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THE STATE SENATE
Thursday, February 21, 2008

Senate Joint
Resolution No. 38

SENATE JOINT RESOLUTION NO. 38 - By: COFFEE and RABON 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:

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

Section 36. A. All citizens of this state shall have an inherent right to engage in hunting, trapping, fishing, and taking game and fish, free of state laws which explicitly or implicitly effectively prohibit the ability of citizens to engage in such activities. Hunting, trapping, fishing and the taking of game and

1 fish are a valued part of our heritage and will forever be preserved
2 for the people. The Wildlife Conservation Commission shall be
3 vested with the power and authority to approve methods, practices
4 and procedures for hunting, trapping, fishing and the taking of game
5 and fish.

6 B. Nothing in this section shall:

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

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

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

14 BALLOT TITLE

15 Legislative Referendum No. _____ State Question No. _____

16 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

1 hunting, trapping, fishing and taking of game and
2 fish. This amendment would not prevent reasonable
3 regulation of such activities. It would not repeal
4 any existing law.

5 SHALL THE PROPOSAL BE APPROVED?

6 FOR THE PROPOSAL - YES _____

7 AGAINST THE PROPOSAL - NO _____

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

13 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 2-21-08
14 - DO PASS, As Coauthored.