

HOUSE BILL NO. 173

INTRODUCED BY T. WASHBURN

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE USE OF LIGHTED NOCKS ON ARROWS WHILE BIG GAME HUNTING; AMENDING SECTIONS 87-1-301 AND 87-3-135, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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, except as provided in 87-1-209(4);

(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. In developing or implementing an elk management plan, the commission shall consider landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting district where a restriction on elk hunting on public property is proposed.

1 (2) ~~The~~ Except as provided in 87-3-135, the commission may adopt rules regarding the use and type
2 of archery equipment that may be employed for hunting and fishing purposes, taking into account applicable
3 standards as technical innovations in archery equipment change.

4 (3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons,
5 conditions, programs, or other provisions that the commission considers appropriate to promote or enhance
6 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 without the
10 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 necessary and
14 appropriate to regulate the harvest by nonresident big game combination license holders:

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

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

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

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

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

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

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

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

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

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

- 1 (i) harvest of lions by resident and nonresident hunters;
2 (ii) history of quota overruns;
3 (iii) composition, including age and sex, of the lion harvest;
4 (iv) historical outfitter use;
5 (v) conflicts among hunter groups;
6 (vi) availability of public and private lands; and
7 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters."
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9 **Section 2.** Section 87-3-135, MCA, is amended to read:

10 "**87-3-135. Restrictions on use of archery equipment.** A person may not, while hunting or fishing, use
11 archery equipment that has been prohibited by rule of the commission. The commission may not prohibit the use
12 of a lightednock on an arrow while big game hunting."
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14 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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