

1 SENATE BILL NO. 533

2 INTRODUCED BY M. NOLAND, G. HERTZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO NONRESIDENT HUNTING;
5 ESTABLISHING A 14-DAY LIMIT FOR NONRESIDENT HUNTERS OF GAME ANIMALS; ELIMINATING
6 DISCOUNTED LICENSES FOR NONRESIDENT COLLEGE STUDENTS; PROVIDING RULEMAKING
7 AUTHORITY; AMENDING SECTION 87-1-304, MCA; AND REPEALING SECTION 87-2-525, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
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 subsections (7) through (9) 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,
18 bear, wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or
19 tag and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep,
20 goat, 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
22 specified hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting
23 opportunities and experiences; and

24 (e) declare areas open to special license holders only and issue special licenses in a limited
25 number when the commission determines, after proper investigation, that a special season is necessary to
26 ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The
27 commission may declare a special season and issue special licenses when game birds, animals, or fur-bearing

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

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

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

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

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

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

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

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

27 (b) close the area to wolf hunting or trapping unless a wolf harvest quota established by the

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1 commission for that area has been met.

2 (8) The commission may authorize a wolf trapping season that opens the first Monday after
3 Thanksgiving and closes March 15 of the following calendar year, except that the commission may adjust the
4 dates for specific wolf management units based on regional recommendations.

5 (9) There is established a special muzzleloader heritage hunting season that begins on the second
6 Saturday after the end of the regular season and lasts 9 days. During this season, subject to the provisions of
7 87-6-401(1)(i) and rules adopted by the commission, a person may take a deer or elk with a valid license or
8 permit using plain lead projectiles and a muzzleloading rifle that is charged with loose black powder, loose
9 pyrodex, or an equivalent loose black powder substitute and ignited by a flintlock, wheel lock, matchlock, or
10 percussion mechanism using a percussion or musket cap. The muzzleloading rifle must be a minimum of 45
11 caliber and may not have more than two barrels."

12 (10) (a) ~~The Except as provided in subsection (10)(b), the commission may not allow nonresident~~
13 ~~hunters to hunt game animals, as defined in 87- 2-101, DEER, ELK, OR ANTELOPE for more than 14 calendar days~~
14 ~~during a calendar year.~~

15 (b) ~~A nonresident landowner, including the landowner's spouse or natural or adoptive child, who~~
16 ~~owns 160 acres or more of contiguous land may hunt for more than 14 calendar days during a calendar year if~~
17 ~~the hunting beyond the 14-day limit occurs on the nonresident landowner's private property.~~

18 (b)(c) ~~The commission shall adopt rules to implement subsection-subsections (10)(a) and (10)(b).~~

19
20 **NEW SECTION. Section 2. Repealer.** The following section of the Montana Code Annotated is
21 repealed:

22 87-2-525. Nonresident college student licenses.

23 - END -