

HOUSE BILL NO. 142

INTRODUCED BY R. SOMERVILLE

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

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A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING THE FISH, WILDLIFE, AND PARKS COMMISSION AUTHORITY TO ADOPT RULES RESTRICTING NONRESIDENT ~~BEAR AND~~ MOUNTAIN LION HUNTERS IN DESIGNATED HUNTING DISTRICTS ~~IN REGION 1~~ IN ADMINISTRATIVE REGION 1; AMENDING SECTION 87-1-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, THE LEGISLATURE FINDS THAT THERE ARE UNIQUE AND SPECIAL CIRCUMSTANCES ASSOCIATED WITH LION HUNTING IN REGION 1 THAT HAVE CREATED INTENSE HUNTING PRESSURE, COMPETITION, AND BIOLOGICAL MANAGEMENT PROBLEMS THAT ARE UNACCEPTABLE TO THE GENERAL PUBLIC.

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

Section 1. Section 87-1-301, MCA, is amended to read:

"87-1-301. (Temporary) Powers of commission. (1) The commission:

- (a) shall set the policies for the protection, preservation, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department as provided by law;
- (b) shall establish the hunting, fishing, and trapping rules of the department;
- (c) shall establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;
- (d) must have the power within the department to establish wildlife refuges and bird and game preserves;
- (e) shall approve all acquisitions or transfers by the department of interests in land or water;
- (f) shall review and approve the budget of the department prior to its transmittal to the budget office; and
- (g) shall review and approve construction projects ~~whose~~ that have an estimated cost ~~is of~~ is more than \$1,000 but less than \$5,000.

1 (2) The commission may adopt rules regarding the use and type of archery equipment that may
 2 be employed for hunting and fishing purposes, taking into account applicable standards as technical
 3 innovations in archery equipment change.

4 (3) The commission may adopt rules regarding the establishment of special licenses or permits,
 5 seasons, conditions, programs, or other provisions that the commission considers appropriate to promote
 6 or enhance hunting by Montana's youth and persons with disabilities.

7 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

8 (i) separate deer licenses from nonresident elk combination licenses;

9 (ii) set the fees for the separated deer combination licenses and the elk combination licenses
 10 without the deer tag;

11 (iii) condition the use of the deer licenses; and

12 (iv) limit the number of licenses sold.

13 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is
 14 necessary and appropriate to regulate the harvest by nonresident big game combination license holders
 15 for the biologically sound management of big game populations of deer and elk and to control the impacts
 16 of those deer and elk populations on uses of private property.

17 (5) The commission may adopt rules establishing license preference systems to distribute hunting
 18 licenses and permits:

19 (a) giving an applicant who has been unsuccessful for a longer period of time priority over an
 20 applicant who has been unsuccessful for a shorter period of time; and

21 (b) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(b),
 22 "qualifying landowner" means the owner of land that provides some significant habitat benefit for wildlife,
 23 as determined by the commission.

24 (6) (a) The commission may adopt rules to:

25 (i) limit the number of nonresident bear and mountain lion hunters in designated hunting districts

26 IN REGION 1 IN THE ADMINISTRATIVE REGION DESIGNATED BY THE DEPARTMENT AS REGION 1; and

27 (ii) determine the conditions under which nonresidents may hunt bear and mountain lion in
 28 designated hunting districts IN REGION 1 IN THE ADMINISTRATIVE REGION DESIGNATED BY THE DEPARTMENT AS REGION
 29 1, which may include limiting the number of nonresident hound handler permits.

30 (b) Rules may be adopted under this subsection (6) if: FOR THE PURPOSE OF PROVIDING FOR ETHICAL AND

1 ~~BIOLOGICALLY SOUND HUNTING.~~ THE COMMISSION SHALL CONSIDER, BUT IS NOT LIMITED TO CONSIDERATION OF, THE
 2 FOLLOWING FACTORS:

3 (I) HARVEST OF LIONS BY RESIDENT AND NONRESIDENT HUNTERS;

4 (II) HISTORY OF QUOTA OVERRUNS;

5 (III) COMPOSITION, INCLUDING AGE AND SEX, OF THE LION HARVEST;

6 (IV) HISTORICAL OUTFITTER USE;

7 (V) CONFLICTS AMONG HUNTER GROUPS;

8 (VI) AVAILABILITY OF PUBLIC AND PRIVATE LANDS; AND

9 ~~—— (i) necessary to preserve the type of hunting experience that the commission determines is most~~
 10 ~~appropriate for bear and mountain lion hunters in the designated hunting districts AND APPROPRIATE TO~~
 11 ~~REGULATE THE HARVEST OF MOUNTAIN LIONS BY NONRESIDENT MOUNTAIN LION HUNTERS BASED ON BIOLOGICALLY SOUND~~
 12 ~~MANAGEMENT PRACTICES; and~~

13 ~~(ii) the commission furthers determines that~~ (VII) WHETHER restrictions on nonresident hunters are
 14 more appropriate than restrictions on all hunters. (Terminates October 1, 2001--sec. 6, Ch. 355, L. 1997.)

15 **87-1-301. (Effective October 1, 2001) Powers of commission.** (1) The commission:

16 (a) shall set the policies for the protection, preservation, and propagation of the wildlife, fish,
 17 game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment
 18 of all other responsibilities of the department as provided by law;

19 (b) shall establish the hunting, fishing, and trapping rules of the department;

20 (c) shall establish the rules of the department governing the use of lands owned or controlled by
 21 the department and waters under the jurisdiction of the department;

22 (d) must have the power within the department to establish wildlife refuges and bird and game
 23 preserves;

24 (e) shall approve all acquisitions or transfers by the department of interests in land or water;

25 (f) shall review and approve the budget of the department prior to its transmittal to the budget
 26 office; and

27 (g) shall review and approve construction projects ~~whose~~ that have an estimated cost ~~is of~~ more
 28 than \$1,000 but less than \$5,000.

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 30 be employed for hunting and fishing purposes, taking into account applicable standards as technical

1 innovations in archery equipment change.

2 (3) The commission may adopt rules regarding the establishment of special licenses or permits,
3 seasons, conditions, programs, or other provisions that the commission considers appropriate to promote
4 or enhance hunting by Montana's youth and persons with disabilities.

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9 (b) giving a qualifying landowner a preference in drawings. As used in this subsection (4)(b),
10 "qualifying landowner" means the owner of land that provides some significant habitat benefit for wildlife,
11 as determined by the commission.

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14 IN REGION 1 IN THE ADMINISTRATIVE REGION DESIGNATED BY THE DEPARTMENT AS REGION 1; and

15 (ii) determine the conditions under which nonresidents may hunt bear and mountain lion in
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17 1, which may include limiting the number of nonresident hound handler permits.

18 (b) Rules may be adopted under this subsection (5) if: FOR THE PURPOSE OF PROVIDING FOR ETHICAL AND
19 BIOLOGICALLY SOUND HUNTING. THE COMMISSION SHALL CONSIDER, BUT IS NOT LIMITED TO CONSIDERATION OF, THE
20 FOLLOWING FACTORS:

21 (i) HARVEST OF LIONS BY RESIDENT AND NONRESIDENT HUNTERS;

22 (ii) HISTORY OF QUOTA OVERRUNS;

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27 — (i) necessary to preserve the type of hunting experience that the commission determines is most
28 appropriate for bear and mountain lion hunters in the designated hunting districts AND APPROPRIATE TO
29 REGULATE THE HARVEST OF MOUNTAIN LIONS BY NONRESIDENT MOUNTAIN LION HUNTERS BASED ON BIOLOGICALLY SOUND
30 MANAGEMENT PRACTICES; and

1 ~~(ii) the commission further determines that~~ (vii) WHETHER restrictions on nonresident hunters are
2 more appropriate than restrictions on all hunters."

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

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6 NEW SECTION. SECTION 3. TERMINATION. [THIS ACT] TERMINATES APRIL 30, 2004.

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