

SENATE BILL NO. 236

INTRODUCED BY J. FIELDER, N. BALLANCE, D. BARTEL, B. BEARD, S. BERGLEE, M. BLASDEL,
 B. BROWN, E. BUTTREY, P. CONNELL, M. CUFFE, A. DOANE, R. EHLI, K. FLYNN, T. GAUTHIER,
 C. GLIMM, B. GRUBBS, S. GUNDERSON, B. HAMLETT, J. HINKLE, M. HOPKINS, D. HOWARD,
 D. JONES, L. JONES, D. KARY, B. KEENAN, J. KNOKEY, D. LENZ, D. LOGE, F. MANDEVILLE,
 T. MANZELLA, W. MCKAMEY, M. NOLAND, A. OLSZEWSKI, R. OSMUNDSON, A. REDFIELD, K. REGIER,
 M. REGIER, T. RICHMOND, S. SALES, J. SMALL, C. SMITH, F. SMITH, N. SWANDAL, R. TEMPEL,
 F. THOMAS, B. TSCHIDA, C. VINCENT, G. VUCKOVICH, K. WAGONER, K. WHITE, J. WINDY BOY,
 D. ZOLNIKOV, F. MOORE, B. HOVEN, T. GAUTHIER, A. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
 AMENDMENT TO ARTICLE IX, SECTION 7, OF THE MONTANA CONSTITUTION RECOGNIZING THAT THE
 RIGHT TO HUNT, FISH, AND TRAP TO HARVEST FISH AND WILDLIFE IS ESSENTIAL TO PURSUING LIFE'S
 BASIC NECESSITIES; ESTABLISHING THAT PUBLIC HUNTING, FISHING, AND TRAPPING ARE THE
 PREFERRED MEANS OF CONTROLLING AND HARVESTING FISH AND WILDLIFE; ALLOWING STATUTES
 THAT SEEK SCIENTIFIC WILDLIFE MANAGEMENT AND CONSERVATION, SAFEGUARD CURRENT
 LAWFUL MEANS AND METHODS OF HUNTING, FISHING, AND TRAPPING, AND PROTECT PERSONS AND
 PROPERTY FROM HARM CAUSED BY FISH OR WILDLIFE TO PROTECT THE RIGHTS OF MONTANA
CITIZENS TO HUNT, FISH, TRAP, AND HARVEST WILD FISH AND WILDLIFE; ESTABLISHING THAT
HUNTING, FISHING, AND TRAPPING IS THE PREFERRED MANNER OF MANAGING WILD FISH AND
WILDLIFE; ALLOWING FOR NECESSARY AND PROPER MANAGEMENT AND CONSERVATION STATUTES
 AND REGULATIONS; MAINTAINING THAT THIS RIGHT DOES NOT CREATE A RIGHT TO TRESPASS ON
PRIVATE PROPERTY OR DIMINUTION OF OTHER PRIVATE RIGHTS; AND PROVIDING AN EFFECTIVE
 DATE."

WHEREAS, HUNTING, FISHING, AND TRAPPING ARE A VALUED PART OF MONTANA'S HARVEST HERITAGE; AND
WHEREAS, CONTEMPORARY HUNTING, FISHING, AND TRAPPING PRACTICES PLAY A CRUCIAL, COST-EFFECTIVE
ROLE IN SOUND WILDLIFE MANAGEMENT AND CONSERVATION; AND

WHEREAS, HUNTING, FISHING, AND TRAPPING PROVIDE SUBSISTENCE, LIFE SKILLS, HEALTH, AND SELF-RELIANCE
CENTRAL TO THE WELL-BEING OF THOUSANDS OF MONTANANS; AND



1 WHEREAS, HUNTING, FISHING, AND TRAPPING AID SIGNIFICANTLY IN CONTROLLING WILDLIFE POPULATIONS,
 2 REDUCING WILDLIFE-RELATED CONFLICTS, AND PREVENTING HARM CAUSED BY WILDLIFE TO PERSONS, PROPERTY, CROPS,
 3 AND LIVESTOCK; AND

4 WHEREAS, CONSERVATION FEES PAID BY HUNTERS, ANGLERS, AND TRAPPERS SUPPORT WILDLIFE
 5 MANAGEMENT, CONSERVATION, AND ENFORCEMENT PROGRAMS THAT ARE BENEFICIAL TO ALL WILDLIFE SPECIES IN
 6 MONTANA; AND

7 WHEREAS, IN ADDITION TO ALL OF THE ABOVE, HUNTING, FISHING, AND TRAPPING PROVIDE MEANINGFUL
 8 OUTDOOR RECREATION OPPORTUNITIES THAT CONNECT PEOPLE TO THE ENVIRONMENT UNLIKE ANY OTHER ACTIVITY; AND

9 WHEREAS, THE PEOPLE OF MONTANA FIND IT NECESSARY TO ENACT THIS AMENDMENT TO THE MONTANA
 10 CONSTITUTION SOLELY TO PROTECT HUNTING, FISHING, AND TRAPPING FROM UNDUE BANS OR RESTRICTIONS; AND

11 WHEREAS, THIS AMENDMENT TO THE MONTANA CONSTITUTION IS INTENDED TO PRESERVE EFFECTIVE MEANS,
 12 METHODS, AND SEASONS OF HUNTING, FISHING, AND TRAPPING WHILE FULLY RESPECTING PRIVATE PROPERTY RIGHTS AND
 13 OTHER LAND AND WATER USES, AND ALLOWING FOR NECESSARY AND PROPER MANAGEMENT AND CONSERVATION LAWS
 14 AND REGULATIONS; AND

15 WHEREAS, THIS AMENDMENT TO THE MONTANA CONSTITUTION IS NOT INTENDED TO PROVIDE A RIGHT TO
 16 IMPEDE OR SUPERSEDE OTHER USES OF LAND OR WATER, SUCH AS FARMING, RANCHING, LOGGING, IRRIGATION, PUBLIC
 17 WORKS, OR DEVELOPMENT; AND

18 WHEREAS, THIS AMENDMENT TO THE MONTANA CONSTITUTION IS NOT INTENDED TO REQUIRE THE STATE TO
 19 OFFER THE SAME RIGHTS AND LICENSING STRUCTURE TO NONRESIDENTS AS IT DOES TO RESIDENTS; AND

20 WHEREAS, THIS AMENDMENT TO THE MONTANA CONSTITUTION IS NOT INTENDED TO DELAY OR THWART
 21 EXISTING WILDLIFE CONTROL MEASURES, SUCH AS THOSE EMPLOYED BY GAME WARDENS AND WILDLIFE SERVICES TO
 22 IMMEDIATELY OR EFFECTIVELY PROTECT PERSONS OR PROPERTY FROM HARM CAUSED BY WILDLIFE.

23

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

25

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

27 **"Section 7. Preservation of harvest heritage.** ~~(1) The right of Montana citizens to hunt, fish, and trap~~
 28 ~~for the purpose of harvesting fish and wildlife is a right essential to pursuing life's basic necessities.~~

29 ~~(2) The opportunity to harvest wild fish and wild game animals fish and wildlife is a heritage that shall~~
 30 ~~forever be preserved to the individual citizens of the state and does not create a right to trespass on private~~

1 property or diminution of other private rights.

2 ~~—— (3) Fish and wildlife management and conservation shall be subject only to statutes that seek to:~~

3 ~~—— (a) scientifically manage fish and wildlife populations;~~

4 ~~—— (b) provide that public hunting, fishing, and trapping, including but not limited to current lawful means and~~
5 ~~methods that exist on [the effective date of this act], are the preferred means and methods of controlling and~~
6 ~~harvesting fish and wildlife; and~~

7 ~~—— (c) protect persons and property from threats or harm caused by fish or wildlife. THE CITIZENS OF~~
8 ~~MONTANA HAVE THE RIGHT TO HUNT, FISH, TRAP, AND HARVEST WILD FISH AND WILDLIFE, INCLUDING THE USE OF~~
9 ~~CUSTOMARY MEANS AND METHODS. HUNTING, FISHING, AND TRAPPING BY CITIZENS IS THE PREFERRED MANNER OF~~
10 ~~MANAGING WILD FISH AND WILDLIFE AND IS SUBJECT TO NECESSARY AND PROPER MANAGEMENT AND CONSERVATION~~
11 ~~STATUTES ENACTED BY THE LEGISLATURE AND REGULATORY AUTHORITY DELEGATED BY THE LEGISLATURE TO A~~
12 ~~DESIGNATED PUBLIC AGENCY OR COMMISSION. THE RIGHT TO HARVEST WILD FISH AND WILDLIFE IS A HERITAGE THAT~~
13 ~~SHALL FOREVER BE PRESERVED TO THE INDIVIDUAL CITIZENS OF THE STATE AND DOES NOT CREATE A RIGHT TO TRESPASS~~
14 ~~ON PRIVATE PROPERTY OR A DIMINUTION OF OTHER PRIVATE RIGHTS."~~

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

19
20 NEW SECTION. Section 3. Effective date. [This act] is effective upon approval by the electorate.

21
22 NEW SECTION. Section 4. Submission to electorate. [This act] shall be submitted to the qualified
23 electors of Montana at the general election to be held in November 2018 by printing on the ballot the full title of
24 [this act] and the following:

25 YES on Constitutional Amendment ____.

26 NO on Constitutional Amendment ____.

27 - END -