

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING THE FISH, WILDLIFE, AND PARKS COMMISSION
5 EXPLICIT AUTHORITY TO REGULATE BY RULE THE NUMBER OF NONRESIDENT FISHING LICENSES AND
6 PADDLEFISH TAGS THAT MAY BE ISSUED DURING A LICENSE YEAR; AMENDING SECTION 87-1-301,
7 MCA; AND PROVIDING AN EFFECTIVE DATE."

8

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

10

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

12 **"87-1-301. (Temporary) Powers of commission.** (1) The commission:

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

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

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

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

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

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

24 (g) shall review and approve construction projects whose estimated cost is more than \$1,000 but
25 less than \$5,000.

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

29 (3) The commission may adopt rules regarding the establishment of special licenses or permits,
30 seasons, conditions, programs, or other provisions that the commission considers appropriate to promote

1 or enhance hunting by Montana's youth and persons with disabilities.

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

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

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

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

7 (iv) limit the number of licenses sold.

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

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

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

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

19 (6) The commission may adopt rules limiting the number of Class B and Class B-4 fishing licenses
20 and paddlefish tags that may be issued to nonresidents in any license year. (Terminates October 1,
21 2001--sec. 6, Ch. 355, L. 1997.)

22 **87-1-301. (Effective October 1, 2001) Powers of commission.** (1) The commission:

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

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

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

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

1 (e) shall approve all acquisitions or transfers by the department of interests in land or water;
2 (f) shall review and approve the budget of the department prior to its transmittal to the budget
3 office; and

4 (g) shall review and approve construction projects whose estimated cost is more than \$1,000 but
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7 be employed for hunting and fishing purposes, taking into account applicable standards as technical
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16 (b) giving a qualifying landowner a preference in drawings. As used in this subsection (4)(b),
17 "qualifying landowner" means the owner of land that provides some significant habitat benefit for wildlife,
18 as determined by the commission.

19 (5) The commission may adopt rules limiting the number of Class B and Class B-4 fishing licenses
20 and paddlefish tags that may be issued to nonresidents in any license year."

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22 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2001.

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- END -