

1 HOUSE BILL NO. 74

2 INTRODUCED BY K. VAN DYK

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

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING THE FISH, WILDLIFE, AND PARKS COMMISSION THE
6 DISCRETION TO INCLUDE MOUNTAIN LION, BEAR, AND WOLF AMONG THE SPECIES FOR WHICH THE
7 COMMISSION MAY DESIGNATE ARCHERY AND ARCHERY-ONLY SEASONS; AMENDING SECTION
8 87-1-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 **Section 1.** Section 87-1-304, MCA, is amended to read:13 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) (a) The commission may:

14 (i) fix seasons, bag limits, possession limits, and season limits;

15 (ii) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal
16 as defined by 87-2-101; and17 (iii) declare areas open to the hunting of deer, antelope, elk, moose, sheep, ~~and goat, mountain lion, bear,~~
18 ~~and wolf~~ by ~~bow and arrow permit holders~~ persons holding an archery stamp and the required license, permit, or
19 tag and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, ~~and~~
20 ~~goat, mountain lion, bear, and wolf~~ in those areas.21 (b) The commission may restrict areas and species to hunting with only specified hunting arms, including
22 bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences.23 (c) The commission may declare areas open to special license holders only and issue special licenses
24 in a limited number when the commission determines, after proper investigation, that a special season is
25 necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing
26 animals. The commission may declare a special season and issue special licenses when game birds, animals,
27 or fur-bearing animals are causing damage to private property or when a written complaint of damage has been
28 filed with the commission by the owner of that property. In determining to whom special licenses must be issued,
29 the commission may, when more applications are received than the number of animals to be killed, award permits
30 to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system

1 must be determined by the commission.

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

4 (3) The commission may divide the state into fish and game districts and create fish, game, or fur-bearing
5 animal districts throughout the state. The commission may declare a closed season for hunting, fishing, or
6 trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

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

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

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

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21 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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