

## 1 HOUSE BILL NO. 417

2 INTRODUCED BY J. KASSMIER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE FISH AND WILDLIFE COMMISSION FROM  
5 LIMITING THE NUMBER OF PERMITS AVAILABLE IN HUNTING DISTRICTS WHERE POPULATION  
6 NUMBERS ARE OVER OBJECTIVE; AMENDING SECTION 87-1-304, MCA; AND PROVIDING A DELAYED  
7 EFFECTIVE DATE."

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

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

12 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) Subject to the provisions of 87-5-  
13 302 and ~~subsection~~ subsections (7) and (8) of this section, the commission may:

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

15 (b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing  
16 animal as defined by 87-2-101;17 (c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear,  
18 wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or tag and  
19 designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat,  
20 mountain lion, bear, wild buffalo or bison, and wolf in those areas;21 (d) subject to the provisions of 87-1-301(6), restrict areas and species to hunting with only specified  
22 hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities  
23 and experiences; and24 (e) declare areas open to special license holders only and issue special licenses in a limited number  
25 when the commission determines, after proper investigation, that a special season is necessary to ensure the  
26 maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission  
27 may declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are  
28 causing damage to private property or when a written complaint of damage has been filed with the commission

1 by the owner of that property. In determining to whom special licenses must be issued, the commission may,  
2 when more applications are received than the number of animals to be killed, award permits to those chosen  
3 under a drawing system. The procedures used for awarding the permits from the drawing system must be  
4 determined by the commission.

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

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

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

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

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

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

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

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

28 (8) The commission may not limit the number of permits available for a species in a hunting district

1 where the population of that species exceeds the sustainable population number established pursuant to 87-1-  
2 323."

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4 NEW SECTION. Section 2. Effective date. [This act] is effective March 1, 2022.

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