

1 SENATE BILL NO. 184

2 INTRODUCED BY K. VAN DYK

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF BOWS AND ARROWS TO HUNT WILD
5 BUFFALO; AND AMENDING SECTIONS 87-1-304, 87-2-730, AND 87-2-731, MCA."

6

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

8

9 **Section 1.** Section 87-1-304, MCA, is amended to read:10 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) (a) The commission may:

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

12 (ii) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal
13 as defined by 87-2-101; and14 (iii) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear,
15 wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or tag and
16 designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat,
17 mountain lion, bear, wild buffalo or bison, and wolf in those areas.18 (b) The commission may restrict areas and species to hunting with only specified hunting arms, including
19 bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences.20 (c) The commission may declare areas open to special license holders only and issue special licenses
21 in a limited number when the commission determines, after proper investigation, that a special season is
22 necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing
23 animals. The commission may declare a special season and issue special licenses when game birds, animals,
24 or fur-bearing animals are causing damage to private property or when a written complaint of damage has been
25 filed with the commission by the owner of that property. In determining to whom special licenses must be issued,
26 the commission may, when more applications are received than the number of animals to be killed, award permits
27 to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system
28 must be determined by the commission.29 (2) The commission may adopt rules governing the use of livestock and vehicles by archers during
30 special archery seasons.

1 (3) The commission may divide the state into fish and game districts and create fish, game, or fur-bearing
2 animal districts throughout the state. The commission may declare a closed season for hunting, fishing, or
3 trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

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

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

13 (6) The commission may declare certain fishing waters closed to fishing except by persons under 15
14 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and
15 enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers
16 advisable and consistent with its policies relating to fishing."
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18 **Section 2.** Section 87-2-730, MCA, is amended to read:

19 **"87-2-730. Special wild buffalo license -- regulation.** (1) The public hunting of wild buffalo or bison
20 that have been designated as a species in need of disease control under 81-2-120 is permitted only when
21 authorized by the department of livestock under the provisions set forth in 81-2-120.

22 (2) The department may issue special licenses to hunt wild buffalo or bison designated as a species in
23 need of disease control when authorized by the department of livestock.

24 (3) The department shall adopt rules in cooperation with the department of livestock. The rules must
25 provide for:

26 (a) license drawing procedures;

27 (b) drawing and application fees consistent with 87-2-113;

28 (c) notification of license recipients as to when and where they may hunt, but notification may not include
29 information regarding the actual physical location of a wild buffalo or bison other than the prescribed hunting
30 district where the animal may be taken;

1 (d) fair chase hunting of wild buffalo or bison, including requirements that hunting be conducted on foot
 2 and away from public roads and that there be no designation of specific wild buffalo or bison to be hunted;
 3 (e) means of taking and handling of carcasses in the field, which must include provisions for public safety
 4 because of the potential for the spread of infectious disease;
 5 (f) the use of bows and arrows;
 6 ~~(f)(g)~~ tagging requirements for carcasses, skulls, and hides;
 7 ~~(g)(h)~~ possession limits;
 8 ~~(h)(i)~~ requirements for transportation and exportation; and
 9 ~~(i)(j)~~ requirements and criteria for authorization by the state veterinarian and the department of livestock
 10 of any public hunting."
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12 **Section 3.** Section 87-2-731, MCA, is amended to read:

13 **"87-2-731. (Temporary) Allocation of wild buffalo licenses to tribes for traditional purposes. (1)**
 14 If the commission authorizes the issuance of 40 or more special wild buffalo licenses in any license year, the
 15 department shall issue special licenses to individuals of each tribe designated in subsection (4) to hunt wild
 16 buffalo during the regular season for wild buffalo and as prescribed in department rules and regulations. The
 17 department shall issue two special wild buffalo licenses to individuals designated by the respective tribal diabetic
 18 programs of each of the Montana tribes designated in subsection (4), coincident with the sale of any special wild
 19 buffalo licenses for public hunting pursuant to 87-2-730 and in accordance with the terms and conditions of this
 20 section.

21 (2) Wild buffalo taken pursuant to the special licenses issued under subsection (1) must be harvested
 22 by tribal members in accordance with the traditional ceremonies of each tribe. All parts of wild buffalo taken
 23 pursuant to this section may be possessed and used by each designated tribe in the manner that the tribe sees
 24 fit.

25 (3) Special wild buffalo licenses granted for tribal use pursuant to this section must be issued free of
 26 charge. The tribes must be informed of and abide by any rules adopted pursuant to 87-2-730(3)(c) through ~~(3)(h)~~
 27 (3)(i), except that fair chase hunting by tribal members may include hunting conducted on horseback.

28 (4) The following Montana tribes may designate individuals from their tribal diabetic programs to receive
 29 department-issued special licenses, and the individuals are entitled to hunt during the season set aside by the
 30 commission for hunting wild buffalo:

- 1 (a) Assiniboine and Sioux tribes;
2 (b) Blackfeet tribe;
3 (c) Chippewa Cree tribe;
4 (d) Confederated Salish and Kootenai tribes;
5 (e) Crow tribe;
6 (f) Gros Ventre and Assiniboine tribes;
7 (g) Northern Cheyenne tribe; and
8 (h) Little Shell band of Chippewa.

9 (5) Special wild buffalo licenses granted under this section must be offered to the designated tribes as
10 the first wild buffalo licenses available for hunting each year and may be granted to tribal designees in any order.
11 When each of the two individuals designated by each tribe has been offered a license in any license year, any
12 additional available licenses may be issued in the manner provided by the rules adopted by the commission
13 pursuant to 87-2-730.

14 (6) Use of the special wild buffalo licenses granted under this section to individuals designated by the
15 Montana tribes must coincide with the use of any other special wild buffalo license purchased for public hunting
16 pursuant to 87-2-730. (Terminates July 1, 2015--sec. 5, Ch. 378, L. 2005.)"

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18 NEW SECTION. **Section 4. Notification to tribal governments.** The secretary of state shall send a
19 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
20 Chippewa tribe.

21 - END -