

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."

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

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

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



1 ~~—— (2) The opportunity to harvest wild fish and wild game animals fish and wildlife is a heritage that shall~~  
2 ~~forever be preserved to the individual citizens of the state and does not create a right to trespass on private~~  
3 ~~property or diminution of other private rights.~~

4 ~~—— (3) Fish and wildlife management and conservation shall be subject only to statutes that seek to:~~  
5 ~~—— (a) scientifically manage fish and wildlife populations;~~  
6 ~~—— (b) provide that public hunting, fishing, and trapping, including but not limited to current lawful means and~~  
7 ~~methods that exist on [the effective date of this act], are the preferred means and methods of controlling and~~  
8 ~~harvesting fish and wildlife; and~~

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

17

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

21

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

23

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

- 27  YES on Constitutional Amendment \_\_\_\_.
- 28  NO on Constitutional Amendment \_\_\_\_.

29 - END -

