

## House Concurrent Resolution No. 5037

By Committee on Federal and State Affairs

3-13

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9 A PROPOSITION to amend the bill of rights of the constitution of the  
10 state of Kansas by adding a new section thereto, relating to the public  
11 right to hunt and fish.  
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13 *Be it resolved by the Legislature of the State of Kansas, two-thirds of*  
14 *the members elected (or appointed) and qualified to the House of Rep-*  
15 *resentatives and two-thirds of the members elected (or appointed) and*  
16 *qualified to the Senate concurring therein:*

17 Section 1. The following proposition to amend the constitution of the  
18 state of Kansas shall be submitted to the qualified electors of the state  
19 for their approval or rejection: The constitution of the state of Kansas is  
20 amended by adding a new section thereto to read as follows:

21 “§ 21. **Right of public to hunt, fish and trap.** The people  
22 have a right to hunt, fish and trap and harvest game, subject to  
23 reasonable regulations approved by the state legislature. Consistent  
24 with the public trust to conserve birds, fish, game and wildlife, tra-  
25 ditional methods may be used to take non-threatened species. Pub-  
26 lic hunting, fishing and trapping shall be the preferred means of  
27 managing and controlling non-threatened wildlife. Nothing in this  
28 amendment shall be construed to modify any provision of common  
29 law or statutes relating to trespass, eminent domain or any other  
30 property rights.”

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

33 *“Explanatory statement.* This amendment is to preserve consti-  
34 tutionally the right of the public to hunt, fish and trap wildlife  
35 subject to the governing laws and regulations. The right of the  
36 public to hunt, fish and trap shall not modify any provision of  
37 common law or statutes relating to trespass, eminent domain or  
38 any other private property rights.

39 “A vote for this proposition would constitutionally preserve the right  
40 of the public to hunt, fish and trap wildlife that has traditionally  
41 been taken by hunters, trappers and anglers. This public right is  
42 subject to state laws and regulations regarding the management  
43 of wildlife and does not change or diminish common law or stat-

1           utory rights relating to trespass, eminent domain or private  
2           property.

3           “A vote against this proposition would provide for no constitutional  
4           right of the public to hunt, fish and trap wildlife. It would main-  
5           tain existing state laws and regulations governing hunting, fishing  
6           and trapping 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 pro-  
12          vided by law and shall cause the proposed amendment to be submitted  
13          to the electors of the state at the general election in the year 2008 unless  
14          a special election is called at a sooner date by concurrent resolution of  
15          the legislature, in which case it shall be submitted to the electors of the  
16          state at the special election.