

As Amended by House Committee

Session of 2015

House Concurrent Resolution No. 5008

By Representatives Couture-Lovelady and Lusker

1-22

1 A PROPOSITION to amend the bill of rights of the constitution of the
2 state of Kansas by adding a new section thereto, relating to the public
3 right to hunt, fish and trap wildlife.

4
5 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
6 *members elected (or appointed) and qualified to the House of*
7 *Representatives and two-thirds of the members elected (or appointed)*
8 *and qualified to the Senate concurring therein:*

9 Section 1. The following proposition to amend the constitution of
10 the state of Kansas shall be submitted to the qualified electors of the state
11 for their approval or rejection: The bill of rights of the constitution of the
12 state of Kansas is hereby amended by adding a new section to read as
13 follows:

14 "**§21. Right of public to hunt, fish and trap wildlife.** The
15 people have the right to hunt, fish and trap, including by the use of
16 traditional methods, subject to **reasonable** laws and regulations
17 that promote wildlife conservation and management and that
18 preserve the future of hunting and fishing. Public hunting and
19 fishing shall be a preferred means of managing and controlling
20 wildlife. This section shall not be construed to modify any
21 provision of law relating to trespass, property rights or water
22 resources."

23 Sec. 2. The following statement shall be printed on the ballot with
24 the amendment as a whole:

25 "*Explanatory statement.* This amendment is to preserve
26 constitutionally the right of the public to hunt, fish and trap
27 wildlife subject to reasonable laws and regulations. The right
28 of the public to hunt, fish and trap shall not modify any
29 provision of common law or statutes relating to trespass,
30 eminent domain or any other private property rights.

31 "A vote for this proposition would constitutionally preserve the
32 right of the public to hunt, fish and trap wildlife that has
33 traditionally been taken by hunters, trappers and anglers.
34 This public right is subject to state laws and rules and
35 regulations regarding the management of wildlife and does
36 not change or diminish common law or statutory rights

1 relating to trespass, eminent domain or private property.
2 "A vote against this proposition would provide for no
3 constitutional right of the public to hunt, fish and trap
4 wildlife. It would maintain existing state laws and rules and
5 regulations governing hunting, fishing and trapping
6 wildlife."

7 Sec. 3. This resolution, if approved by two-thirds of the members
8 elected (or appointed) and qualified to the House of Representatives, and
9 two-thirds of the members elected (or appointed) and qualified to the
10 Senate shall be entered on the journals, together with the yeas and nays.
11 The secretary of state shall cause this resolution to be published as
12 provided by law and shall cause the proposed amendment to be submitted
13 to the electors of the state at the general election in November in the year
14 2016 unless a special election is called at a sooner date by concurrent
15 resolution of the legislature, in which case it shall be submitted to the
16 electors of the state at the special election.