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Hodge: Watch step on outdoors measure

By **BOB HODGE**, hodge@knews.com
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NASHVILLE - Tennesseans might be getting a constitutional right to hunt and fish, but it's not going to be right away ... and we only need it if it says the right things.

A nearly 3-year-old effort to get the state constitution amended to include a right to hunt and fish has passed the Senate and is working its way through the House. If the effort stays on track, the public will have a chance to vote on the measure when the gubernatorial elections roll around again in 2010.

A good idea? Alabama, Georgia, Virginia and a handful of other states think so and already have amendments.

Tennessee's proposed amendment reads: "The citizens of this state have the right to hunt, fish, and harvest game and fish, subject to regulations and restrictions authorized by this constitution and prescribed by law. When reviewing such regulations and restrictions, a state court shall utilize a rational basis standard, as the standard has been defined through state courts by case law. This statute shall not be construed to abrogate any private property rights or the state's sovereignty over game and fish, or regulation of commercial activities."

Why have a right to hunt and fish? To protect the minority from the tyranny of the majority. In this case, the minority are the hunters and fishermen and the majority are the rest of the citizens in a state that is quickly losing its rural cast and becoming more urban.

Ballot initiatives and we-know-better-than-you-do courts have paralyzed game management in states from Maryland to Wisconsin to California. Well-heeled anti-hunting groups only need an apathetic electorate or one sympathetic judge to undo decades of outdoors traditions.

But passing a right to hunt and fish amendment just to have one can create its own set of problems.

The battle in Tennessee hasn't been over the popularity of such an amendment, but over its wording. Nearly a dozen different versions of the amendment were offered in the Senate before the current one passed last year.

"Constructing the amendment correctly is the difference between protecting hunting and fishing or setting the stage for destruction of wildlife management in Tennessee," said Mike Butler, executive director of the Tennessee Wildlife Federation.

"What we don't want is throwing the door open to judicial interpretation."

Tennessee now has a potential amendment with good language.

Earlier this year, it passed the House Environment and Conservation Committee unanimously and is now in the Budget Subcommittee of Finance Ways and Means. It's not far from being brought to the House floor.

For the past few years, hunters and fishermen have spit and sputtered over higher license

fees. Change a bag limit or creel limit and you can have a march on Nashville. But the right to hunt and fish amendment has been under the radar.

The reality is it means more than how many bucks you can shoot or how many bucks you have to spend.

If the legislature gets it wrong, instead of hiring wildlife officers, biologists and technicians Tennessee Wildlife Resources Agency will spend all our license dollars on lawyers.

Do nothing and the state might get by with no amendment at all. Or it could find itself in the same mess that Maryland has with bear seasons or Wisconsin has with dove season or California has with its cougar population.

Now it's up to the state representatives to "Git-R-Done." More importantly, they also need to make sure they "Git-R-Right."

Bob Hodge covers outdoors. He may be reached at 865-342-6314.



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