

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 laws and regulations that promote
17 wildlife conservation and management and that preserve the future
18 of hunting and fishing. Public hunting and fishing shall be a
19 preferred means of managing and controlling wildlife. This section
20 shall not be construed to modify any provision of law relating to
21 trespass, property rights or water resources."

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

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

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

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

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