

# Tribune Star - Terre Haute, Indiana

## Hoosiers to vote on hunting rights this fall Right to Hunt and Fish amendment on ballot

- By Maureen Hayden CNHI State Reporter • Indianapolis
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Voters this fall may enshrine a right to hunt and fish in the same article of the state Constitution that protects freedom of speech and the right to a speedy trial.

Included on the same ballot on which Hoosiers will pick the next president and governor is Public Question 1, which asks if they want to “forever preserve” the right to harvest the state’s wildlife.

If voters approve the so-called Right to Hunt and Fish amendment, Indiana will join 19 other states that have enshrined similar language in their constitutions as part of an effort spearheaded by the National Rifle Association.

Opponents include the Humane Society of the United States, whose leaders say the question addresses a threat doesn’t exist and could create problems down the road.

“No one’s rights are under attack,” said Erin Huang, head of the Humane Society’s Indiana chapter.

She said the measure, once locked into the Constitution, could complicate the management of the state’s wildlife and open the state to lawsuits against hunting restrictions, such as limits on deer season.

In addition to declaring a right to hunt, fish and harvest wildlife, the amendment says “hunting and fishing shall be a preferred means of managing and controlling wildlife.”

“There’s the potential for unintended consequences,” she said.

Rep. Sean Eberhart, R-Shelbyville, disputes those fears, noting the amendment says the right to hunt and fish is subject to laws passed by the General Assembly, and it cannot be construed to infringe on existing property rights.

“I think the language is clearly focused,” he said.

Backers of the amendment have spent years trying to get it past the multiple political steps needed to put a constitutional question to voters. The past legislative session was different, with a Republican super-majority clearing the final hurdle.

“The make-up of the Legislature now is that we have enough conservative folks concerned about individual rights, and this is one right that a lot of us feel very strongly about,” said Eberhart, who sponsored the most recent bill.

For 20 years, the NRA has worked with state legislatures on similar measures, saying they’re needed to stave off well-funded efforts by national animal advocacy groups to ban hunting.

The first effort at a right-to-hunt law in Indiana came in 1998, when the legislature considered a bill filed by retired Goshen lawmaker John Ulmer, an ardent hunting advocate.

The effort failed to gain support but returned in 2005 after wildlife officials first moved to shut down private, high-fenced preserves that charge hunters for the chance to shoot deer. Courts have since cleared the way for those preserves to operate.

In 2005, both the state House and Senate passed measures to change the constitution to include the right to hunt and fish.

But the same language needed to be passed again by a separately elected Legislature before going to voters – a requirement for any amendment to the state Constitution. It failed the next time it was up in 2007.

It was revived again two years ago, as the high-fence hunting battle heated up again, and cleared the second vote this year.

Among its staunchest advocates this time was retiring state Sen. Brent Steele, R-Bedford, an NRA member and author of the 2011 legislation that barred local governments from restricting firearms.

Steele has described the right-to-hunt amendment as an “inoculation” against what he describes as quiet but pervasive efforts to kill hunting as a sport.

The ballot question has gotten little attention this summer in the buildup to an election more focused on high-profile races including close contests for president, governor and a U.S. Senate seat.

While millions of dollars have been poured into those races, the amendment question has prompted little overt support or opposition.

Instead, both the NRA and Humane Society have been contacting members to encourage them to vote for or against the bill.

ALSO:

The full text of Public Question 1 on this fall's ballot, the proposed "Right to Hunt and Fish" amendment, reads:

Article 1 of the Constitution of the State of Indiana is amended by adding a new section to read as follows:

Section 39. (a) The right to hunt, fish, and harvest wildlife:

(1) is a valued part of Indiana's heritage; and

(2) shall be forever preserved for the public good.

(b) The people have a right, which includes the right to use traditional methods, to hunt, fish, and harvest wildlife, subject only to the laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly to:

(1) promote wildlife conservation and management; and

(2) preserve the future of hunting and fishing.

(c) Hunting and fishing shall be a preferred means of managing and controlling wildlife.

(d) This section shall not be construed to limit the application of any provision of law relating to trespass or property rights.

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