TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

April 21, 2005 LR 8

have a...it has to be a valid exercise of the police power. It has to be rationally related to a legitimate government purpose. It is not a legitimate government purpose to take a right away from the people without some rational basis. And if you cannot now take a right away from the people without some rational basis, isn't that exactly the same thing this amendment is saying, that you can't regulate hunting, trapping and fishing except reasonable restrictions? I mean, to me that gets down to and points out the utter lack of necessity for this provision and the suggestion that maybe you get to the same end anyway. You get very close to the same end anyway. But what's concerning about it is that you already have this in the constitution, yet you're putting additional language in, which will be confusing, and which will cause lawyers to look at this provision and possibly instigate lawsuits, more lawsuits, more litigation, based on this language. And, Senator Schrock, just to get into the record, I'd like to ask you some questions about this language "reasonable restrictions," what are "reasonable restrictions, if you could respond.

SENATOR SCHROCK: Yes, Senator Beutler. What is the question?

SENATOR CUDABACK: Senator...

SENATOR BEUTLER: Let me start out with this question. Is there any current restriction in law or any type of restriction, either by statute or by rule and regulation, that is currently unreasonable?

SENATOR SCHROCK: I don't believe there is, Senator Beutler.

SENATOR BEUTLER: Okay. So wouldn't...it's not your intent that this would be the basis for contesting any existing rule or regulation or law?

SENATOR SCHROCK: Absolutely not. And I think those decisions are best left to probably this body but, more importantly probably, the details, to the Game and Parks Commission.

SENATOR BEUTLER: Okay. But isn't it true, with respect to all of our existing laws in the Game and Parks area, that if any