



AN ACT PROVIDING FOR SPRING WOLF HUNTS; ESTABLISHING FEES FOR SPRING WOLF HUNTING LICENSES; AMENDING SECTIONS 87-1-304, 87-2-523, 87-2-524, AND 87-5-131, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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. (1) (a) The commission may:

- (i) fix seasons, bag limits, possession limits, and season limits;
- (ii) 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; and
- (iii) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear, 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, and wolf in those areas.

(b) The commission may 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.

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

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

(3) The commission may divide the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the state. The commission may declare a closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

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

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

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

(7) (a) As part of the management of the gray wolf following delisting as provided in 87-5-131, the commission shall provide for an annual spring wolf hunt if:

(i) the state objective for a minimum number of breeding pairs is met;

(ii) the commission forbids the hunting of pups or females with pups; and

(iii) the commission did not provide for a wolf hunt during the preceding fall season.

(b) The commission may provide for other wolf hunts pursuant to its powers under this section."

Section 2. Section 87-2-523, MCA, is amended to read:

"87-2-523. Class E-1--resident wolf license. (1) Except as otherwise provided in this chapter, a person who is a resident, as defined in 87-2-102, and who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued, ~~upon payment of a fee of \$19,~~ may receive a Class E-1

license that entitles a holder who is 12 years of age or older to hunt a wolf and possess the carcass of the wolf as authorized by commission rules.

(2) For a spring wolf season, the fee for a Class E-1 license is \$9.50. For any other season, the fee for a Class E-1 license is \$19."

Section 3. Section 87-2-524, MCA, is amended to read:

"87-2-524. Class E-2--nonresident wolf license. (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued, ~~upon payment of a fee of \$350,~~ may receive a Class E-2 license that entitles a holder who is 12 years of age or older to hunt a wolf and possess the carcass of the wolf as authorized by commission rules.

(2) For a spring wolf season, the fee for a Class E-2 license is \$175. For any other season, the fee for a Class E-2 license is \$350."

Section 4. Section 87-5-131, MCA, is amended to read:

"87-5-131. Process for delisting of gray wolf -- management following delisting. (1) If the United States fish and wildlife service removes the Northern Rocky Mountain or gray wolf from the United States' list of endangered or threatened wildlife, the department is authorized to remove the wolf from the state list of endangered species upon a determination by the department pursuant to this part that the wolf is no longer endangered.

(2) Following state delisting of the wolf, the department shall manage the wolf as a species in need of management until the department and the commission determine that the wolf no longer needs protection as a species in need of management and can be managed and protected as a game animal. Upon making that determination, the commission may declare the wolf a big game animal or a furbearer and may regulate the taking of a wolf as a big game animal or furbearer.

(3) Pursuant to the provisions of 87-1-304 and subsection (2) of this section, the commission shall establish a spring wolf hunt.

~~(3)~~(4) (a) Following state delisting of the wolf, the department, or the department of livestock, pursuant to 81-7-102 and 81-7-103, may control wolves for the protection and safeguarding of livestock if the control action

is consistent with a wolf management plan approved by both the department and the department of livestock.

(b) Any wolf management plan approved by the department and the department of livestock must allow the issuance of special kill permits, also known as shoot-on-sight written take authorizations, by the department to landowners or public land permittees who have experienced livestock depredation."

Section 5. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0402, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

Signed this _____ day
of _____, 2011.

SENATE BILL NO. 402

INTRODUCED BY J. BALLYEAT, HAMLETT, HINKLE, MOWBRAY, FACEY, TAYLOR, ZINKE, RIPLEY,
OLSON, ARTHUN, MOORE, MURPHY, STEINBEISSER, SHOCKLEY, JACKSON, LEWIS, HUTTON,
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KNUDSEN, BLASDEL, JONES, D. KENNEDY

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