

Regular Session, 2004

SENATE BILL NO. 2

BY SENATORS MCPHERSON, CAIN, B. GAUTREAUX, N. GAUTREAUX, MALONE,
MICHOT AND ROMERO

HUNTERS/HUNTING. Constitutional amendment to preserve the freedom to hunt, fish, and trap subject to regulation, restriction, or prohibition imposed by law. (2/3-CA13s1(A))

A JOINT RESOLUTION

Proposing to add Article I, Section 27 of the Constitution of Louisiana, relative to the declaration of rights; to preserve the freedom to hunt, fish, and trap, subject to regulation, restriction, or prohibition imposed pursuant to law; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to add Article I, Section 27 of the Constitution of Louisiana, to read as follows:

§27. Freedom to Hunt, Fish and Trap

Article I, Section 27 is all proposed new law.

Section 27. The freedom to hunt, fish, and trap wildlife, including all aquatic life, traditionally taken by hunters, trappers and anglers, is a valued natural heritage that shall be forever preserved for the people. Hunting, fishing and trapping shall be managed by law and regulation consistent with Article IX, Section I of the Constitution of Louisiana to protect, conserve and replenish the natural resources of the state. The provisions of this Section shall not alter the burden of proof

1 requirements otherwise established by law for any challenge to a law or regulation
 2 pertaining to hunting, fishing or trapping the wildlife of the state, including all aquatic
 3 life. Nothing contained herein shall be construed to authorize the use of private
 4 property to hunt, fish, or trap without the consent of the owner of the property.

5 Section 2. Be it further resolved that this proposed amendment shall be submitted to
 6 the electors of the state of Louisiana at the election to be held on November 2, 2004.

7 Section 3. Be it further resolved that on the official ballot to be used at said election
 8 there shall be printed a proposition, upon which the electors of the state shall be permitted to
 9 vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall read
 10 as follows:

11 To guarantee the right of every citizen to hunt, fish and trap, subject to
 12 regulation, restriction, or prohibition as provided by law. (Adds Article I,
 13 Section 27)

The original instrument and the following digest, which constitutes no part of
 the legislative instrument, were prepared by Thomas L. Tyler.

McPherson (SB 2)

DIGEST

Proposed constitutional amendment preserves the freedom to hunt, fish, and trap wildlife, including all aquatic life, traditionally taken by hunters, trappers and anglers, and further emphasizes that such freedom is a valued natural heritage that shall be forever preserved for the people of Louisiana. Further requires that hunting, fishing, and trapping be managed by law and regulated consistent with the constitution.

Provides that burden of proof otherwise established by law for any challenge to a law or regulation pertaining to hunting, fishing, or trapping is not altered by the proposed amendment.

Provides that nothing in proposed amendment shall be construed to authorize the use of private property to hunt, fish, or trap without the consent of the owner of the property.

Specifies submission of the amendment to the voters at the election to be held November 2, 2004.

(Adds Const. Art. I, §27)