

**Amendment - 2nd Reading-yellow - Requested by: Kenneth Walsh - (H) Committee of the Whole**

- 2023

68th Legislature 2023

Drafter: Joe Kolman, 406-444-3747

HB0372.002.001

1 HOUSE BILL NO. 372  
2 INTRODUCED BY P. FIELDER, M. CUFFE, D. SALOMON, J. READ, S. FITZPATRICK, J. ESP, T.  
3 MCGILLVRAY, K. REGIER, L. JONES, E. BUTCHER, B. KEENAN, B. MOLNAR, C. GLIMM, G. HERTZ, M.  
4 LANG, D. ZOLNIKOV, D. LENZ, B. BROWN, J. HINKLE, F. MANDEVILLE, T. MANZELLA, W. MCKAMEY, M.  
5 NOLAND, S. HINEBAUCH, S. GUNDERSON, M. REGIER, D. LOGE, R. FITZGERALD, F. ANDERSON, L.  
6 SHELDON-GALLOWAY, J. TREBAS, D. BARTEL, C. KNUDSEN, B. USHER, S. VINTON, T. WELCH, B.  
7 BEARD, J. SMALL, M. HOPKINS, J. ELLSWORTH, N. DURAM, J. FULLER, R. KNUDSEN, J. DOOLING, K.  
8 BOGNER, B. GILLESPIE, J. KASSMIER, T. MOORE, D. BEDEY, B. LER, B. PHALEN, F. NAVE, J.  
9 CARLSON, L. BREWSTER, K. ZOLNIKOV, B. MITCHELL, A. REGIER, L. REKSTEN, S. KERNS, S.  
10 GALLOWAY, S. GIST, J. SCHILLINGER, K. SEEKINS-CROWE, M. MALONE, J. GILLETTE, C. HINKLE, M.  
11 BERTOGLIO, G. FRAZER, M. BINKLEY, R. MARSHALL, C. FRIEDEL, S. ESSMANN, M. YAKAWICH, T.  
12 BROCKMAN, T. SMITH, R. MINER, G. PARRY, G. OBLANDER, N. NICOL, L. DEMING, D. EMRICH, S.  
13 VANCE, T. VERMEIRE, C. SPRUNGER, T. FALK, G. NIKOLAKAKOS, J. BERGSTROM, G. KMETZ, P.  
14 GREEN, J. ETCHART, B. BARKER, W. RUSK, L. HELLEGAARD, J. FITZPATRICK, Z. WIRTH, N. HASTINGS

15  
16 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN  
17 AMENDMENT TO ARTICLE IX, SECTION 7, OF THE MONTANA CONSTITUTION ESTABLISHING THE  
18 RIGHTS OF MONTANA CITIZENS TO HUNT, FISH, TRAP, AND HARVEST WILD FISH AND ~~WILDLIFE~~  
19 ~~WILD GAME ANIMALS; ESTABLISHING THAT HUNTING, FISHING, AND TRAPPING IS THE PREFERRED~~  
20 ~~MANNER OF MANAGING WILD FISH AND WILDLIFE; ALLOWING FOR NECESSARY MANAGEMENT~~  
21 ~~STATUTES AND REGULATIONS;~~ MAINTAINING THAT THIS RIGHT DOES NOT CREATE A RIGHT TO  
22 TRESPASS ON PRIVATE PROPERTY OR DIMINISH OTHER PRIVATE RIGHTS; AND PROVIDING AN  
23 EFFECTIVE DATE."

24  
25 WHEREAS, hunting, fishing, and trapping are a valued part of Montana's harvest heritage; ~~and~~  
26 ~~WHEREAS, the people of Montana find it necessary to enact this amendment to the Montana~~  
27 ~~Constitution solely to protect hunting, fishing, and trapping from undue bans or restrictions; and~~

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

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

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

7 ~~WHEREAS, conservation fees paid by hunters, anglers, and trappers support wildlife management,~~  
8 ~~conservation, and enforcement programs that are beneficial to all wildlife species in Montana; and~~

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

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

14 ~~WHEREAS, this amendment to the Montana Constitution is intended to preserve current means and~~  
15 ~~methods of hunting, fishing, and trapping and allows for necessary management laws and regulations; and~~

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

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

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

24

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

26

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

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1           ~~"Section 7. Preservation of harvest heritage. The opportunity to harvest wild fish and wild game~~  
2 ~~animals is a heritage that shall forever be preserved to the individual citizens of the state and does not create a~~  
3 ~~right to trespass on private property or diminution of other private rights. The citizens of Montana have the right~~  
4 ~~to hunt, fish, trap, and harvest wild fish and wildlife, including the right to use current means and methods,~~  
5 ~~which does not create or imply any right of public trespass on private property or diminish in any way vested~~  
6 ~~private property rights AND DOES NOT AFFECT RIGHTS TO DIVERT, APPROPRIATE, AND USE WATER OR ESTABLISH A~~  
7 ~~MINIMUM AMOUNT OF WATER IN ANY WATER BODY. The state shall give preference to hunting, fishing, and trapping~~  
8 ~~by citizens as the primary but not exclusive means of the state's management of wild fish and wildlife~~  
9 ~~populations for the benefit of all Montanans. This right is subject to the necessary management statutes~~  
10 ~~enacted by the legislature and regulatory authority delegated by the legislature to a designated public agency or~~  
11 ~~commission."~~

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

14           **"Section 7. Preservation of harvest heritage.** The opportunity to harvest wild fish and wild game  
15 animals through hunting, fishing, and trapping is a heritage that shall forever be preserved to the individual  
16 citizens of the state and does not create a right to trespass on private property or diminution of other private  
17 rights."

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

23           NEW SECTION. **Section 3. Effective Date.** [This act] is effective on approval by the electorate.

25           NEW SECTION. **Section 4. Submission to electorate.** [This act] shall be submitted to the qualified  
26 electors of Montana at the general election to be held in November 2024 by printing on the ballot the full title of  
27 [this act] and the following:

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1  YES on Constitutional Amendment \_\_\_\_.

2  NO on Constitutional Amendment \_\_\_\_.

3 - END -

AMENDED