

Amendment 83: Constitutional Right to Hunt and Fish

Placed on the ballot by citizen initiative • Passes with 55 percent of the vote

Amendment 83 proposes amending the Colorado Constitution to:

- establish a constitutional right to fish and hunt certain wildlife; and
- create a policy that states hunting and fishing are the preferred means of managing fish and wildlife populations in Colorado.

What Your Vote Means

YES

A “yes” vote on Amendment 83 establishes a state constitutional right to hunt and fish.

NO

A “no” vote on Amendment 83 means that hunting and fishing will continue as allowed under existing state and federal law.

Summary and Analysis of Amendment 83

What does Amendment 83 do?

Amendment 83 establishes a right in the Colorado Constitution to fish and hunt certain wildlife, and establishes hunting and fishing as the preferred means of managing fish and wildlife populations.

The right applies to traditional hunting and fishing methods. It does not apply to species that are not typically hunted or fished (nongame species), endangered species, or any species that is illegal to hunt under federal law. This measure does not change existing laws related to trespassing on private property. It allows the state to regulate hunting, fishing, and wildlife management if necessary for sound scientific reasons, public safety, or to preserve future hunting and fishing opportunities.

How does Colorado currently manage and regulate fish and wildlife?

Colorado Parks and Wildlife (CPW) is the state agency responsible for fish and wildlife management in Colorado and administers regulations for hunting and fishing, as adopted by the CPW Commission, a citizen board appointed by the Governor. State law requires wildlife and their environment to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people and visitors of Colorado.

Current regulations on hunting and fishing include:

- where and when hunting and fishing can occur;
- license and permit requirements;
- methods and materials for hunters and anglers; and
- limits on how many animals can be hunted, fished, or trapped.

Regulations are generally guided by information on wildlife and fish populations, species and habitat management plans, and recreational opportunities and needs.

How does this measure affect existing and future hunting and fishing regulations?

The measure results in no immediate change to existing state law or regulations. Hunting and fishing will continue to be allowed under existing state and federal law and regulations.

Creating a new constitutional right to hunt and fish may affect how the legislature or CPW Commission makes policies about hunting and fishing, and it could lead to changes depending on how courts interpret the language of the measure when reviewing existing or future policies.

Argument For Amendment 83

- 1) This measure provides lasting protection against future attempts to restrict or eliminate hunting and fishing, and Colorado should join the 24 other states that similarly protect the right to hunt and fish in their state constitutions. Additionally, hunting and fishing are part of Colorado's heritage and cultural identity and are important to its tourism and recreation economy. Revenue from hunting and fishing licenses benefits habitat and wildlife management efforts in all areas of the state, with one-third of CPW's current annual revenue, about \$115 million, coming from license sales.

Argument Against Amendment 83

- 1) The state constitution should protect fundamental rights and not recreational activities. Colorado is already a leader in wildlife conservation and management. Enshrining a right to hunt and fish in the Colorado Constitution is unnecessary, and it promotes one method of managing wildlife above others. This measure may restrict the ability to place guardrails on hunting, fishing, and trapping. Further, the use of undefined, vague language could prompt costly legal challenges and undermine reasonable regulations that voters, state lawmakers, and CPW have already put in place.

Information about the organizations supporting and opposing this measure is available on the Colorado Secretary of State's website:

www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2026.html

Fiscal Impact of Amendment 83

State Spending

The measure is not expected to significantly change state spending in the near term, but could result in increased legal costs for the state as the new right to hunt and fish is applied. Specifically, CPW may have increased workload and costs for legal advice when developing new rules and regulations to ensure that they comply with the measure. In addition, if legal challenges to the constitutionality of new or existing hunting and fishing regulations occur, CPW spending on litigation costs will increase. The exact amount of these potential costs cannot be estimated because they depend on the actions of private parties and decisions by the courts.