

# CONSTITUTIONAL AMENDMENT

# E

Shall the Utah Constitution be amended to:

- preserve the individual right to hunt and to fish, including the right to use traditional hunting and fishing methods subject to certain regulation; and
- establish public hunting and fishing as the preferred way of managing and controlling wildlife?

## Ballot Title

**FOR**

**AGAINST**

## Legislative Votes

### Utah Senate

21 Yes 7 No 1 Not Present

### Utah House of Representatives

59 Yes 11 No 5 Not Present

## Bill Title & Session

2020 Legislative General Session  
House Joint Resolution (H.J.R.) 15  
*Proposal to Amend Utah  
Constitution -- The Right to Hunt  
and Fish*

## IMPARTIAL ANALYSIS

Constitutional Amendment E adds a section to the Utah Constitution that preserves the individual right to hunt and to fish, including the right to use traditional hunting and fishing methods. The Amendment also establishes public hunting and fishing as the preferred way of managing and controlling wildlife.

Under Constitutional Amendment E, the right to use traditional hunting and fishing methods may be affected by laws, rules, and regulations that:

- promote wildlife conservation and management;
- provide reasonable regulation of hunting and fishing activities; or
- preserve the future of hunting and fishing.

Constitutional Amendment E states that the Amendment does not affect:

- laws related to trespass or property rights;
- the state's authority over its natural resources; or
- the state's duty to manage lands that the state received when Utah became a state.

## Effective Date

If approved by voters, Constitutional Amendment E takes effect on January 1, 2021.

## Fiscal Effects

The Legislative Fiscal Analyst has determined that Constitutional Amendment E will have no fiscal effect and will not result in any increase or decrease in revenue or cost to the state or to local governments.

## ARGUMENT IN FAVOR

Including the right to hunt and fish in Utah's constitution ensures these opportunities are protected for future generations of Utahns.

Recognized as "natural rights" for most of human history, the right to hunt and fish has been understood as the right to procure healthy, natural food for oneself and family. However, special interests are actively working to take away these opportunities and, in a growing number of States, they have been successful. In Europe, before the founding of our country the legal

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right to hunt had been limited to nobles and the monarchy. But on the American continent settlers found bountiful wildlife and the freedom to pursue it. From native peoples they learned to depend on food from the land. They viewed the equal rights to hunt and fish as proof of their liberty.

Though these rights were understood, these were not included in the United States Constitution. They were left to the states. In the Pennsylvania constitution of 1776, the right to “fowl and hunt in seasonable times...and...to fish” was enshrined. Vermont’s constitution adopted similar language in 1777. Recently, many other states have noted the need to protect these rights and amended their constitutions to do it. At least 20 other states have passed such legislation. These include our neighboring states of Idaho, Wyoming, and Montana. Utah has no similar constitutional protections.

The need for states to constitutionally protect hunting and fishing was spurred by actions of special interests who have succeeded at removing opportunities to hunt and fish in other states. In California, Colorado, New Jersey and elsewhere, special interests whittle away at hunting - attacking specific seasons, hunting methods and even certain types of game. The same special interests openly declare that they will continue this fight. Unfortunately, their actions are uninformed and short sighted. They are removing a source for citizens to procure healthy, natural organic food. They are also removing the management tools and funding that state wildlife agencies depend on.

Utah has vibrant and varied wildlife populations. Those populations exist because of the contributions of hunters, anglers, and sport shooters – not despite them. Since the 1800’s they have supported reasonable regulation of hunting and fishing. In fact, money from the sale of licenses and taxes on firearms, fishing gear and archery equipment fund most wildlife and habitat conservation in the United States - nearly \$2 billion each year.

Utah will continue to protect wildlife resources for all citizens, allocate wildlife resources following rules of law, protect against frivolous and illegitimate killing of wildlife, provide equal opportunity for everyone to hunt and fish, and manage wildlife using the best science available. This amendment does not change that.

The equal right to hunt and fish in America is part of our unique history. It continues to sharpen our appreciation of nature and the world around us. It is a sign of our liberty and responsibility. Amendment E ensures these opportunities and experiences are available for all Utahns, today and in the future.

Vote FOR Amendment E

-Representative Casey Snider and Senator Allen M. Christensen

## REBUTTAL TO ARGUMENT IN FAVOR

Our right to hunt and fish is not under attack.

Hunting and fishing are important in Utah and already enjoy strong protections here. However, they are not so threatened or vital they must be enshrined in our state’s most sacred document.

The proponent of Amendment E acknowledges that hunting and fishing will continue to be protected for generations to come, with or without this constitutional amendment. The words above are worth repeating:

“Utah will continue to protect wildlife resources for all citizens. . . [and] provide for everyone to hunt and fish. This amendment does not change that.”

If we agree that we will continue enjoy and protect our right to hunt and fish – even without this amendment – why do we need it?

The proponent rightly states that the United States Constitution does not mention hunting or fishing. Was it an oversight by our founding fathers, or did they wisely recognize that the pages of the constitution should be filled with sacred truths, not occupied by cherished recreational activities?

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If we look to our neighboring states like the proponent does, we see that Arizona rejected a similar constitutional amendment at the ballot box. We see that Colorado quashed a similar proposal before it could even go to an election. Sixteen other states have done the same, including the conservative states of West Virginia, Iowa, Missouri, North Carolina, Kansas, and Indiana. Most states have not degraded their constitutions by adding these unnecessary protections. Neither should we.

Vote AGAINST Amendment E.

- Representative Marsha Judkins and Senator Karen Mayne

## ARGUMENT AGAINST

Hunting and fishing are essential and undeniable parts of Utah's cultural identity and economy and protected in statute. We love and cherish many things about our great state. Few are so vital they must be enshrined in our state's most sacred document.

The Second Amendment in the U.S. Constitution and our Utah Constitution guarantee our rights to keep and bear arms and individuals' rights to protect themselves and their families. These sacred constitutional liberties are not about hunting and fishing. We should not dilute them by adding to them or defining them as something they are not.

If we do not carefully scrutinize what goes into it, the entire document will lose value. That is not to say that we should not protect hunting and fishing—we absolutely should. But if we do not draw a line between rights that are fundamental and privileges that extend from those rights, we will no longer be able to tell the difference.

Nobody is threatening our right to hunt and fish. Any threat is hypothetical or imaginary. The Utah Division of Wildlife Resources is an agency of outdoor sports professionals and enthusiasts dedicated to preserving and managing Utah's vibrant hunting and fishing traditions, culture, and industry. The protections and promotion that they provide is woven deep into the laws of our state and are not going anywhere.

Legislative supporters of Amendment E admit that the amendment will not make any meaningful difference in how hunting and fishing is managed in the state. It will have no meaningful impact on people's access to hunting and fishing. These activities are and will continue to be open to all. Without the amendment, you will still be able to hunt and fish, and the state will continue to promote and protect these activities as they always have.

No one is even considering taking away our hunting and fishing rights, so why are we considering inserting unnecessary language into our constitution?

By adding this amendment, we will dilute our fundamental rights, like our right to protect ourselves and families, our right to free speech, and our right to peaceably assemble.

Vote NO to protect the power of our constitutional rights. Vote no on amendment E.

- Senator Karen Mayne and Representative Marsha Judkins

## FULL TEXT OF CONSTITUTIONAL AMENDMENT E

### PROPOSAL TO AMEND UTAH CONSTITUTION -- THE RIGHT TO HUNT AND FISH

2020 General Session

#### Utah Constitution Sections Affected:

ENACTS:

#### ARTICLE I, SECTION 30

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to enact Utah Constitution Article I, Section 30, to read:

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## **Article I, Section 30. [Right to hunt and fish.]**

(1) The individual right of the people to hunt and to fish is a valued part of the State's heritage and shall be forever preserved for the public good.

(2) The right under Subsection (1) includes the right to use traditional methods to hunt and to fish, subject only to statute, and rules and regulations adopted as provided by statute, to:

(a) promote wildlife conservation and management;

(b) provide reasonable regulation of hunting and fishing activities; and

(c) preserve the future of hunting and fishing.

(3) Public hunting and fishing shall be the preferred means of managing and controlling wildlife.

(4) This section does not affect:

(a) the law relating to trespass or property rights;

(b) the State's sovereign authority over the State's natural resources; or

(c) the State's obligation to manage lands granted to the State under the Enabling Act.

## **Section 2. Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

## **Section 3. Contingent effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2021.