

1 SENATE BILL NO. 255

2 INTRODUCED BY J. BRENDEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE FISH, WILDLIFE, AND PARKS COMMISSION TO
5 FOLLOW CERTAIN CRITERIA FOR MAKING DECISIONS RELATING TO THE OPPORTUNITY TO HUNT;
6 FISH, OR TRAP."

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8 WHEREAS, the Montana Fish, Wildlife, and Parks Commission is responsible for the department's overall
9 policy direction and is required to set policies that protect, preserve, manage, and propagate state wildlife; and

10 WHEREAS, the commission is responsible for establishing hunting, ~~fishing, and trapping~~ rules that
11 manage ~~fish and~~ wildlife in a sustainable manner; and

12 WHEREAS, Montanans and nonresidents alike are affected by commission decisions allocating the
13 opportunities to harvest ~~fish and~~ wildlife; and

14 WHEREAS, commission decisions should be guided by clearly stated management criteria and
15 objectives that seek to optimize the social and economic benefits of ~~fish and~~ wildlife resources within biologically
16 sustainable limits.

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

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20 NEW SECTION. **Section 1. Criteria required for commission decisions.** (1) Any commission
21 decision under this part that sets seasons, manages the hunting, ~~fishing, or trapping~~ of wildlife, ~~fish~~, game,
22 furbearers, waterfowl, or nongame species of the state or otherwise relates to providing an opportunity to hunt;
23 ~~fish, or trap~~ must include:

24 (a) a statement of management intent or purpose for the decision;

25 (b) measurable objectives considered necessary to accomplish the intent or purpose stated in subsection
26 (1)(a);

27 (c) a finding of impact that considers the:

28 (i) current biological status of the resources affected by the decision and what effect the decision will
29 have on sustainability of the resources;

30 (ii) number of residents and nonresidents who have participated in the activity affected by the decision

- 1 and the number of residents and nonresidents who can reasonably be expected to participate in the future;
- 2 (iii) importance of resident, nonresident, and guided participation to the economy of the region and local
- 3 area affected by the decision; and
- 4 (iv) impacts on private or public lands, including whether the decision affects land use in the area; and
- 5 (d) a stated time period of not more than 2 years in which the commission must evaluate the
- 6 effectiveness of the decision by determining if the objectives required by subsection (1)(b) were met.
- 7 (2) Prior to making a decision pursuant to subsection (1), the commission shall provide:
- 8 (a) notice to interested members of the public of the proposed decision;
- 9 (b) opportunity for public comment on the proposed decision;
- 10 (c) a clear and complete statement of the purpose and objectives of the proposed decision; and
- 11 (d) the biological or management purpose of the proposed decision.
- 12 (3) The commission shall maintain a full and complete record of the process required by this section,
- 13 including responses to public comment. All records created pursuant to this section are open for public inspection.

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15 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an

16 integral part of Title 87, chapter 1, part 3, and the provisions of Title 87, chapter 1, part 3, apply to [section 1].

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18 **NEW SECTION. Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable

19 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part

20 remains in effect in all valid applications that are severable from the invalid applications.

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