

HOUSE BILL NO. 172

INTRODUCED BY T. WASHBURN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE HUNTING OF GRIZZLY BEARS; AMENDING SECTIONS 87-1-304, 87-2-701, 87-5-301, AND 87-5-302, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 87-1-304, MCA, is amended to read:

"87-1-304. Fixing of seasons and bag and possession limits. (1) ~~(a)~~ Subject to the provisions of 87-5-302, the commission may:

~~(i)~~(a) fix seasons, bag limits, possession limits, and season limits;

~~(ii)~~(b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101; ~~and~~

~~(iii)~~(c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear, and wolf by persons holding an archery stamp and the required license, permit, or tag and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat, mountain lion, bear, and wolf in those areas;

~~(b)~~(d) ~~The commission may~~ restrict areas and species to hunting with only specified hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences; ~~and~~

~~(c)~~(e) ~~The commission may~~ declare areas open to special license holders only and issue special licenses in a limited number when the commission determines, after proper investigation, that a special season is necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are causing damage to private property or when a written complaint of damage has been filed with the commission by the owner of that property. In determining to whom special licenses must be issued, the commission may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system

1 must be determined by the commission.

2 (2) The commission may adopt rules governing the use of livestock and vehicles by archers during
3 special archery seasons.

4 (3) ~~The~~ Subject to the provisions of 87-5-302, the commission may divide the state into fish and game
5 districts and create fish, game, or fur-bearing animal districts throughout the state. The commission may declare
6 a closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to
7 hunting, fishing, or trapping.

8 (4) The commission may declare a closed season on any species of game, fish, game birds, or
9 fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or
10 district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited
11 periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking
12 waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds,
13 and nongame birds. The commission may open the area or district upon consent of a majority of the property
14 owners affected.

15 (5) The commission may authorize the director to open or close any special season upon 12 hours'
16 notice to the public.

17 (6) The commission may declare certain fishing waters closed to fishing except by persons under 15
18 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and
19 enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers
20 advisable and consistent with its policies relating to fishing."

21

22 **Section 2.** Section 87-2-701, MCA, is amended to read:

23 **"87-2-701. Special licenses.** (1) An applicant who is 12 years of age or older or who will turn 12 years
24 old before or during the season for which the license is issued and is the holder of a resident wildlife conservation
25 license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the
26 department, is to be issued and shall pay the following fees:

27 (a) moose--resident, \$125; nonresident, \$750;

28 (b) mountain goat--resident, \$125; nonresident, \$750;

29 (c) mountain sheep--resident, \$125; nonresident, \$750;

30 (d) antelope--resident, \$14; nonresident, \$200;

1 (e) grizzly bear--resident, ~~\$50~~ \$150; nonresident, ~~\$300~~ \$1,000;

2 (f) black bear--nonresident, \$350;

3 (g) wild buffalo or bison--resident, \$125; nonresident, \$750.

4 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear,
5 the person shall purchase a trophy license for a fee of ~~\$25~~ \$50 within 10 days after the date of the kill. The trophy
6 license authorizes the holder to possess and transport the trophy.

7 (3) ~~Special~~ Except as provided in 87-5-302 for special grizzly bear licenses, special licenses must be
8 issued in a manner prescribed by the department."

9

10 **Section 3.** Section 87-5-301, MCA, is amended to read:

11 **"87-5-301. Policy toward grizzly bear bears.** It is ~~hereby declared~~ the policy of the state of Montana
12 to ~~protect, conserve, and manage~~ grizzly bear bears as a ~~rare species of Montana wildlife in need of~~
13 management."

14

15 **Section 4.** Section 87-5-302, MCA, is amended to read:

16 **"87-5-302. Commission regulations on grizzly bear bears.** (1) The commission ~~shall have authority~~
17 ~~to provide open and closed seasons; means of taking; shooting hours; may:~~

18 (a) pursuant to subsection (2), regulate the hunting of grizzly bears, including the establishment of
19 tagging requirements for carcasses, skulls, and hides; possession limits; and

20 (b) establish requirements for the transportation, exportation, and importation of grizzly bear bears.

21 (2) When special grizzly bear licenses are to be issued pursuant to 87-2-701, the commission shall
22 establish hunting season quotas for grizzly bears that will prevent the population of GRIZZLY BEARS FROM
23 DECREASING BELOW SUSTAINABLE LEVELS AND WITH THE INTENT TO MEET POPULATION OBJECTIVES FOR elk, deer, and
24 antelope from decreasing beyond the sustainable levels determined pursuant to 87-1-323. The provisions of this
25 subsection do not affect the restriction provided in 87-2-702(3) that limits a person to the taking of only one grizzly
26 bear in Montana."

27

28 NEW SECTION. **Section 5. Effective date.** [This act] is effective March 1, 2012.

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- END -