

THE HOUSE OF REPRESENTATIVES  
Wednesday, April 9, 2008

ENGROSSED  
Senate Joint  
Resolution No. 38

ESJR 38

ENGROSSED SENATE JOINT RESOLUTION NO. 38 - By: COFFEE, RABON, RICE, GARRISON, IVESTER, GUMM, SPARKS, ADELSON AND PADDACK of the Senate and TERRILL of the House.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article II to be designated as Section 36; recognizing certain right of the citizens of this state related to game and fish; recognizing hunting, fishing and trapping heritage; vesting the Wildlife Conservation Commission with certain power and authority; allowing reasonable regulation; limiting operation of law; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

1 SECTION 1. The Secretary of State shall refer to the people for their approval or  
2 rejection, as and in the manner provided by law, the following proposed amendment to  
3 Article II of the Constitution of the State of Oklahoma by adding a new Section 36 to  
4 read as follows:

5 Section 36. A. All citizens of this state shall have an inherent right to engage in  
6 hunting, trapping, fishing, and taking game and fish, free of state laws which explicitly

1 or implicitly effectively prohibit the ability of citizens to engage in such activities.  
2 Hunting, trapping, fishing and the taking of game and fish are a valued part of our  
3 heritage and will forever be preserved for the people. The Wildlife Conservation  
4 Commission shall be vested with the power and authority to approve methods, practices  
5 and procedures for hunting, trapping, fishing and the taking of game and fish.

6 B. Nothing in this section shall:

7 1. Be construed to prohibit reasonable regulation of the hunting, trapping, fishing  
8 and taking of game and fish; or

9 2. Operate to repeal or invalidate any laws or rules in existence on the effective  
10 date of its adoption.

11 SECTION 2. The Ballot Title for the proposed Constitutional amendment as set  
12 forth in SECTION 1 of this resolution shall be in the following form:

13 **BALLOT TITLE**

14 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

15 **THE GIST OF THE PROPOSITION IS AS FOLLOWS:**

16 This measure adds a new section to the State Constitution. It adds  
17 Section 36 to Article 2. It gives all people of this state the right to  
18 hunt, trap, fish and take game and fish. State laws which keep  
19 people from engaging in such activities would not be allowed. It  
20 allows the Wildlife Conservation Commission to approve methods  
21 and procedures for hunting, trapping, fishing and taking of game

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 and fish. This amendment would not prevent reasonable  
2 regulation of such activities. It would not repeal any existing law.

3 SHALL THE PROPOSAL BE APPROVED?

4 FOR THE PROPOSAL — YES \_\_\_\_\_

5 AGAINST THE PROPOSAL — NO \_\_\_\_\_

6 SECTION 3. The President Pro Tempore of the Senate shall, immediately after the  
7 passage of this resolution, prepare and file one copy thereof, including the Ballot Title set  
8 forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney  
9 General.

10 COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES, dated 04-08-  
11 08 - DO PASS.