

SENATE BILL NO. 255

INTRODUCED BY J. BRENDEN

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

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

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

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

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

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

NEW SECTION. **Section 1. Criteria required for commission decisions.** (1) ~~Any commission decision under this part that sets seasons, manages the hunting, fishing, or trapping of wildlife, fish, game, furbearers, waterfowl, or nongame species of the state or otherwise relates to providing an opportunity to hunt, fish, or trap~~ ANY ALLOCATIVE COMMISSION DECISION MADE ONLY DURING A BIENNIAL OR QUADRENNIAL SEASONAL RULE ADOPTION CONDUCTED PURSUANT TO THIS PART THAT SETS SEASONS, QUOTAS, PERMITTING, OR LICENSING FOR THE HUNTING OR FISHING OF WILDLIFE, FISH, GAME, OR WATERFOWL IN THE STATE must include:

- (a) a statement of management intent or purpose for the decision;
- (b) measurable objectives considered necessary to accomplish the intent or purpose stated in subsection (1)(a);
- (c) a finding of impact that considers the:
 - (i) current biological status of the resources affected by the decision and what effect the decision will



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

18 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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20 **NEW SECTION. Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable

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

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

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