

HOUSE BILL NO. 477

INTRODUCED BY J. ANDERSEN

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A BILL FOR AN ACT ENTITLED: "AN ACT GUARANTEEING A MEMBER OF THE ARMED FORCES WHO FORFEITED A SPECIAL LICENSE BECAUSE THE MEMBER WAS DEPLOYED TO A COMBAT ZONE, DEPLOYED IN SUPPORT OF A PEACEKEEPING MISSION, OR DEPLOYED IN RESPONSE TO A STATE OR NATIONAL EMERGENCY THE SAME SPECIAL LICENSE UPON THE MEMBER'S APPLICATION IN THE YEAR OF THE MEMBER'S RETURN; AND AMENDING SECTIONS 87-1-301 AND 87-2-702, MCA."

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. Powers of commission. (1) The commission:

(a) shall set the policies for the protection, preservation, management, 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;

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

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

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

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

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

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

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

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

10 (iv) limit the number of licenses sold.

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

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

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

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

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 applicant
20 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), "qualifying
22 landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined
23 by the commission.

24 (c) guaranteeing a member of the armed forces who forfeited a special license as a result of deployment
25 to a combat zone, deployment in support of a peacekeeping mission, or deployment in response to a state or
26 national emergency the same special license upon the member's application in the year of the member's return
27 or in the first year that the license is made available after the member's return.

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

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

30 (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting

1 districts.

2 (b) The commission shall consider, but is not limited to consideration of, the 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 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters."

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11 **Section 2.** Section 87-2-702, MCA, is amended to read:

12 **"87-2-702. Restrictions on special licenses.** (1) A person who has killed or taken any game animal,
13 except a deer, an elk, or an antelope, during the current license year is not permitted to receive a special license
14 under this chapter to hunt or kill a second game animal of the same species.

15 (2) The commission may require applicants for special permits authorized by this chapter to obtain a
16 valid big game license for that species for the current year prior to applying for a special permit.

17 (3) A person may take only one grizzly bear in Montana with a license authorized by 87-2-701.

18 (4) (a) A person who receives a moose, mountain goat, or limited mountain sheep license, with the
19 exception of an adult ewe license, as authorized by 87-2-701, is not eligible to receive another special license
20 for that species for the next 7 years, except as provided in subsection (4)(c). For the purposes of this subsection
21 (4)(a), "limited mountain sheep license" means a license that is valid for an area in which the number of licenses
22 issued is restricted.

23 (b) A person who takes a mountain sheep using an unlimited mountain sheep license, with the
24 exception of a mountain sheep taken pursuant to an adult ewe license, as authorized by 87-2-701, is not eligible
25 to receive another special license for that species for the next 7 years. For the purposes of this subsection (4)(b),
26 "unlimited mountain sheep license" means a license that is valid for an area in which the number of licenses
27 issued is not restricted.

28 (c) An applicant who as a member of the armed forces forfeited a moose, mountain goat, or limited
29 mountain sheep license as a result of deployment to a combat zone, deployment in support of a peacekeeping
30 mission, or deployment in response to a state or national emergency is guaranteed a moose, mountain goat,

- 1 or limited mountain sheep license upon application in the year of the member's return or in the first year the
- 2 license is made available after the member's return."
- 3 - END -