

## 1 HOUSE BILL NO. 241

2 INTRODUCED BY J. READ

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE FISH AND WILDLIFE COMMISSION TO ALLOW  
5 HUNTING BY NONTRIBAL MEMBERS ON FEE LANDS WITHIN THE EXTERIOR BOUNDARIES OF A  
6 RESERVATION; AND AMENDING SECTION 87-1-303, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 **Section 1.** Section 87-1-303, MCA, is amended to read:

11 **"87-1-303. Rules for use of lands and waters.** (1) Except as provided in 23-1-111, 87-1-301(6), and  
12 subsection (3) of this section, the commission may adopt and enforce rules governing uses of lands that are  
13 acquired or held under easement by the commission or lands that it operates under agreement with or in  
14 conjunction with a federal or state agency or private owner. The rules must be adopted in the interest of public  
15 health, public safety, and protection of property in regulating the use of these lands. All lease and easement  
16 agreements must itemize uses as listed in 87-1-209.

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

1 that endorsement.

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

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

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

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

13 ~~(4)(c)~~ For the purposes of this ~~section~~ subsection (3), the following definitions apply:

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

16 ~~(b)(ii)~~ "Domestic livestock trailing" means the entering upon and crossing of department lands and the  
17 use of the lands for forage by domestic livestock for a maximum of 96 consecutive hours.

18 (4) Except when a private landowner consents pursuant to 87-1-305, and subject to the provisions of  
19 87-1-301(6), the commission may not prohibit hunting of game animals on fee lands owned by a nontribal  
20 member within the exterior boundaries of an Indian reservation with a valid license issued by the department  
21 during a hunting season in which the person could hunt with that license on any other fee land in the state."

22  
23 NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a  
24 copy of [this act] to each federally recognized tribal government in Montana.

25 - END -