's Compact, and how the Committees may work together to address issues.

See you in September.

Attachment

cc. Jim Christenson - LS/5
Steve Miller - AD/5
Tom Hauge - WM/4
Tom Harelson - LE/5

iafwa. jsc

PRESENTED BY

DEPARTMENT OF LAW

March 7, 2001

Through Excellent Customer Service

CONSTITUTIONAL INITIATIVES "RIGHT TO HUNT" REPORT OF THE SUBCOMMITTEE

In recent years state wildlife agencies have been faced with legislative initiatives to amend their state constitution to create the right to hunt, trap and fish. For the purpose of this report, we will refer to these efforts as "Right to Hunt" amendments.

In addition, states with the ballot initiative and referendum available to address hunting, trapping and fishing laws, are facing efforts to modify their constitutions to eliminate the voters* right to modify those laws by ballot initiatives. For the purpose of this report, we will refer to these amendments as "Ballot Initiative."

The state wildlife agencies experiencing these initiatives, or anticipating they will be proposed in their state, have asked the International Association of Fish and Wildlife Agencies (IAFWA) and its Legal Committee for advice on this issue.

The Legal Committee, at its September 7, 1997 meeting in Scottsdale, AZ, formed a Subcommittee to review, analyze and prepare a report on the various known efforts to amend state constitutions on the right to hunt or ballot initiatives, identifying their pros and cons. The constitutional amendment issues were briefly discussed earlier at its meeting in 1996. Since the 1996 meeting, the issue has again arisen in various states, including Minnesota, Wyoming, Colorado and Tennessee. Legal counsel or agency representatives from those states, and others, suggested the Legal Committee review the issue and advise the state agencies on it. The Subcommittee met in St. Paul, MN, on November 12, 1997, to discuss and receive input prior to preparing this draft report. Paul Lenzini, legal counsel for the IAFWA, submitted comments and information pertinent to this analysis. Tom Sherman, attorney for the Wildlife Legislative Fund of America (WLFA), which has drafted a model constitutional amendment which would prohibit the initiative and referendum provisions of state constitutions from being used to enact or reject laws which permit, limit, or prohibit taking of any species of wildlife, also provided information for consideration.

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March 30, 1998

Page 2

Both amendment initiatives (Right to Hunt or Ballot Initiative) appear to be motivated by a genuine concern that their creation will aid in guaranteeing the future of hunting and

fishing and thwart efforts of anti-hunting groups and others to stop or diminish these recreational activities in the future. Persons supporting amendments informed the Subcommittee that amending their state*s constitution seems like a good idea, but they also want to assure that the effort does not interfere with or impair the excellent wildlife management and use programs they now enjoy. Recent initiatives include the creation of a constitutional amendment in Alabama and the development of a recommended draft of language by the WLFA. The Alabama language establishes a constitutional preference for a user group. The WLFA draft primarily seeks to eliminate the Ballot initiative for statutory provisions relating to wildlife management Please see the attached table prepared by the WLFA which identifies initiative states.

We think that it may be useful to briefly revisit the legal underpinnings and history of state hunting, fishing and trapping (I refer to all of them with the term "hunting") regulation which we must reflect on as we consider this issue.

LEGAL UNDERPINNINGS

It has long been recognized that wild animals are subject to the authority of the sovereign and that the harvest of them is a privilege subject to regulation. The U.S. Supreme Court reviewed this history a century ago in the case of Geer v. Connecticut, 161 U.S. 519 (1896), and found the principle to be consistent in ancient Greece and the Roman Empire, during the subsequent history of northern Europe, and in England since the Norman Conquest nearly a thousand years ago. It was then vested in the colonial governments in North America, and passed to the states upon separation from the mother country.

Under the U.S. Constitution, the several states retain authority to regulate the wildlife resource as common property unless specifically pre-empted by federal law. Baldwin v. Montana Fish and Game Comm'n., 436 U.S. 371, 365-367 (1978). "We take it to be correct doctrine in this country that the ownership of wild animals, so far as they are capable of ownership, is in the state, not as a proprietor, but in its sovereign capacity, as the representative and for the benefit of all its people in common." Geer at 529, quoting State v. Rodman, 58 Minn. 393, 59 N.W. 1089

REPORT

March 30, 1998

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(1894).¹ Regulatory authority derives both from the state*s common ownership and the police power. Geer at 534, Lacoste v. Dept. of Conservation, 263 U.S. 545, 552 (1924) ("Protection of the wildlife of the state is peculiarly within the police power, and the state has great latitude in determining what means are appropriate for its protection.") This

authority to regulate wildlife harvest extends to both public and private land. Mountain States Legal Foundation v. Hodel, 799 F.2d 1423, 1426 (10 Cir. 1986).

In the last 100 years, or so, most of the states have developed comprehensive sets of laws for the conservation, management and harvest of their wildlife, normally consisting of statutes, orders and administrative rules (regulations), and court interpretations (common or case law) of the statutes and regulations. Although some states have constitutional provisions respecting the protection and management of wildlife, most do not. Of those states that have language respecting hunting or wildlife management, it appears the language has been part of the state constitution either for a long time or inserted only very recently. It is reasonable to infer that states that have had such language in their constitution for a long time have a set of wildlife laws, and court interpretations of them, considering and consistent with it. It is also reasonable to infer that recent amendments to a constitution will lead to a reexamination of the wildlife statutes and regulations of that state in light of the amendment. Therefore, the experience of states with longstanding language does not necessarily predict the experience of states with newly enacted language.

RIGHT TO HUNT

With the short history of recent amendments, we simply do not have a body of law (court interpretations) to determine what their impact will be on management and regulation. Successful initiatives may be seen as a benefit in their apparent solidification of legislative and public support for these recreational activities. However, even with public or legislative support, we must expect that the courts will be asked at some time to

¹Geer also held that a state could prohibit out-of-state transport of game taken within its borders. This was later found to be violative of the interstate commerce clause and overturned. Hughes v. Oklahoma, 441 U.S. 322 (1979), Geer still correctly expresses the principle that states regulate their game as common property for the common good. See Mountain States Legal Foundation v. Hodel, 799 F.2d 1423, 1426 (10 Cir. 1986).

REPORT

March 30, 1998

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examine and determine just what an amendment means for wildlife management and regulation for the state. We must assume that courts will view a constitutional amendment as legally significant.

The Southeastern Association of Fish and Wildlife Agencies Legal Committee, in October, 1997, reviewed and acted on this issue. Following its review, the Committee voted that it "does not approve of the use of constitutional amendments to state constitutions to create a right or privilege to fish and hunt because of the legal ramifications of an elevated standard of review of legislative and administrative agency actions." "The Committee does not support preparing draft language for those states considering such a constitutional amendment." Legal Counsel representing the states of Tennessee, Minnesota, Wisconsin, Kentucky and Wyoming, at the subcommittee meeting in St. Paul MN, in the main, expressed more concerns than benefits over such initiatives. Following that meeting of the Subcommittee where these concerns were discussed, Ron Arnold, an Assistant Attorney General for the state of Wyoming, and a member of this Subcommittee, presented these concerns to a legislative Committee in Wyoming considering an initiative to modify the Wyoming constitution to recognize the right or privilege to hunt. The legislative Committee dropped further consideration of the initiative.

Let us emphasize at this point that this analysis and any conclusions made are speculative. When a state wildlife agency is in a position to comment on a proposal, we suggest it recommend the amendment not be pursued. Where a constitution has been amended, or legislation otherwise enacted, this broad statement of position cannot, and should not, bear on any interpretation or effect of the language. The law of each state will vary and conclusions cannot be reached without a comprehensive review of those laws. This Subcommittee, and we suggest the Legal Committee, should leave any in-depth analysis to the attorney representing the state fish and wildlife agency so he or she may provide advice to the agency.

Keeping in mind that each state*s laws respecting wildlife management and the sports of hunting, fishing or trapping, may greatly vary, a number of general concerns have consistently been raised by attorneys when discussing the merits or demerits of proposing or creating a constitutional amendment.² Concerns include:

*Problems with
Constitutional Right
to Hunt provisions*

²In constitutional usage, the term "right" may well have the same meaning as the term "privilege." For the purposes of trying to anticipate the impacts on hunting, we should assume them to be the same.

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1. Potential problems of placing a proposed constitutional amendment on the ballot include:

- a. It may serve as a rallying cry for anti-hunting/fishing groups and create a cohesive group where one previously did not exist.
- b. Such proposal may polarize individuals against fishing and hunting. where those individuals may have previously had little or no interest in the issue.
- c. It may be viewed by the public as a firearms issue, rather than hunting, and encourage those concerned with firearms to oppose it.
- d. The proposal may raise questions or concerns about private property rights and trespass laws.

2. What might the impact be if the proposal fails passage? Possible results may include:

- a. A more wary and skeptical public may be created respecting hunting and fishing activities and agency management strategies.
- b. A legislature may be made more wary and may more cautiously approach or view wildlife management, fishing and hunting proposals in the future; or, the failure may be viewed as a mandate to proactively question or modify the wildlife management authority of the agency or the authorized recreational activities.
- c. Failure may be seen as a public endorsement of the anti-hunting agenda. Certainly, anti-hunting groups will make this argument.

3. State authority to conduct natural resource management may change as a result of the creation of a constitutional right to hunt. The effect of including this right or privilege in the constitution may be troublesome for a number of reasons, including:

- a. It may mean the state will lose the presumption of validity and have to meet a higher constitutional standard for its management. Currently, the constitutional standard of review for game and fish laws is whether they are rationally related to legitimate governmental purposes. The presumption is that they are, and the burden lies upon the challenger to show they are not. Because of the presumption and the fact that the burden on the challenger is not easy to sustain, the

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constitutionality of fish and game laws is rarely challenged. If hunting and fishing are made a constitutional right, the burden will shift and a much stricter standard will apply. There will be no presumption of constitutionality, and when challenged the state will, we suspect, have to prove that its fish and game laws are necessary to achieve a compelling governmental purpose, and there are no less restrictive alternatives available. With this difficult burden to sustain, the courts will be making the management decisions. The decision-making authority will be shifted from the legislature and agency to the courts. We suggest that this burden issue may be addressed by appropriate language in any Constitutional amendment.

- b. Once the amendment is a part of the state constitution and interpreted by the courts, there may well be no remedy in the legislature from a bad ruling provoked by a hard set of facts.
- c. In criminal prosecutions defendants may contend that the state must prove beyond a reasonable doubt that the law or regulation in question and its enforcement in their situation meets the constitutional standard.
- d. It is likely litigation will result with any constitutional amendment. Any citizen unhappy with a citation or wishing to challenge a law or initiative will likely raise their position or challenge on a constitutional basis as well as any other. Litigation may include actions for declaratory and injunctive relief. For instance, to what extent is the law truly necessary for conservation, as opposed to serving ethical or traditional practice purposes? Will seasons or methods of taking be affected? Of course, as with any litigation, it is costly and time-consuming.
- e. Will such a constitutional right impact firearms laws or regulations? Will it result in different treatment of nonresidents? Is the right to hunt a right to keep and bear arms?
- f. Will the state be required to expend funds to support or insure some certain level of hunting opportunity?
- g. Will such an amendment be interpreted as creating a fundamental right which may be reviewed by the federal courts as interfering with other laws, e.g. Migratory Bird Treaty Act. or Endangered Species Act?

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- h. How might such an amendment affect professional hunters or guides? Can the state continue to regulate, charge a fee, or otherwise restrict this activity?
- i. How might an amendment affect the viability of inter-state compacts respecting conservation law violations?
- j. Impacts on private property. It is possible that courts might find the prohibition on infringement of the hunting right extends to private landowners as well. On the one hand, trespass laws could become less enforceable; on the other, landowners might be limited in their ability to develop land, insofar as doing so diminishes hunting opportunity.

From the perspective of the hunter, a constitutional right to hunt may sound good, especially if anti-hunting groups become more active or successful: On closer-examination, however, creation of a constitutional right may create unanticipated consequences. As is the case with all other natural resources, the legal basis for the management of the wildlife resource and the regulation of its harvest lies in the fact that it is a common resource to be maintained for the benefit of the public. Its utilization by any individual is a privilege granted and regulated consistently with the collective public benefit. From the perspective of both the resource management agency as well as the hunter, making hunting a constitutional right may fundamentally alter and drastically interfere with wildlife management as currently practiced.

BALLOT INITIATIVE

As stated earlier in this report, the WLFA developed a draft constitutional amendment with the primary purpose of prohibiting the initiative and referendum provisions of a state constitution from being used to enact or reject laws which permit, limit, or prohibit the taking of any species of wildlife. The model amendment also includes a provision that the fish and wildlife belong to the people and shall be utilized and maintained on a sustained yield basis. In addition, it provides that fish and wildlife laws, and the agency empowered to conserve the fish and wildlife resources, shall not permit any taking which will reduce the

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population of any species authorized for taking as a game species below that level essential to its continued health and existence.

In that the model addresses the goals of the fish and wildlife program, as well as establishing restrictions of the regulatory agency, it is reasonable to anticipate similar issues and potential problems will arise with this type of an effort as the "Right to Hunt" amendment discussed previously. And, therefore, the position of the Subcommittee, and its recommendation, remains the same. The effort to amend the constitution, or actually enact the amendment, may raise more problems than it will resolve.

Any state seeking to reduce or eliminate the right of the people in initiative states to address fish and wildlife regulations may also subject it to the criticism that it is seeking to disenfranchise the voters. Thus, it can be expected that voters with little or no interest in the fish and wildlife program of the state may be brought into the mix. To this Subcommittee, adding this element of voter's rights merely serves only to amplify the issues raised with any hunting and fishing amendment and requires a sound analysis by the agency, and its legal counsel, on its role in or position on the pursuit of such an amendment.

Let us, however, add that this recommendation should not be read to demean or criticize the WLFA in its effort to achieve the goals we all share.

INDEPENDENT ANALYSIS BY STATE AGENCY LEGAL COUNSEL

Necessity

The fish and game laws of each state vary greatly, as do the history of their creation and interpretation. "One size fits all" should not be the philosophy in addressing concerns over or insuring the future of fishing and hunting. To understand or anticipate the mischief that may arise out of a proposal to amend the state constitution to create a right to hunt an in-depth analysis of the state laws must be conducted. Each state may reach different conclusions. In some cases the agency will have little or no say in such an initiative. However, ultimately, those who must act on the proposal, e.g. the person or group proposing it, the legislature, and the public, should develop their position based upon the development and availability of a sound analysis on the probable impacts of the initiative, be they perceived as good or bad. We strongly urge any agency facing

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such a proposal to create ample legislative history making clear the intended purpose of the constitutional change.

There have been suggestions that the Legal Committee develop a draft of a constitutional amendment that can be recommended to and used by a state agency. Because of the variance in state laws, and the foregoing discussion, the Subcommittee is of the opinion that development of a draft is not possible or prudent. Even the amendments or drafts that have been created or developed may not achieve the goals desired in light of the laws of your state. Amendments or drafts are available from the various states that have been struggling with this issue, along with information the state agency legal counsel can give. The draft by the WLFA is available from that organization, along with any information that can be provided by Tom Sherman. And, the members of this Subcommittee may be contacted by agency legal counsel for information and assistance.

Other Alternatives that may Serve to Achieve the Goal

Alternatives may exist to assure the future of hunting and fishing in each state short of pursuit or passage of constitutional amendment. Although the decision to pursue any initiative is a matter of policy for the agency, the alternatives listed below are either currently being pursued to address the very concerns identified as motives for pursuing constitutional amendments, or have been enacted to achieve those purposes. They include:

1. A review of current wildlife laws and modification as necessary, possibly including a statement of policy about the importance of hunting and fishing to the citizens of the state and the legislature's intention that they be preserved for future generations;
2. A review of hunter harassment laws to determine if they need modification to strengthen them in light of recent court rulings.
3. The modification of firearms use laws to ensure that the state retains sole authority to regulate hunting, with any authority of other jurisdictions to regulate the use of firearms for safety reasonably limited;
4. Enhancement of educational programs respecting hunting and fishing;

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5. The establishment of youth hunting and fishing programs and opportunities that serve to introduce youth to these recreational activities, such as special hunting or fishing days, waters, or experiences;
6. Maintenance of a liaison programs with conservation groups and associations to create a cohesive and strong support group for the continuation of these recreational activities or needed modifications or additions to the wildlife laws, which may include an official advisory role and state budget;
7. A review and analysis of state trespass laws to determine if they need adjusting to assure they even-handedly protect private property rights while furthering their availability for public recreational use if the landowner does not object. This review may include an analysis of the state's landowner liability laws respecting private landowner liability for recreational user accidents on private property.

SUMMARY

This Subcommittee is charged with preparing a report which identifies the pros and cons of the initiatives, both on Right to Hunt Amendments and the Ballot Initiative Amendments. The report, as for cons, is replete with examples of problems that may arise with the amendments. Attorneys confronted with this issue tell us that their main focus in analyzing drafts and providing advice was to minimize any negative impacts they may have on the agency's authority to manage and regulate wildlife and assure it remains in the state agency. The jury is still out on recently created amendments, but when weighing the possible benefits against the possible problems that may arise, the Subcommittee cannot recommend that they be pursued.

It has been suggested that this report include copies, or examples, of amendments that have been pursued or enacted. Some have suggested that the Subcommittee recommend the best and worst language, or that it even draft "good" language. It is the firm conviction of the Subcommittee that language currently being considered, or that has been enacted, not be included in the report. It also does not support any effort to "rate" the language as good, bad, or best. Matter of fact, the Subcommittee has concluded that it cannot draft "good" language. With the impossibility to predict the outcome of the enactment of such amendments, by jurisdiction, or otherwise, it would be irresponsible to recommend language.

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In the alternative, the Subcommittee suggests that any agency, or their legal counsel, with questions on amendments contact a member of the Subcommittee, or the attorney representing a state facing this issue, for information, language and advice. We continue to be of the opinion that discussion with legal counsel, or other agency representatives, who have experienced or are addressing amendments will work to convey the best information.

The position of this Subcommittee has been developed with the full consideration for the Directors and how we might best serve them. We are of the opinion that our recommendation serves the Directors best and will continue to be available for assistance.

Based upon information made available to the Subcommittee, the following States have or are experiencing efforts for such constitutional amendments

Alabama (passed)
Colorado
Idaho
Minnesota
Tennessee
Wisconsin
Wyoming

Respectfully Submitted

LEGAL COMMITTEE

George E. Meyer, Chair

legcom.jsc

The Citizen's Initiative Process

(Data compiled by the Wildlife Legislative Fund of America)

State	Statutory Initiatives		Constitutional Initiative	Statutory Referendum
	Direct	Indirect		
Alaska	Yes	No	No	Yes
Arizona	Yes	No	Yes	Yes
Arkansas	Yes	No	Yes	Yes
California	Yes	No	Yes	Yes
Colorado	Yes	No	Yes	Yes
Florida	No	No	Yes	No
Idaho	Yes	No	No	Yes
Maine	No	Yes	No	Yes
Maryland	No	No	No	Yes
Massachusetts	No	Yes	Yes	Yes
Michigan	No	Yes	Yes	Yes
Mississippi	No	No	Yes	No
Missouri	Yes	No	Yes	Yes
Montana	Yes	No	Yes	Yes
Nebraska	Yes	No	Yes	Yes
Nevada	No	Yes	Yes	Yes
New Mexico	No	No	No	Yes
North Dakota	Yes	No	Yes	Yes
Ohio	No	Yes	Yes	Yes
Oklahoma	Yes	No	Yes	Yes
Oregon	Yes	No	Yes	Yes
South Dakota	Yes	No	Yes	Yes
Texas	Yes	Yes	No	Yes
Washington	Yes	Yes	No	Yes
Wyoming	Yes	No	No	Yes

At a Glance:

Direct Statutory Initiative: Specified number of voters petition to propose statutes for public vote. Places measure directly on ballot without legislative action.

Indirect Statutory Initiative: Specified number of voters petition to propose statutes for public vote. Requires action from the legislature prior to vote.

Constitutional Initiative: Specified number of voters petition to propose constitutional amendment for public vote.

Statutory Referendum: Public petition to vote for approval or disapproval of legislative act.

Initiative states, where voters can propose laws or constitutional amendment by petition, and/or reject them by popular vote.



Potential Opposition:

This resolution will encounter well-organized and fervent opposition, most of which will be empowered by sources outside of the State of Alaska. Many significant Alaskan-based organizations that might oppose HJR 12 are funded by national politically active environmental groups. Some opponents might include:

The Fund for Animals (based in New York)

American Museum of Natural History

People for the Ethical Treatment of Animals (PETA)

Common Roots/ Wild Voices (based in Alaska)

Humane Society of the United States

The Committee to Abolish Sport Fishing with a web site sponsored by:
The Mary T. and Frank L. Hoffman Family Foundation

Alaska Conservation Voters (based in Alaska)

I have a list of over 250 Animal Rights WWW sites that could be added. While I have no desire to paint individuals involved in these organizations with the same brush in my defense of HJR 12, they unfortunately object in the name of, and with the funds of, cartels that frankly do not represent the will, or the best interest, of Alaskans. An example would be the Alaska Conservation Voters. I know and respect the opinions of some of the individuals that I know are involved, but, they are in a cartel that includes the Sierra Club, Greenpeace, and other large environmental groups. They were heavy investors in many Alaska campaigns this past fall.

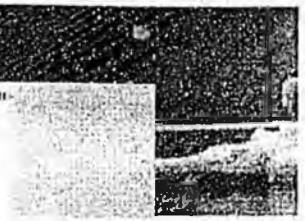
As an extreme example of what we are up against, I quote a representative of PETA; "The eating of fish... is unjustifiable on the basis of the cruelty inflicted on the fish and the damage to the environment." The opposition to HJR 12 will not be that obvious, but they will unfortunately be enabled by some organizations like PETA.

ALASKA CONSERVATION VOTERS = ACA PAC



Alaska Conservation Alliance

"Conserve Alaska: It's Only Natural"



[ACA Home Page](#)

[Inside ACA](#)

[Issue Groups](#)

[Member Organizations](#)

[Member Groups](#)

[Detailed List](#)

[Conservation GIS Support Center](#)

[Contact ACA](#)

[Site Map](#)

Member Organizations

Alaska Conservation Alliance (ACA) is a statewide coalition of 44 conservation groups & businesses representing over 35,000 individual members.

[Alaska Center for the Environment \(ACE\)](#)

[Alaska Community Action on Toxics \(ACAT\)](#)

*[Alaska Discovery](#)

[Alaska Forum for Environmental Responsibility](#)

*[Alaska Rainforest Campaign](#)

*[Alaska Wilderness Recreation and Tourism Assoc.](#)

[Alaska Wilderness League](#)

*[Alaska Wildland Adventures](#)

[Alaska Wildlife Alliance](#)

[Alaska Youth for Environmental Action](#)

[Anchorage Audubon Society](#)

[Arctic Audubon Society](#)

*[Campaign to Safeguard America's Waters](#)

([Earth Island Institute](#))

[Center For Marine Conservation](#)

*[Chichagof Conservation Council](#)

*[The Conservation Fund](#)

[Cook Inlet Keeper](#)

[Defenders of Wildlife](#)

[Denali Citizens Council](#)

*[Denali National Park Wilderness Centers, Ltd](#)

[Earthjustice Legal Defense Fund](#)

[Eastern Kenai Peninsula Environmental Action Assoc.](#)

*[Ecotrust](#)

[Friends of Potter Marsh](#)

[Greenpeace](#)

[Juneau Audubon Society](#)

[Kachemak Bay Conservation Society](#)

[Kodiak Audubon Society](#)

[League of Conservation Voters Education Fund](#)

[Lynn Canal Conservation](#)

[National Audubon Society](#)

[National Parks & Conservation Association](#)

[National Resources Defense Council](#)

[National Wildlife Federation-AK Natural Resource](#)

[Center](#)

[Northern Alaska Environmental Center](#)

[Sierra Club, Alaska Chapter](#)

[Sitka Conservation Society](#)

"In terms of wild preservation, Alaska the last frontier. In time, given one's final chance, let us strive to do it right in our generation ever again, will a land and wildlife opportunity approaching the end and importance of one."

Morris Udall, U.S. Representative, co-sponsor of Alaska Lands Bill

Join us

If your organization would like to join contact Marlo Sh at marlo@akvoice or call 258-6181.



- Southeast Alaska Conservation Council
- The Wilderness Society
- Tongass Conservation Society
- Trustees for Alaska
- Valley Alaska Center for the Environment
- Wildlife Federation of Alaska
- Wrangell Mountains Center

* Associate Members

If your organization would like to join Alaska Conservation Alliance, contact Marlo Shedlock at marlo@akvoice.org or 258-6181



Other Interesting Animal Rights WWW Sites

This page provides access to groups and organizations with homepages residing on remote servers or on EnviroLink.

- [ACARA](#)
- [Action for Animals Network Home Page](#)
- [Ahimsa Homepage](#)
- [ALF Supporters Group \(Poland - Polish Language\)](#)
- [Alliance for Animals Wisconsin](#)
- [Alternativa para la Liberación Animal \[Spain\]](#)
- [American Anti-Vivisection Society \(AAVS\)](#)
- [Animal Abuse Home Page \(Zoophile\)](#)
- [Animal Activist of Central Florida \(AACF\) \[US-FL\]](#)
- [Animal Aid](#)
- [Animal Connection of Texas \(ACT\)](#)
- [Animal Cruelty Investigation Group \(ACIG\)](#)
- [Animal Defense League](#) Nationally active, grassroots-oriented, animal liberation organization.
- [ADL of Albany](#)
- [Animal Defense League \(ADL\) - L.A.](#)
- [Animal Defense League - New Jersey](#)
- [Animal Defense League - NYC/LI](#)
- [Animal Emancipation, Inc. \(AE\)](#)
- [Animal Freedom](#)
- [Animal Health, Wellbeing, and Rights WWW Virtual Library Section](#) maintained by Stephen Ronan.
- [Animal Legal Defense Fund \(ALDF\) Working For Justice For Animals.](#)
- [Animal Liberation Action Group \(ALAG\) \[University of Wisconsin Oshkosh\]](#)
- [Animal Liberation Collective \[University of Guelph\]](#)
- [Animal Liberation Frontline Information Service \[ALFIS\]](#)
- [Animal Liberation NSW Australia.](#)
- [Animal Liberation Queensland](#)
- [Animal Liberation South Australia](#)
- [Animal Liberation of Texas](#)

- [Animal Liberation Victoria Australia.](#)
- [Animal Peace \(German\)](#)
- [Animal Place \(CA, USA\)](#)
- [Animal Politics Home Page](#)
- [Animal Protection Institute of America \(API\)](#)
- [Animal Protection of New Mexico \(APNM\)](#)
- [Animal Protester's Bulletin Against live exports.](#)
- [Animal Rights Advocates \(ARA\) \[Perth Western Australia\]](#)
- [Animal Rights Advocates of Western New York \(ARA of WNY\)](#)
- [Animal Rights Coalition \(ARC\) \(UK\)](#)
- [Animal Rights Coalition \[ARC\] \(Minnesota\)](#)
- [Animal Rights Coalition \(University of Massachusetts\)](#)
- [ANIMAL RIGHTS DIRECT ACTION COALITION - SAN FRANCISCO \[ARDAC - SF\]](#)
- [Animal Rights Foundation of Florida \(ARFF\)](#)
- [Animal Rights Hawai'i \(ARH\)](#)
- [Animal Rights Media Collective](#)
- [Animal Rights Mobilization \(ARM!\)](#)
- [Animal Rights New York City \(ARNYC\)](#)
- [Animal Rights Watch](#)
- [Animals 2000 and Beyond](#)
- [The Animals' Agenda Magazine: Web Edition](#)
- [Animals' Angels](#)
- [Animals Australia Australian arm of ANZFAS](#)
- [Animals Deserve Absolute Protection Today and Tomorrow \(ADAPTT\)](#)
- [Animals Contacts Directory \[UK\] Links to groups and individuals working for animal rights and welfare worldwide.](#)
- [Animals' Hope Petition Team](#)
- [Animals In Print \(AIP\)](#)
- [Animal Voices \[AR Radio Program\]](#)
- [Animal Watch Australia](#)
- [The Animal Welfare Institute](#)
- [Animal Wellness International](#)
- [APAP Ferrater Mora Tossa de Mar \[English, Catalan & Spanish AR Site\]](#)
- [APASFA -Associacao Protetora de Animais Sao Francisco de Assis \[Portuguese Language\]](#)
- [Ark Online](#)
- [Ark Trust](#)
- [Association of Veterinarians for Animal Rights \(AVAR\)](#)
- [Auckland Animal Action](#)
- [Beauty Without Cruelty](#)
- [Boston Resource for Animals, Vegetarians, and the Environment \[BRAVE\]](#)
- [Breach Marine Protection \[BMP\]](#)
- [Campaign Against Factory Farming \(CAFF\) \(NZ\)](#)
- [Cambridge Animal Rights](#)

- [Campaign for the Abolition of Angling \[CA/A\] \(Pisces\) UK](#) anti-fishing organization.
- [Campaign to Free Karttula Beagles and Rabbits \(Finland\)](#)
- [Campaign for Responsible Transplantation \(CRT\)](#)
- [Carolina Animal Activists Together \[CAAT\]](#)
- [Centre d'Information Vivisectionniste International Scientifique \(CIVIS\)](#)
- [Cincinnati's Animal Rights & Vegan Page](#)
- [Civitas. Citizens for Planetary Health, Coalition to Protect Animals in Parks & Refuges](#)
- [Coalition for Animals](#)
- [Coalition to Abolish the Fur Trade \[CAFT\]](#)
- [Coalition to End Private Experimentation \(CEPE\)](#)
- [Committee to Abolish Sport Hunting](#)
- [Compassionate Action for Animals \[Minneapolis, MN\]](#)
- [Compassion in World Farming \(CIWF\)](#)
- [Compassion Over Killing \(COK\)](#)
- [Concern for Helping Animals in Israel \(CHAI\)](#)
- [Cornell Students for the Ethical Treatment of Animals \(CSETA\)](#)
- [Danish Society for the Protection of Laboratory Animals \[Danish & English\]](#)
- [Deca AnimalRights \[Swedish\]](#)
- [Defenders Coalition for Animal Liberation](#)
- [Dr. Hadwen Trust](#) Researching alternatives to animal use.
- [EarthCare \[English/Chinese\]](#)
- [Earthroot Education](#)
- [ERN - electronic resistance network](#)
- [Ethics and Vegetarianism in Action \[EVA\] \(Dutch Language\)](#)
- [EVRTR - support group - Animal Liberation Front activist \[Finland\]](#)
- [EUROPEAN COALITION TO END ANIMAL EXPERIMENTS](#)
- [FALCON--Front for Animal Liberation and Conservation \(South Africa\)](#)
- [Farm Animal Reform Movement \(FARM\)](#)
- [FARM Sanctuary](#)
- [Feminists for Animal Rights \(FAR\)](#)
- [Florida Voices for Animals, Inc. \(FVA\)](#)
- [Friends of Animals \(FoA\)](#)
- [The Fund for Animals](#)
- [Gaia](#) Belgium-based AR organization.
- [Guide to Animal Rights \(About.com\)](#)
- [Houston Animal Rights Team](#)
- [Humane Education Network](#)
- [The Humane Farming Association](#)
- [Humanitarians for Animal Rights Education \(HARE\)](#)
- [Hunt Saboteurs Association](#) UK direct-action organization for stopping hunting.

- [Illinois Animal Action](#)
- [In Defense of Animals \(IDA\)](#)
- [In the Defense of Earth and Animals - I.D.E.A.](#)
- [Israeli Society for the Abolition of Vivisection \(ISAV\)](#)
(English and Hebrew language page)
- [Japan Anti-Vivisection Association \(JAVA\)](#)
- [Jews for Animal Rights \(JAR\)](#)
- [International Society for Animal Rights](#)
- [Keele \(UK\) Animal Rights Society](#)
- [Kids Who Kare Online](#)
- [Last Chance for Animals \(LCA\)](#)
- [Latin American Society of Animal Welfare](#)
- [League Against Cruel Sports \(LACS\)](#)
- [Lega Anti Vivisezione \(LAV\) Italian language.](#)
- [Lega Antivivisezionista LEAL \(Milano, Italy\) Italian Language.](#)
- [Lega Italiana dei Diritti dell' Animale Italian language.](#)
- [Lehigh Valley Animal Rights Coalition](#)
- [Leonardo da Vinci Animal Rights Webpage \(Spain\)](#)
- [Les Cahiers Antispécistes \(French Language\)](#)
- [Liberación Animal es liberación Humana](#)
- [Liberation Animal Rights and Vegan Magazine](#)
- [Live Exports](#)
- [London Animal Action](#)
- [Manitoba Animal Rights Coalition \(MARC\)](#)
- [Maqi - for Animal Rights, against Speciesism \[German Language Site\]](#)
- [Medical Research Modernization Committee](#)
- [Menschen FuR Tierrechte Bundesverband der Tierversuchgegner - Menschen für Tierrechte E.V.](#)
- [Mercy for Animals Online \(US-OH\)](#)
- [Michigan Animal Rights Society](#)
- [MIT Students for the Ethical Treatment of Animals \(SETA\)](#)
- [National Anti-Hunt Campaign](#)
- [National Anti-Vivisection Society \[NAVS\]](#)
- [New England Anti-Vivisection Society \[NEAVS\]](#)
- [New Jersey Animal Rights Alliance \(NJARA\)](#)
- [New River Valley Coalition for Animal Rights and the Environment \(N R V - C A R E\)](#)
- [New West Research](#)
- [New Zealand Anti-Vivisection Society \(Inc.\)](#)
- [NOAH - for dyrs rettigheter \(Norwegian Language\)](#)
- [NOAH - Tromsø, For dyrs rettigheter \[Norway\]](#)
- [Northwest Animal Rights Network \(NARN\)](#)
- [OIKEUTTA ELÄIMILLE \(Justice for Animals\) \[Finland\]](#)
- [One Struggle \[Net-based Animal Rights Forum\]](#)
- [One Struggle](#)
- [One Struggle: Earth Rights - Animal Rights - Human Rights](#)
- [Open University Students for Ethical Science \(OU SES\)](#)

- People Against Companion Animal Slaughter (PACAS)
- People Against Vivisection
- People for Animal Rights
- People for Animal Rights [P.A.R. of Central New York]
- Performing Animal Welfare Society (PAWS)
- People for the Ethical Treatment of Animals (PETA)
- PETA-Deutschland e.V.
- PETA Europe
- PeTA India
- PlanetKeeper [Portuguese]
- Predator Defense Institute
- Primarily Primates
- Primates in Entertainment (PIE) Action Center
- Progressive Animal Welfare Society (PAWS)
- Protect Our Earth's Treasures (P.O.E.T.)
- Protesters Animal Information Network Limited [UK]
- The Protesters Supporters' Page [UK - BAN LIVE EXPORTS]
- Psychologists for the Ethical Treatment of Animals
- QUEbec Alliance of Students for Animal Rights (OUASAR)
- Rabbit Information Service
- Respect for Animals
- Richmond Animal Rights Network (RARN)
- Rocky Mountain Animal Defense (RMAD)
- San Diego Animal Advocates (SDAA)
- Sarasota In Defense Of Animals
- Save Animals From Exploitation (SAFE) [New Zealand]
- Sea Defense Alliance (SeDnA)
- See Shepherd Conservation Society
- SHARK (formerly the Chicago Animal Rights Coalition -- CHARC)
- South Bay In Defense of Animals [San Jose, CA]
- STANFORD VEGAN ACTION
- St. Louis Animal Rights Team (START)
- Student Coalition for Animal Rights (SCAR) Wilmington, NC.
- Students for the Ethical Treatment of Animals (SETA) [University of Oregon]
- Students for the Ethical Treatment of Animals (SETA) (University of Toronto)
- Students for Animal Liberation (SFAL)
- Students Organization for Animal Rights (SOAR) At the University of Minnesota.
- Supporting and Promoting Ethics for the Animal Kingdom [SPEAK]
- The Swedish Fund for Research Without Animal Experiments (Swedish Language and Some English)
- Swedish Society Against Painful Experiments on Animals [In Swedish]

- [Swedish Society Against Painful Experiments on Animals \(Uppsala Branch\)](#) (Swedish Language and Some English)
- [Texas Establishment For Animal Rights \[T.E.A.R.\]](#)
- [Die Tierversuchsgegner Aachen e.V. - Menschen für Tierrechte](#) [German AR organization]
- [UncagedCampaigns-HomePage](#)
- [United Animal Nations \(UAN\)](#)
- [United Poultry Concerns \(UPC\)](#)
- [Vegan Outreach](#)
- [Vegan Resistance For Liberation](#)
- [VIVISECTION Home Page](#)
- [VOICE for Animals \[US-TX\]](#)
- [Voices For Animals \[US-PA\]](#)
- [Voices for Animals \[US-VA\]](#)
- [Washington Wildlife Alliance \(WWA\)](#)
- [The WEBster: Animal Information and Animal Rights](#)
- [Wellington Animal Action](#) [New Zealand]
- [Wildlife Advocacy Project](#)
- [World Animal CONSCIENCE](#)
- [World Animal Net Directory](#) [Has one of the best directories of organizations on the net!]
- [World Society for the Protection of Animals \[WSPA\]](#)
- [Youth for Animal Liberation](#) [Miami, FL]
- [Youth for Animal Liberation](#) (British Columbia)
- [Zoocheck Canada](#)

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Further financial support has been provided through a grant from the International Fund for Animal Welfare.

The views and opinions expressed within this page are not necessarily those of the EnviroLink Network nor the Underwriters. The views are those of the authors of the work.



ALASKA OUTDOOR COUNCIL

P.O. Box 2193
Palmer, Ak. 99645
(907) 745-3772
FAX 745-6944

March 7, 2000

Representative Fred Dyson
Alaska State Capitol
Juneau, AK 99801

Dear Representative Dyson:

The Alaska Outdoor Council (AOC) appreciates your efforts to sustain consumptive uses of wildlife as an important Alaskan heritage. Your legislation, HJR 12 HUNTING, TRAPPING AND FISHING, will provide Alaska's consumptive users a much needed level of protection.

We have ample historical evidence that consumptive uses have lost considerable ground over the past three decades here in Alaska. Actions like ANILCA, Sheep Mountain, Cooper Lake, Paint River, etc. have closed substantial areas to consumptive uses since statehood. Environmental groups continue to pressure the state for more closures and have effectively emasculated any attempts to manage wildlife for sustained yield. In fact very little has been done to reverse the dramatic declines in several ungulate populations over the past eight years. Declines that have resulted or will soon result in major new restrictions on consumptive uses.

It is clear for those of us who have been working to support wildlife conservation efforts over the past several decades that the environmental groups have every intention of stopping consumptive uses of wildlife. Although they consistently present themselves to be supportive of consumptive uses, their testimony before the Legislature and the Board of Game has always opposed increased opportunities, and has always supported increased restrictions. This is a matter of public record.

On behalf of our membership and the thousands of Alaskans who still cherish their natural relationship with the natural world and choose to participate in that world rather than just observe it, we would like to thank you for your courage and foresight in promoting legislation that will protect this important Alaskan heritage. Please feel free to contact us if we can be of any assistance in the passage of HJR 12.

Sincerely,

Carl Rosier
President

Official State Association of the National Rifle Association

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR12
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title: Constitutional Amendment relating to hunting, BRU: Elective Operations
trapping, and fishing Component: Elections
 Sponsor: Representative Dyson
 Requester: House Resources Committee Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual		1.5				
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	1.5	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		1.5				
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	1.5	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumiai Phone 465-3935
 Division: Division of Elections Date/Time 3/7/01 11:00 AM
 Approved by: Lieutenant Governor Fran Ulmer Date 03/07/2001
 Agency: Office of the Lieutenant Governor

For distribution information, call the Governor's Legislative Office



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