

HOUSE BILL NO. 216

INTRODUCED BY T. SHARP, S. KELLY, E. BYRNE, C. HINKLE, T. FALK, P. FIELDER, G. HERTZ, G.

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE FISH AND WILDLIFE COMMISSION TO ESTABLISH RULES TO ISSUE JOINT DEER AND ELK HUNTING LICENSES TO PRIVATE LANDOWNERS WITHIN THE BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 87-1-304, MCA."

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

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

"87-1-304. Fixing of seasons and bag and possession limits -- rulemaking. (1) Subject to the provisions of 87-5-302 and subsections (7) through (9) (10) of this section, the commission may:

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

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
28 commission for that area has been met.

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

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

(10) (a) The commission shall establish rules to issue joint licenses for deer and elk to owners of fee land within the exterior boundaries of the Flathead Indian reservation.

(b) Licenses issued pursuant to this section are only valid for hunting on land owned by the license holder within the boundaries of the Flathead Indian reservation.

(c) The fee for the joint license created in this subsection (10) may not exceed the fee charged for similar licenses issued by the state.

(e)(d) Pursuant to 87-1-228, the department shall pursue an agreement with the council of the Confederated Salish and Kootenai tribes of the Flathead Indian reservation to transfer to the council revenue generated by the sale of licenses pursuant to this section."

NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

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