

1 HOUSE BILL NO. 367

2 INTRODUCED BY P. FIELDER, M. BLASDEL, B. BROWN, M. CUFFE, J. ELLSWORTH, C. GLIMM, S.
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9
 10 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
 11 AMENDMENT TO ARTICLE IX, SECTION 7, OF THE MONTANA CONSTITUTION TO PROTECT THE
 12 RIGHTS OF MONTANA CITIZENS TO HUNT, FISH, TRAP, AND HARVEST WILD FISH AND WILDLIFE;
 13 ESTABLISHING THAT HUNTING, FISHING, AND TRAPPING IS THE PREFERRED MANNER OF
 14 MANAGING WILD FISH AND WILDLIFE; ALLOWING FOR NECESSARY ~~AND PROPER MANAGEMENT~~
 15 ~~AND CONSERVATION-MANAGEMENT~~ STATUTES AND REGULATIONS; MAINTAINING THAT THIS RIGHT
 16 DOES NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY OR DIMINISH OTHER PRIVATE
 17 RIGHTS; AND PROVIDING AN EFFECTIVE DATE."

18
 19 WHEREAS, hunting, fishing, and trapping are a valued part of Montana's harvest heritage; and
 20 WHEREAS, the people of Montana find it necessary to enact this amendment to the Montana
 21 Constitution solely to protect hunting, fishing, and trapping from undue bans or restrictions; and

22 WHEREAS, contemporary hunting, fishing, and trapping practices play a crucial, cost-effective role in
 23 sound wildlife management and conservation; and

24 WHEREAS, hunting, fishing, and trapping provide subsistence, life skills, health, and self-reliance
 25 central to the well-being of thousands of Montanans; and

26 WHEREAS, hunting, fishing, and trapping aid significantly in controlling wildlife populations, reducing
 27 wildlife-related conflicts, and preventing harm caused by wildlife to persons, property, crops, and livestock; and

28 WHEREAS, conservation fees paid by hunters, anglers, and trappers support wildlife management,

1 conservation, and enforcement programs that are beneficial to all wildlife species in Montana; and

2 WHEREAS, in addition to all of the above, hunting, fishing, and trapping provide meaningful outdoor
3 recreation opportunities that connect people to the environment unlike any other activity; and

4 WHEREAS, this amendment to the Montana Constitution is intended to confirm all vested private
5 property rights and in no way creates a public right of trespass on private property for hunting, fishing, trapping,
6 or the harvest of wild fish and wildlife; and

7 WHEREAS, this amendment to the Montana Constitution is intended to preserve ~~effective means,~~
8 ~~methods, and seasons~~ CURRENT MEANS AND METHODS of hunting, fishing, and trapping and allows for necessary
9 ~~and proper management and conservation~~ MANAGEMENT laws and regulations; and

10 WHEREAS, this amendment to the Montana Constitution is not intended to provide a right to impede or
11 supersede other uses of land or water, such as farming, ranching, logging, irrigation, public works, or
12 development; and

13 WHEREAS, this amendment to the Montana Constitution is not intended to require the state to offer the
14 same rights and licensing structure to nonresidents as it does to residents; and

15 WHEREAS, this amendment to the Montana Constitution is not intended to delay or thwart existing
16 wildlife control measures, such as those employed by game wardens and wildlife services to immediately or
17 effectively protect persons or property from harm caused by wildlife.

18

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20

21 **Section 1.** Article IX, section 7, of The Constitution of the State of Montana is amended to read:

22 **"Section 7. Preservation of harvest heritage.** ~~The opportunity to harvest wild fish and wild game~~
23 ~~animals is a heritage that shall forever be preserved to the individual citizens of the state and does not create a~~
24 ~~right to trespass on private property or diminution of other private rights.~~ The citizens of Montana have the right
25 to hunt, fish, trap, and harvest wild fish and wildlife, including the right to use ~~customary and current means and~~
26 methods, which does not create or imply any right of public trespass on private property or diminish in any way
27 vested private property rights. The state shall give preference to hunting, fishing, and trapping by citizens as the
28 primary but not exclusive means of the state's management of wild fish and wildlife populations for the benefit

1 of all Montanans. This ~~state management~~ RIGHT is subject to the necessary and proper management and
 2 conservation-MANAGEMENT statutes enacted by the legislature and regulatory authority delegated by the
 3 legislature to a designated public agency or commission."

4
 5 NEW SECTION. Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal
 6 to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote
 7 of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

8
 9 NEW SECTION. Section 3. Effective date. [This act] is effective upon approval by the electorate.

10
 11 NEW SECTION. Section 4. Submission to electorate. [This act] shall be submitted to the qualified
 12 electors of Montana at the general election to be held in November 2022 by printing on the ballot the full title of
 13 [this act] and the following:

14 YES on Constitutional Amendment ____.

15 NO on Constitutional Amendment ____.

16 - END -