

BALLOT LANGUAGE FOR INITIATIVE NO. 167 (I-167)

INITIATIVE NO. 167

A LAW PROPOSED BY INITIATIVE PETITION

I-167 makes unlawful the trapping of fur-bearing animals, game animals, migratory game birds, upland game birds, large predators, predatory animals, and certain non-game wildlife by any means on any public lands within Montana, including public lands leased to private parties, subject to limited exceptions. I-167 allows trapping for scientific purposes, migratory game bird propagation, and falconry, and also allows trapping by state and local officials to protect public health and safety. However, the commercial use of any animal or bird trapped on public land for any allowable purpose is prohibited.

I-167 will result in the loss of approximately \$65,040 in trapping license revenue to the state. In addition, the state would incur financial expenses for state employees to conduct trapping of nuisance and conflict animals. These costs cannot be reasonably determined.

YES on Initiative I-167

NO on Initiative I-167

THE COMPLETE TEXT OF INITIATIVE NO. 167 (I-167)

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

NEW SECTION. Section 1. Short title. [Sections 1 through 4] may be cited as the “Montana Trap-Free Public Lands Act.”

NEW SECTION. Section 2. Preamble. The people of the state of Montana find as follows:

- (1) That approximately 35% of land in Montana is designated as public land;
- (2) That all Montanans have the right to enjoy public lands and should not have to compromise peace of mind and the safety of themselves, their children, and their pets when using public lands in Montana;
- (3) That recreational and commercial trapping on public lands makes public lands unsafe and interferes with the enjoyment of public lands;
- (4) That tourism and wildlife viewing are important parts of Montana’s economy. In 2011, wildlife watching brought over \$400 million dollars into the economy of Montana;
- (5) That trapping, by contrast involves less than .5% of Montana’s population and is not a significant contribution to Montana’s economy;
- (6) That trapping in Montana has few regulations and cannot be sufficiently monitored, depletes rare species, wastes wildlife with unintended captures, and has a negative impact on Montana tourism;
- (7) That trapping on public lands is not consistent with Montana’s tradition of fair chase hunting and ethics;
- (8) That trapping is cruel, outdated, and inhumane. Indiscriminate trapping inflicts unnecessary pain, is costly to pet owners and wildlife, and is ineffective for wildlife management or disease control.

NEW SECTION. Section 3. (1) It is unlawful for a person to trap or attempt to trap the following animals on public lands within the state of Montana, including public lands leased to private parties:

(a) any animals defined by 87-2-101 as “fur-bearing animals,” “game animals,” “migratory game birds,” “upland game birds,” “predatory animals,” and those wild mammals and birds defined as “non-game wildlife” as well as large predators defined by 87-1-217(2)(b).

(2) This section does not:

- (a) limit trapping allowed under 87-2-806, 87-2-807 or 87-5-204;
- (b) limit the traditional public health and safety activity of the department’s employees, including trapping, conducted by the department’s employees or employees of any other unit of state or local government.

(3) The department or other unit of government must use its own employees and may not contract with or use private persons to accomplish the trapping activities

on state land allowed under [subsection 2]. An employee conducting trapping must first consider and, where possible, attempt to live trap the animal before using other means of trapping to remove the animal.

(4) There may be no commercial use of any animal or any part of an animal trapped on public land under [subsection 2]. The department or other unit of government, after carrying out trapping activities on public land allowed under [subsection 2], must document any animal trapped and document the disposal of the entire animal trapped, including the fur, or use of the animal carcass for beneficial public purposes.

(5) "Public lands" as used in this act includes state-owned or state leased land, lands administered by the United States forest service, the federal bureau of land management, the national park service, the United States department of defense, the state parks board and any county or municipality, but does not include any lands under the jurisdictions of Indian tribes within the state of Montana.

(6) Any trapping license issued by the department shall be in compliance with [this act].

NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 5. Codification instruction. (1) [Sections 1 through 4] are intended to be codified as an integral part of Title 87, chapter 3, part 1, and the provisions of Title 87 apply to [sections 1 through 4].

NEW SECTION. Section 6. Effective date. This act is effective upon approval by the electorate.