

1 HOUSE BILL NO. 367
2 INTRODUCED BY P. FIELDER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
5 AMENDMENT TO ARTICLE IX, SECTION 7, OF THE MONTANA CONSTITUTION TO PROTECT THE
6 RIGHTS OF MONTANA CITIZENS TO HUNT, FISH, TRAP, AND HARVEST WILD FISH AND WILDLIFE;
7 ESTABLISHING THAT HUNTING, FISHING, AND TRAPPING IS THE PREFERRED MANNER OF
8 MANAGING WILD FISH AND WILDLIFE; ALLOWING FOR NECESSARY ~~AND PROPER~~ MANAGEMENT
9 ~~AND CONSERVATION~~ STATUTES AND REGULATIONS; MAINTAINING THAT THIS RIGHT DOES NOT
10 CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY OR DIMINISH OTHER PRIVATE RIGHTS;
11 AND PROVIDING AN EFFECTIVE DATE."

12
13 WHEREAS, hunting, fishing, and trapping are a valued part of Montana's harvest heritage; and
14 WHEREAS, the people of Montana find it necessary to enact this amendment to the Montana
15 Constitution solely to protect hunting, fishing, and trapping from undue bans or restrictions; and
16 WHEREAS, contemporary hunting, fishing, and trapping practices play a crucial, cost-effective role in
17 sound wildlife management and conservation; and
18 WHEREAS, hunting, fishing, and trapping provide subsistence, life skills, health, and self-reliance
19 central to the well-being of thousands of Montanans; and
20 WHEREAS, hunting, fishing, and trapping aid significantly in controlling wildlife populations, reducing
21 wildlife-related conflicts, and preventing harm caused by wildlife to persons, property, crops, and livestock; and
22 WHEREAS, conservation fees paid by hunters, anglers, and trappers support wildlife management,
23 conservation, and enforcement programs that are beneficial to all wildlife species in Montana; and
24 WHEREAS, in addition to all of the above, hunting, fishing, and trapping provide meaningful outdoor
25 recreation opportunities that connect people to the environment unlike any other activity; and
26 WHEREAS, this amendment to the Montana Constitution is intended to confirm all vested private
27 property rights and in no way creates a public right of trespass on private property for hunting, fishing, trapping,
28 or the harvest of wild fish and wildlife; and

Amendment - 1st Reading - Requested by: Paul Fielder

1 WHEREAS, this amendment to the Montana Constitution is intended to preserve ~~effective-traditional~~
2 means, methods, and seasons of hunting, fishing, and trapping and allows for necessary ~~and-proper~~
3 management ~~and-conservation~~ laws and regulations; and

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

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

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

12

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

14

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

16 "**Section 7. Preservation of harvest heritage.** ~~The opportunity to harvest wild fish and wild game~~
17 ~~animals is a heritage that shall forever be preserved to the individual citizens of the state and does not create a~~
18 ~~right to trespass on private property or diminution of other private rights. The citizens of Montana have the right~~
19 ~~to hunt, fish, trap, and harvest wild fish and wildlife, including the right to use~~ customary and current-traditional
20 means and methods, which does not create or imply any right of public trespass on private property or diminish
21 in any way vested private property rights. The state shall give preference to hunting, fishing, and trapping by
22 citizens as the primary but not exclusive means of the state's management of wild fish and wildlife populations
23 for the benefit of all Montanans. This ~~state-management-right~~ is subject to the necessary ~~and-proper~~
24 management ~~and-conservation~~ statutes enacted by the legislature and regulatory authority delegated by the
25 legislature to a designated public agency or commission."

26

27 NEW SECTION. Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal
28 to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote

Amendment - 1st Reading - Requested by: Paul Fielder

67th Legislature

Drafter: Hope Stockwell, 406-444-9280

HB 367.1.1

1 of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

2

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

4

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

8 YES on Constitutional Amendment ____.

9 NO on Constitutional Amendment ____.

10 - END -

DRAFT