



Governor Bullock Response HB212 Sign or Veto

Governor Bullock did not sign HB212. However, he did not veto it either and as of 3/24/15 it became law.

This is a copy of the letter Governor Steve Bullock sent to the Secretary of State on March 23rd, 2015 explaining his reasons why he chose not to sign or veto HB212.

Dear Secretary McCulloch: Today, I allowed House Bill 212, sponsored by Representative Kirk Wagoner, to become law without my signature. House Bill 212 amends the Title 87 definitions of fishing, hunting and trapping to include the harvesting of fish and game. "Harvest" is a term which appears in Section 7 of Article IX of the Montana Constitution. Under Section 7, the opportunity to harvest wild fish and wild game animals is constitutionally protected. There is continuing controversy over the scope of the term "harvest" as used in Section 7. The legislature, through the enactment of HB 212 brings trapping into the term "harvest" a constitutional term that remains subject to varying interpretations. In questions of constitutional interpretation it is the judiciary's role to determine the intent of the framers or the people in enacting constitutional provisions. While trapping is a Montana tradition along with hunting and fishing, whether Section 7 includes trapping is in my opinion a question for the judiciary to decide. HB 212 legislatively grafts onto Section 7 an after-the-fact intent to include trapping. I withhold my signature from this bill because I do not believe that this legislation resolves this controversy. Sincerely Steve Bullock Governor

Therefore, the following became law through the 2015 64th Montana Legislature:

AN ACT CLARIFYING THE TYPES OF FISH AND GAME HARVEST PROTECTED UNDER THE MONTANA CONSTITUTION; PROVIDING LEGISLATIVE INTENT; REVISING DEFINITIONS; AND AMENDING SECTIONS 87-2-101 AND 87-6-101, MCA. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Right to harvest -- legislative intent. The legislature, mindful of its constitutional obligations under Article II, section 3, of the Montana constitution protecting the inalienable rights of a person to pursue life's basic necessities, enjoy the person's life and liberties, and pursue happiness in all lawful ways, and Article IX, section 7, of

the Montana constitution protecting the opportunity for a person to harvest wild fish and wild game animals while not diminishing other private rights, has enacted the laws of this title pertaining to the lawful means of hunting, fishing, and trapping, as defined in 87-2-101 and 87-6-101, as adequate remedies for the preservation of the harvest heritage of the individual citizens of this state. [Read More](#).

RESOURCES

[Furbearers Montana Hunting AND Trapping Regulations handbook](#)

87-6-401. Unlawful use of equipment while hunting. (1) A person may not:

(a) hunt or attempt to hunt any game animal or game bird by the aid or with the use of any snare, except as allowed in [87-3-127](#) and [87-3-128](#), set gun, projected artificial light, trap, salt lick, or bait;

[C-41 Constitutional Amendment](#), "Recognizing and Preserving the Heritage of Montana Citizens' Opportunity to harvest wild fish and wild game animals."

[The 2004 Voter Pamphlet for the C-41 Hunting and Fishing Heritage Amendment](#). The words "hunt, fish, hunting, fishing, hunter, fisherman, angler" were used over 90 times! The word "trap, trapper, trapping" appeared 0 times! [HB306 minutes from 2004](#) During the House Fish, Wildlife and Parks executive action discussion, Representative Kirk Wagoner, sponsor of HB 212, claimed he was once a trapper and that trapping is "not indiscriminate and nonselective." According to Representative Wagoner, "cougars and bobcats are not harmed when they are released".



Montana HB 212 sponsor says trapping isn't indiscriminate & released mountain lions run away unharmed.

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