

1 HOUSE BILL NO. 603

2 INTRODUCED BY G. GUTSCHE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TRAPPER SAFETY AND EDUCATION COURSES AS
5 A PREREQUISITE TO THE ISSUANCE OF TRAPPING LICENSES FOR INDIVIDUALS 12 YEARS OF AGE
6 OR OLDER; ALLOWING THE ADOPTION OF BEST MANAGEMENT PRACTICES FOR TRAPPING BY THE
7 FISH, WILDLIFE, AND PARKS COMMISSION; AND AMENDING SECTIONS 87-1-301 AND 87-2-105, MCA."

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

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11 **Section 1.** Section 87-1-301, MCA, is amended to read:12 **"87-1-301. Powers of commission.** (1) The commission:

13 (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife,
14 fish, 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 the
18 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 office;

23 (g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but
24 less than \$5,000; and

25 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as
26 provided in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates
27 as provided in 87-1-323.

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

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

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

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

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

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

9 (iv) limit the number of licenses sold.

10 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary
11 and appropriate to regulate the harvest by nonresident big game combination license holders:

12 (i) for the biologically sound management of big game populations of elk, deer, and antelope;

13 (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

14 (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321
15 through 87-1-325.

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

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

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

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

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

25 (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting
26 districts.

27 (b) The commission shall consider, but is not limited to consideration of, the following factors:

28 (i) harvest of lions by resident and nonresident hunters;

29 (ii) history of quota overruns;

30 (iii) composition, including age and sex, of the lion harvest;

- 1 (iv) historical outfitter use;
- 2 (v) conflicts among hunter groups;
- 3 (vi) availability of public and private lands; and
- 4 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.
- 5 (7) The commission may adopt rules implementing best management practices for trappers as
- 6 suggested by national and international fish and wildlife agencies, including but not limited to recommendations
- 7 based on:
- 8 (a) regional differences in trapping conditions;
- 9 (b) specific differences in trapping conditions in areas within a region;
- 10 (c) best traps and their use, including but not limited to:
- 11 (i) a 48-hour mandatory trap check;
- 12 (ii) mandatory reporting of captured domestic pets in possession of identifying tags to either the
- 13 department or the county sheriff so that the domestic pet may be reclaimed;
- 14 (iii) publicly posted trap locations prescribed by a mandatory distance from walking and hiking trails."

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16 **Section 2.** Section 87-2-105, MCA, is amended to read:

17 **"87-2-105. Safety instruction required.** (1) A hunting license may not be issued to a person who is

18 born after January 1, 1985, unless the person authorized to issue the license determines proof of completion

19 of:

- 20 (a) a Montana hunter safety and education course established in subsection ~~(4)~~ (5) or ~~(6)~~ (7); or
- 21 (b) a hunter safety course in any other state or province.

22 (2) A hunting license may not be issued to a member of the regular armed forces of the United States

23 or to a member of the armed forces of a foreign government attached to the armed forces of the United States

24 who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to

25 a member's dependents, as defined in 15-30-113, who reside in the member's Montana household, unless the

26 person authorized to issue the license determines proof of completion of a hunter safety course approved by

27 the department or a hunter safety course in any state or province.

28 (3) A bow and arrow license may not be issued to a resident or nonresident unless the person

29 authorized to issue the license receives an archery license issued for a prior hunting season or determines proof

30 of completion of a bowhunter education course from the national bowhunter education foundation or any other

1 bowhunter education program approved by the department. Neither the department nor the license agent is
2 required to provide records of past archery license purchases. As part of the department's bow and arrow
3 licensing procedures, the department shall notify the public regarding bowhunter education requirements.

4 (4) A trapping license may not be issued to a resident or nonresident over 12 years of age unless the
5 person authorized to issue the license determines proof of completion of a trapper safety course approved by
6 the department pursuant to subsection (8) or a trapper safety course in any state or province.

7 ~~(4)~~(5) The department shall provide for a hunter safety and education course that includes instruction
8 in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as
9 one of its objectives the promotion of hunter safety and education. The department may designate as an
10 instructor any person it finds to be competent to give instructions in hunter safety and education, including the
11 handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of
12 completion from Montana's hunter safety and education course to a person successfully completing the course.

13 ~~(5)~~(6) The department shall provide for a course of instruction from the national bowhunter education
14 foundation or any other bowhunter education program approved by the department and for that purpose may
15 cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling
16 of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to
17 give bowhunter education instruction. A person appointed shall give the course of instruction and shall issue a
18 certificate of completion to any person successfully completing the course.

19 ~~(6)~~(7) The department may develop an adult hunter safety and education course.

20 (8) The department shall provide for a course of instruction from any federal model program on trapper
21 safety education that includes but is not limited to instruction in the safe handling of traps, humane treatment
22 of trapped animals, appropriate selection of trap locations, and cognizance of public safety. The department may
23 designate as an instructor any person whom it finds to be competent to give instruction in trapper safety and
24 education, including the handling of traps. A person appointed shall provide the course of instruction and shall
25 issue a certificate of completion from Montana's trapper safety and education course to a person successfully
26 completing the course.

27 ~~(7)~~(9) The department may adopt rules regarding how a person authorized to issue a license determines
28 proof of completion of a required course."

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