

HOUSE BILL NO. 73

INTRODUCED BY K. FLYNN, T. WASHBURN

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WOLF HUNTING LAWS; CLARIFYING COMMISSION AUTHORITY TO CLOSE A SEASON; AUTHORIZING THE ISSUANCE OF MULTIPLE LICENSES AND CLARIFYING THEIR USE; GRANTING RULEMAKING AUTHORITY; REDUCING THE PRICE OF A NONRESIDENT LICENSE; ALLOWING USE OF RECORDED OR ELECTRONICALLY AMPLIFIED CALLS; PROVIDING AN EXCEPTION TO THE REQUIREMENT THAT HUNTERS WEAR ORANGE; AMENDING SECTIONS 87-1-304, 87-2-104, 87-2-523, 87-2-524, 87-6-401, AND 87-6-414, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

SECTION 1. SECTION 87-1-304, MCA, IS AMENDED TO READ:

"87-1-304. Fixing of seasons and bag and possession limits. (1) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may:

(a) fix seasons, bag limits, possession limits, and season limits;

(b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101;

(c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear, wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or tag and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat, mountain lion, bear, wild buffalo or bison, and wolf in those areas;

(d) subject to the provisions of 87-1-301(7), restrict areas and species to hunting with only specified hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences; and

(e) declare areas open to special license holders only and issue special licenses in a limited number when the commission determines, after proper investigation, that a special season is necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may



1 declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are
2 causing damage to private property or when a written complaint of damage has been filed with the commission
3 by the owner of that property. In determining to whom special licenses must be issued, the commission may,
4 when more applications are received than the number of animals to be killed, award permits to those chosen
5 under a drawing system. The procedures used for awarding the permits from the drawing system must be
6 determined by the commission.

7 (2) The commission may adopt rules governing the use of livestock and vehicles by archers during
8 special archery seasons.

9 (3) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may divide
10 the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the state.
11 The commission may declare a closed season for hunting, fishing, or trapping in any of those districts and later
12 may open those districts to hunting, fishing, or trapping.

13 (4) The commission may declare a closed season on any species of game, fish, game birds, or
14 fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or
15 district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited
16 periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking
17 waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds,
18 and nongame birds. The commission may open the area or district upon consent of a majority of the property
19 owners affected.

20 (5) The commission may authorize the director to open or close any special season upon 12 hours'
21 notice to the public.

22 (6) The commission may declare certain fishing waters closed to fishing except by persons under 15
23 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and
24 enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers
25 advisable and consistent with its policies relating to fishing.

26 (7) In an area immediately adjacent to a national park, the commission may not:

27 (a) prohibit the hunting or trapping of wolves; or

28 (b) close the area to wolf hunting or trapping unless a wolf harvest quota established by the commission
29 for that area has been met."

30

1 **Section 2.** Section 87-2-104, MCA, is amended to read:

2 **"87-2-104. Number of licenses, permits, or tags allowed -- fees.** (1) The department may prescribe
3 rules and regulations for the issuance or sale of a replacement license, permit, or tag if the original license,
4 permit, or tag is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

5 (2) When authorized by the commission for game management purposes, the department may:

6 (a) issue more than one Class A-3 resident deer A, Class A-4 resident deer B, Class B-7 nonresident
7 deer A, Class B-8 nonresident deer B, Class E-1 resident wolf, Class E-2 nonresident wolf, or special antelope
8 license to an applicant; and

9 (b) issue a special antlerless moose license, a special cow or calf bison license, or one or more special
10 adult ewe mountain sheep licenses to an applicant.

11 (3) For all of the game management licenses issued under subsection (2), the commission shall
12 determine the hunting districts or portions of hunting districts for which the licenses are to be issued, the number
13 of licenses to be issued, and all terms and conditions for the use of the licenses.

14 (4) When authorized by the commission for game management purposes, the department may issue
15 Class A-9 resident antlerless elk B tag licenses and Class B-12 nonresident antlerless elk B tag licenses entitling
16 the holder to take an antlerless elk. Unless otherwise reduced pursuant to subsection (5), the fee for a Class B-12
17 license is \$273. The commission shall determine the hunting districts or portions of hunting districts for which
18 Class A-9 and Class B-12 licenses are to be issued, the number of licenses to be issued, and all terms and
19 conditions for the use of the licenses.

20 (5) The fee for a resident or nonresident license of any class issued under subsection (2) or (4) may be
21 reduced annually by the department."

22

23 **SECTION 3. SECTION 87-2-523, MCA, IS AMENDED TO READ:**

24 **"87-2-523. Class E-1--resident wolf license.** (1) Except as otherwise provided in this chapter, a person
25 who is a resident, as defined in 87-2-102, and who is 12 years of age or older or who will turn 12 years old before
26 or during the season for which the license is issued, upon payment of a fee of \$19, may receive a Class E-1
27 license that entitles a holder who is 12 years of age or older to hunt a wolf and possess the carcass of the wolf
28 as authorized by commission rules.

29 (2) A person who purchases a license pursuant to this section after August 31 may not use the license
30 until 24 hours after the license is issued.

1 ~~(2)~~(3) Fees collected pursuant to this section must be deposited and used in accordance with 87-1-623."

2

3 **Section 4.** Section 87-2-524, MCA, is amended to read:

4 **"87-2-524. Class E-2--nonresident wolf license.** (1) Except as otherwise provided in this chapter, a
5 person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years
6 old before or during the season for which the license is issued, upon payment of a fee of ~~\$350~~ \$50, may receive
7 a Class E-2 license that entitles a holder who is 12 years of age or older to hunt a wolf and possess the carcass
8 of the wolf as authorized by commission rules.

9 (2) A PERSON WHO PURCHASES A LICENSE PURSUANT TO THIS SECTION AFTER AUGUST 31 MAY NOT USE THE
10 LICENSE UNTIL 24 HOURS AFTER THE LICENSE IS ISSUED.

11 ~~(2)~~(3) Fees collected pursuant to this section must be deposited and used in accordance with 87-1-623."

12

13 **Section 5.** Section 87-6-401, MCA, is amended to read:

14 **"87-6-401. Unlawful use of equipment while hunting.** (1) A person may not:

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

17 (b) use any recorded or electrically amplified bird or animal calls or sounds or recorded or electrically
18 amplified imitations of bird or animal calls or sounds to assist in the hunting, taking, killing, or capturing of wildlife
19 except for predatory animals, wolves, and those birds not protected by state or federal law;

20 (c) while hunting, take into a field or forest or have in the person's possession any device or mechanism
21 devised to silence, muffle, or minimize the report of any firearm, whether the device or mechanism is operated
22 from or attached to any firearm;

23 (d) while hunting, possess any electronic motion-tracking device or mechanism, as defined by
24 commission rule, that is designed to track the motion of a game animal and relay information on the animal's
25 movement to the hunter. A radio-tracking collar attached to a dog that is used by a hunter engaged in lawful
26 hunting activities is not considered a motion-tracking device or mechanism for purposes of this subsection (1)(d).

27 (e) while hunting, use archery equipment that has been prohibited by rule of the commission;

28 (f) use a shotgun to hunt deer or elk except with weapon type and loads as specified by the department;

29 (g) use a rifle to hunt or shoot upland game birds unless the use of rifles is permitted by the department.

30 This does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only, not larger than

1 a number 10 gauge, fired from the shoulder.

2 (h) use a rifle to hunt or shoot wild turkey during the spring wild turkey season.

3 (2) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000
4 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon
5 conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping
6 license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in
7 77-1-101, for recreational purposes for a period of time set by the court.

8 (3) A person convicted of hunting while using projected artificial light as described in subsection (1)(a)
9 may be subject to the additional penalties provided in 87-6-901 and 87-6-902.

10 (4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through
11 87-6-907."

12

13 **Section 6.** Section 87-6-414, MCA, is amended to read:

14 **"87-6-414. Failure to wear hunter orange while big game hunting.** (1) Except as provided in
15 subsection (3), a person may not hunt any big game animals in this state or accompany any hunter as an outfitter
16 or guide under any of the provisions of the laws of this state without wearing as exterior garments above the waist
17 a total of not less than 400 square inches of hunter orange material visible at all times while hunting.

18 (2) As used in this section, "hunter orange" means a daylight fluorescent orange color.

19 (3) This section does not apply to a person hunting:

20 (a) with a bow and arrow during the special archery season; or

21 (b) wolves outside the general deer and elk season as authorized by commission rules.

22 (4) The department shall make rules to implement this section.

23 (5) A person convicted of a violation of this section shall be punished by a fine of not less than \$10 or
24 more than \$20."

25

26 **NEW SECTION. Section 7. Effective date.** [This act] is effective on passage and approval.

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