

## HOUSE BILL NO. 623

INTRODUCED BY K. WHITE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO BONUS POINTS FOR HUNTING LICENSES, TAGS, AND PERMITS; ALLOWING THE PURCHASE OF PREFERENCE POINTS WITHOUT THE PURCHASE OF A LICENSE, TAG, OR PERMIT; ESTABLISHING FEES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 87-1-301, 87-1-303, 87-1-304, AND 87-2-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. License bonus point system.** (1) The commission shall establish a bonus point system that gives an applicant who has purchased more bonus points more chances to receive a hunting license, tag, or permit over an applicant who has purchased fewer bonus points.

(2) A person may purchase only one bonus point per species per license year and may:

(a) purchase a bonus point when applying for a license, tag, or permit by paying the fee established in 87-2-113(2) per species; or

(b) purchase a bonus point without applying for a license, tag, or permit by paying the fee established in subsection (5). An applicant not applying for a license, tag, or permit may purchase a bonus point only between July 1 and September 30 in the current license year.

(3) The department may only apply any accumulated bonus points to a person's chance to obtain a license, tag, or permit if the person purchases a bonus point when applying for the license, tag, or permit.

(4) Bonus points may only be applied to first choice drawings.

(5) (a) A resident who does not apply for a license, tag, or permit may purchase a bonus point for \$15 for each species for which a bonus point is made available by the commission.

(b) A nonresident who does not apply for a license, tag, or permit may purchase a bonus point for the following:

- (i) Class B-8, deer B tag, \$25;
- (ii) Class B-12, antlerless elk B tag, \$25;
- (iii) special antelope license, \$25;

1 (iv) moose, \$75;

2 (v) mountain goat, \$75;

3 (vi) mountain sheep, \$75;

4 (vii) wild buffalo or bison, \$75.

5 (6) The department may not delete a person's accumulated bonus points unless the person obtains the  
6 license, tag, or permit associated with the bonus points, in which case the department shall delete the person's  
7 accumulated bonus points.

8 (7) The department shall square the number of points purchased by a person per species when  
9 conducting drawings for licenses, tags, and permits.

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11 **Section 2.** Section 87-1-301, MCA, is amended to read:

12 **"87-1-301. Powers of commission.** (1) Except as provided in subsections ~~(7) and (8)~~ (6) and (7), the  
13 commission:

14 (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife,  
15 fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment  
16 of all other responsibilities of the department related to fish and wildlife as provided by law;

17 (b) shall establish the hunting, fishing, and trapping rules of the department;

18 (c) except as provided in 23-1-111 and 87-1-303(3), shall establish the rules of the department governing  
19 the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

20 (d) must have the power within the department to establish wildlife refuges and bird and game preserves;

21 (e) shall approve all acquisitions or transfers by the department of interests in land or water, except as  
22 provided in 23-1-111 and 87-1-209(2) and (4);

23 (f) except as provided in 23-1-111, shall review and approve the budget of the department prior to its  
24 transmittal to the office of budget and program planning;

25 (g) except as provided in 23-1-111, shall review and approve construction projects that have an  
26 estimated cost of more than \$1,000 but less than \$5,000;

27 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided  
28 in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as  
29 provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider  
30 landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular

1 hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal  
 2 opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting  
 3 district where a restriction on elk hunting on public property is proposed.

4 (i) shall set the policies for the salvage of antelope, deer, elk, or moose pursuant to 87-3-145; and

5 (j) shall comply with, adopt policies that comply with, and ensure the department implements in each  
 6 region the provisions of state wildlife management plans adopted following an environmental review conducted  
 7 pursuant to Title 75, chapter 1, parts 1 through 3.

8 (2) The commission may adopt rules regarding the use and type of archery equipment that may be  
 9 employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in  
 10 archery equipment change.

11 (3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons,  
 12 conditions, programs, or other provisions that the commission considers appropriate to promote or enhance  
 13 hunting by Montana's youth and persons with disabilities.

14 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

15 (i) separate deer licenses from nonresident elk combination licenses;

16 (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the  
 17 deer tag;

18 (iii) condition the use of the deer licenses; and

19 (iv) limit the number of licenses sold.

20 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and  
 21 appropriate to regulate the harvest by nonresident big game combination license holders:

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

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

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

26 ~~(5) (a) Subject to the provisions of 87-2-115, the commission may adopt rules establishing license~~  
 27 ~~preference systems to distribute hunting licenses and permits:~~

28 ~~—— (i) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant~~  
 29 ~~who has been unsuccessful for a shorter period of time; and~~

30 ~~—— (ii) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(a), "qualifying~~

1 landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by  
 2 the commission.

3 ~~—— (b) The commission shall square the number of points purchased by an applicant per species when  
 4 conducting drawings for licenses and permits.~~

5 ~~(6)~~(5) (a) The commission may adopt rules to:

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

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

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

10 (i) harvest of lions by resident and nonresident hunters;

11 (ii) history of quota overruns;

12 (iii) composition, including age and sex, of the lion harvest;

13 (iv) historical outfitter use;

14 (v) conflicts among hunter groups;

15 (vi) availability of public and private lands; and

16 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.

17 ~~(7)~~(6) The commission may not regulate the use or possession of firearms, firearm accessories, or  
 18 ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

19 (a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the  
 20 establishment of special archery seasons;

21 (b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including  
 22 bows and arrows, traditional handguns, and muzzleloading rifles;

23 (c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

24 (d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

25 (e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h).

26 ~~(8)~~(7) Pursuant to 23-1-111, the commission does not oversee department activities related to the  
 27 administration of state parks, primitive parks, state recreational areas, public camping grounds, state historic  
 28 sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant  
 29 to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9."

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1           **Section 3.** Section 87-1-303, MCA, is amended to read:

2           **"87-1-303. Rules for use of lands and waters.** (1) Except as provided in 23-1-111, 87-1-301~~(7)~~(6), and  
3 subsection (3) of this section, the commission may adopt and enforce rules governing uses of lands that are  
4 acquired or held under easement by the commission or lands that it operates under agreement with or in  
5 conjunction with a federal or state agency or private owner. The rules must be adopted in the interest of public  
6 health, public safety, and protection of property in regulating the use of these lands. All lease and easement  
7 agreements must itemize uses as listed in 87-1-209.

8           (2) Except as provided in 87-1-301~~(7)~~(6), the commission may adopt and enforce rules governing  
9 recreational uses of all public fishing reservoirs, public lakes, rivers, and streams that are legally accessible to  
10 the public or on reservoirs and lakes that it operates under agreement with or in conjunction with a federal or state  
11 agency or private owner. These rules must be adopted in the interest of public health, public safety, public  
12 welfare, and protection of property and public resources in regulating swimming, hunting, fishing, trapping,  
13 boating, including but not limited to boating speed regulations, the operation of motor-driven boats, the operation  
14 of personal watercraft, the resolution of conflicts between users of motorized and nonmotorized boats,  
15 waterskiing, surfboarding, picnicking, camping, sanitation, and use of firearms on the reservoirs, lakes, rivers,  
16 and streams or at designated areas along the shore of the reservoirs, lakes, rivers, and streams. Areas regulated  
17 pursuant to the authority contained in this section must be areas that are legally accessible to the public. These  
18 rules are subject to review and approval by the department of public health and human services with regard to  
19 issues of public health and sanitation before becoming effective. Copies of the rules must show that endorsement.

20           (3) (a) The commission may not regulate or classify domestic livestock trailing as a commercial activity  
21 or commercial use that is subject to licensing, permitting, or fee requirements. Domestic livestock trailing on land  
22 owned or controlled by the department is exempt from the requirements of Title 75, chapter 1, parts 1 through  
23 3.

24           (b) The commission may authorize domestic livestock trailing across land owned or controlled by the  
25 department that is designated as a wildlife management area. The commission may adopt rules governing the  
26 timing of and the route to be used for domestic livestock trailing activities to the extent that the rules are  
27 necessary both to enable the trailing of domestic livestock across the designated wildlife management area and  
28 to protect and enhance state lands. The rules may not:

29           (i) require a fee for domestic livestock trailing or related activities; or

30           (ii) prohibit or unreasonably interfere with domestic livestock trailing activities.

1 (4) For the purposes of this section, the following definitions apply:

2 (a) "Domestic livestock" means domestic animals kept for farm and ranch purposes, including but not  
3 limited to horses, cattle, sheep, goats, and dogs.

4 (b) "Domestic livestock trailing" means the entering upon and crossing of department lands and the use  
5 of the lands for forage by domestic livestock for a maximum of 96 consecutive hours."  
6

7 **Section 4.** Section 87-1-304, MCA, is amended to read:

8 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) Subject to the provisions of  
9 87-5-302 and subsection (7) of this section, the commission may:

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

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

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

17 (d) subject to the provisions of 87-1-301~~(7)~~(6), restrict areas and species to hunting with only specified  
18 hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and  
19 experiences; and

20 (e) declare areas open to special license holders only and issue special licenses in a limited number  
21 when the commission determines, after proper investigation, that a special season is necessary to ensure the  
22 maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may  
23 declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are  
24 causing damage to private property or when a written complaint of damage has been filed with the commission  
25 by the owner of that property. In determining to whom special licenses must be issued, the commission may,  
26 when more applications are received than the number of animals to be killed, award permits to those chosen  
27 under a drawing system. The procedures used for awarding the permits from the drawing system must be  
28 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) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may divide  
2 the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the state.  
3 The commission may declare a closed season for hunting, fishing, or trapping in any of those districts and later  
4 may open those districts to hunting, fishing, or trapping.

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

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

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

18 (7) In an area immediately adjacent to a national park, the commission may not:

19 (a) prohibit the hunting or trapping of wolves; or

20 (b) close the area to wolf hunting or trapping unless a wolf harvest quota established by the commission  
21 for that area has been met."

22

23 **Section 5.** Section 87-2-113, MCA, is amended to read:

24 **"87-2-113. Application fees.** (1) (a) Except as provided in subsection (1)(b), when the department  
25 determines a drawing is necessary prior to issuance of hunting licenses for any game species during a hunting  
26 season, it shall collect a \$5 per species application fee.

27 (b) The department shall collect the following per species special license application fees:

28 (i) moose--resident, \$10; nonresident, \$50;

29 (ii) mountain goat--resident, \$10; nonresident, \$50;

30 (iii) mountain sheep--resident, \$10; nonresident, \$50;

1 (iv) wild buffalo or bison--resident, \$10; nonresident, \$50.

2 (2) (a) If a resident participates in a ~~preference~~ the bonus point system adopted by the commission, the  
3 department shall collect an additional application fee of \$2 per species ~~to fund the administration of the~~  
4 ~~preference system~~.

5 (b) If a nonresident participates in a ~~preference~~ the bonus point system adopted by the commission, the  
6 department shall collect an additional application fee of \$20 per species ~~to fund the administration of the~~  
7 ~~preference system~~.

8 (3) Application fees collected pursuant to this section must be deposited in the state special revenue fund  
9 to the credit of the department as set forth in 87-1-601.

10 (4) The payment of an application fee confers no hunting rights or privileges.

11 (5) The commission may waive the provisions of subsection (1) when a drawing is required for a special  
12 season under 87-1-304."

13

14 NEW SECTION. Section 6. Codification instruction. [Section 1] is intended to be codified as an  
15 integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 1].

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17 NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

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