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Comments of the Montana Wool Growers Association  
In Support of HB 212  
Submitted by Jim Brown

These comments are submitted to the Committee on behalf of the membership of the Montana Wool Growers Association (MWGA). MWGA represents Montana's sheep industry. As part of MWGA's mission, MWGA supports legislative proposals, such as this one, that are clearly designed to protect constitutional rights and to avert serious harm being done to Montana's top economic generator—agriculture.

As much as or more than any other Montana industry, Montana's sheep industry has a vested interest in proper management of predator species. This is because, as is well documented, Montana's sheep industry bears, through depredation losses and monies expended on depredation prevention efforts, the true financial cost of managing predator species in Montana. Not only do MWGA's members pay for trapping tags and for trapping-related services, but they also have to pay for predation control efforts, such as fencing and shepherders, and pay out-of-pocket for financial losses incurred as a result of uncompensated predator kills.

With the above stated, passage of HB 212 constitutes one of MWGA's top legislative priorities for the 2015 legislative session.

This bill is simple in nature, but powerful in impact. The bill does nothing more than clarify that trapping is a form of harvesting of wild game, as such is specifically protected under Article IX, Section 7 of the Montana Constitution.

That section of the Montana Constitution clearly states that the opportunity to harvest wild game animals is a heritage that shall forever be preserved to the individual citizens of the state.

There is little question that since the time of Montana's statehood in 1889, trapping of wild game animals has been taking place in this state. In fact, historical evidence indicates that trapping has been taking place in Montana since the time of the great Lewis and Clark adventure in the early 19<sup>th</sup> century. Further, there is a reason Trapper Peak is named "Trapper" Peak.

There are presently organized efforts to prohibit citizens of Montana, including members of the MWGA, from exercising this constitutionally-protected right.

The Legislature has previously codified in statute other constitutional protections accorded to Montana citizens. For example, the Legislature has codified the constitutional protections of the right to know of government proceedings, and the right to participate in those proceedings. The Legislature has codified

the constitutional rights of Montanans in order to better safeguard those rights from wrongful interference and revocation of those rights.

Building on what previous legislatures have done, this bill will follow suit and codify the constitutional right of Montanans to harvest wild game animals by means of trapping.

As noted, such right is presently under attack. Over the last several years, several ballot initiatives have been proposed that, if passed, would clearly undermine the rights of Montanans to harvest wild game animals, despite the constitutional admonition that trapping is a heritage that shall forever be preserved to the citizens of this state.

A trapping ban, if enacted, would ban trapping performed for agriculture protection purposes and would ban trapping that is approved as part of federally approved wildlife management plans, such as Montana's gray wolf conservation and management plan.

Further, the proposed ban would prohibit trapping for game damage management purposes, such as the trapping of gray wolves, skunks and coyotes.

The reality of the proposed trapping bans is as follows: a trapping ban is not only unconstitutional on its face in that it interferes with the right of every Montanan to harvest wildlife, but it is also terrible public policy. The trapping ban proposal is being proposed by a small group of persons who have decided that they know better than state and federal wildlife managers as to the use of trapping as a wildlife management tool.


The Montana Wool Growers Association believes that wildlife management techniques are never an appropriate subject for an initiative, and the misguided proposed ban on the trapping of coyotes, skunks, raccoons, wolves, etc., is the perfect example as to why that should be the case.

This Legislature has an opportunity in the form of this bill to reaffirm that trapping is a form of wildlife harvesting protected under the Montana Constitution. In doing so, this Legislature will be meeting its dual obligations to protect, enhance, and develop all agriculture under Article XII, Section 1, and to protect harvesting opportunities for Montana citizens.

In sum, this bill is good public policy on multiple levels. MWGA membership urges a "do-pass."

On behalf of MWGA's membership, we appreciate the opportunity to submit these comments. If any member of the Committee has questions or wants to express concerns to MWGA, or if your Committee needs clarification on the comments made herein, please don't hesitate to contact me.

Sincerely,



James E. Brown  
Director of Public Affairs

cc: MWGA Board