

SENATE BILL NO. 200

INTRODUCED BY C. VINCENT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO WOLF MANAGEMENT; GRANTING
5 RULEMAKING AUTHORITY; AUTHORIZING THE ISSUANCE OF MULTIPLE LICENSES TO HUNT AND TRAP
6 WOLVES; AUTHORIZING LANDOWNERS AND THEIR AGENTS TO KILL WOLVES ON PRIVATE PROPERTY
7 WITHOUT A HUNTING LICENSE; ~~REQUIRING POPULATION MONITORING; REORGANIZING SECTIONS;~~
8 ~~REQUIRING REPORTS TO THE ENVIRONMENTAL QUALITY COUNCIL; REDUCING THE PRICE OF A~~
9 ~~NONRESIDENT WOLF LICENSE; PROVIDING AN EXCEPTION TO THE REQUIREMENT THAT HUNTERS~~
10 ~~WEAR ORANGE; AMENDING SECTIONS 87-1-623, 87-1-625, 87-2-104, 87-2-523, 87-2-524, 87-6-401, AND~~
11 ~~87-6-414, MCA; REPEALING SECTIONS 87-5-131 AND 87-5-132, MCA; AND PROVIDING AN IMMEDIATE~~
12 ~~EFFECTIVE DATE."~~

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

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16 NEW SECTION. **Section 1. Gray wolf management -- rulemaking -- reporting.** (1) Except as
17 provided in subsection ~~(3)~~ (2), the commission shall establish by rule hunting and trapping seasons for wolves.
18 For game management purposes, the commission may authorize:

- 19 (a) the issuance of more than one Class E-1 or Class E-2 wolf hunting license to an applicant; and
20 (b) the trapping of more than one wolf by the holder of a trapping license.

21 ~~(2) A resident or nonresident who obtains a deer and an elk hunting license pursuant to Title 87, chapter~~
22 ~~2, may receive a free Class E-1 or Class E-2 wolf license. A person may receive only one free wolf license~~
23 ~~pursuant to this subsection in each license year.~~

24 ~~(3)(2) A~~ THE COMMISSION SHALL ADOPT RULES TO ALLOW A landowner or the landowner's agent may TO take
25 a wolf on the landowner's property at any time without the purchase of a Class E-1 or Class E-2 wolf license-
26 WHEN THE WOLF IS A POTENTIAL THREAT TO HUMAN SAFETY, LIVESTOCK, OR DOGS. THE RULES MUST:

27 (A) BE CONSISTENT WITH THE MONTANA GRAY WOLF CONSERVATION AND MANAGEMENT PLAN AND THE ADAPTIVE
28 MANAGEMENT PRINCIPLES OF THE COMMISSION AND THE DEPARTMENT FOR THE MONTANA GRAY WOLF POPULATION;

29 (B) REQUIRE A LANDOWNER OR THE LANDOWNER'S AGENT WHO TAKES A WOLF PURSUANT TO THIS SUBSECTION
30 (2) TO PROMPTLY REPORT THE TAKING TO THE DEPARTMENT AND TO PRESERVE THE CARCASS OF THE WOLF;

1 (C) ESTABLISH A QUOTA EACH YEAR FOR THE TOTAL NUMBER OF WOLVES THAT MAY BE TAKEN PURSUANT TO THIS
 2 SUBSECTION (2); AND

3 (D) ALLOW THE COMMISSION TO ISSUE A MORATORIUM ON THE TAKING OF WOLVES PURSUANT TO THIS
 4 SUBSECTION (2) BEFORE A QUOTA IS REACHED IF THE COMMISSION DETERMINES THAT CIRCUMSTANCES REQUIRE A
 5 LIMITATION OF THE TOTAL NUMBER OF WOLVES TAKEN.

6 (3) Public land permittees who have experienced livestock depredation must obtain a special kill permit
 7 authorized in ~~subsection (8)~~ 87-5-131(3)(B) to take a wolf on public land without the purchase of a Class E-1 or
 8 Class E-2 license.

9 ~~(4) Based on population monitoring conducted pursuant to subsection (5), the department may issue~~
 10 ~~a moratorium on the unlicensed taking of wolves by landowners and their agents pursuant to subsection (3) if the~~
 11 ~~state's population management objective for the gray wolf is threatened in a manner that would cause the gray~~
 12 ~~wolf to be listed under 87-5-107 or under the federal endangered species act. When the population management~~
 13 ~~objective is no longer threatened, the department shall lift the moratorium.~~

14 ~~———— (5) The department shall develop and implement methods of wildlife population monitoring to most~~
 15 ~~accurately monitor wolf, moose, elk, and deer populations and the effect of wolf depredation on moose, elk, and~~
 16 ~~deer populations. This includes the use of collars pursuant to subsection (6) to monitor wolves and any other~~
 17 ~~activities necessary to achieve the most accurate population data possible for wolf, moose, elk, and deer.~~

18 ~~———— (6) As part of a wolf management plan approved by the department, a radio-tracking collar or a collar~~
 19 ~~that uses global positioning system technology must be attached to at least one wolf in each wolf pack that is~~
 20 ~~active near livestock or near a population center in areas where depredations are chronic or likely. In order to~~
 21 ~~fulfill the requirements of this subsection, the department:~~

22 ~~———— (a) may expend any state and federal funds received for wolf management purposes and the portion of~~
 23 ~~money allocated from the wolf management account established in 87-1-623; and~~

24 ~~———— (b) shall collaborate and cooperate and may enter into agreements with other state and federal agencies,~~
 25 ~~including the United States department of agriculture wildlife services.~~

26 ~~———— (7) The department, pursuant to 87-1-217, or the department of livestock, pursuant to 81-7-102 and~~
 27 ~~81-7-103, may control wolves for the protection and safeguarding of livestock if the control action is consistent~~
 28 ~~with a wolf management plan approved by both the department and the department of livestock.~~

29 ~~———— (8) Any wolf management plan approved by the department and the department of livestock must allow~~
 30 ~~the issuance of special kill permits, also known as shoot-on-sight written take authorizations, by the department~~

1 to public land permittees who have experienced livestock depredation:

2 ~~(9)(4)~~ The department shall report annually to the environmental quality council regarding the
3 implementation of 87-5-131, 87-5-132, AND this section.

4

5 ~~Section 2.~~ Section 87-1-623, MCA, is amended to read:

6 ~~"87-1-623. Wolf management account. (1) There is a wolf management account in the state special~~
7 ~~revenue fund established in 17-2-102. Fees collected from the sale of Class E-1 and Class E-2 wolf licenses and~~
8 ~~interest earned on the account must be deposited into the account. Subject to appropriation by the legislature,~~
9 ~~money deposited in the account must be used exclusively for the management of wolves as specified in~~
10 ~~subsection (2).~~

11 ~~(2) Money deposited in accordance with subsection (1) must be equally divided and allocated for the~~
12 ~~following purposes:~~

13 ~~(a) wolf-collaring activities conducted pursuant to 87-5-132 [section 1]; and~~

14 ~~(b) lethal action conducted pursuant to 87-1-217 to take problem wolves that attack livestock.~~

15 ~~(3) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the~~
16 ~~account."~~

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18 ~~Section 3.~~ Section 87-1-625, MCA, is amended to read:

19 ~~"87-1-625. Funding for wolf management. (1) The department shall allocate \$900,000 annually for~~
20 ~~wolf management.~~

21 ~~(2) For the purposes of this section, the term "management" has the same meaning provided in 87-5-102~~
22 ~~and includes:~~

23 ~~(a) wolf collaring conducted pursuant to 87-5-132 [section 1]; and~~

24 ~~(b) lethal action conducted pursuant to 87-1-217 to take problem wolves that attack livestock.~~

25 ~~(3) Not more than 25% of the total funding allocated under this section may be used for administrative~~
26 ~~costs:~~

27 ~~(4) Pursuant to 87-1-201, the department may allocate funds from any source to meet the requirements~~
28 ~~of this section:~~

29 ~~(5) The department may contract with the United States department of agriculture wildlife services and~~
30 ~~county governments for the purposes of this section."~~

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Section 2. Section 87-2-104, MCA, is amended to read:

"87-2-104. Number of licenses, permits, or tags allowed -- fees. (1) The department may prescribe rules and regulations for the issuance or sale of a replacement license, permit, or tag if the original license, permit, or tag is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

(2) When authorized by the commission for game management purposes, the department may:

(a) issue more than one Class A-3 resident deer A, Class A-4 resident deer B, Class B-7 nonresident deer A, Class B-8 nonresident deer B, Class E-1 resident wolf, Class E-2 nonresident wolf, or special antelope license to an applicant; and

(b) issue a special antlerless moose license, a special cow or calf bison license, or one or more special adult ewe mountain sheep licenses to an applicant.

(3) For all of the game management licenses issued under subsection (2), the commission shall determine the hunting districts or portions of hunting districts for which the licenses are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the licenses.

(4) When authorized by the commission for game management purposes, the department may issue Class A-9 resident antlerless elk B tag licenses and Class B-12 nonresident antlerless elk B tag licenses entitling the holder to take an antlerless elk. Unless otherwise reduced pursuant to subsection (5), the fee for a Class B-12 license is \$273. The commission shall determine the hunting districts or portions of hunting districts for which Class A-9 and Class B-12 licenses are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the licenses.

(5) The fee for a resident or nonresident license of any class issued under subsection (2) or (4) may be reduced annually by the department."

Section 3. 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) A person who purchases a license pursuant to this section after August 31 may not use the license

1 until 24 hours after the license is issued.

2 ~~(2)~~(3) Fees collected pursuant to this section must be deposited and used in accordance with 87-1-623."

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4 **Section 4.** Section 87-2-524, MCA, is amended to read:

5 **"87-2-524. Class E-2--nonresident wolf license.** (1) Except as otherwise provided in this chapter, a
6 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
7 old before or during the season for which the license is issued, upon payment of a fee of ~~\$350~~ \$50, may receive
8 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
9 of the wolf as authorized by commission rules.

10 (2) A person who purchases a license pursuant to this section after August 31 may not use the license
11 until 24 hours after the license is issued.

12 ~~(2)~~(3) Fees collected pursuant to this section must be deposited and used in accordance with 87-1-623."

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14 **Section 5.** Section 87-6-401, MCA, is amended to read:

15 **"87-6-401. Unlawful use of equipment while hunting.** (1) A person may not:

16 (a) hunt or attempt to hunt any game animal or game bird by the aid or with the use of any snare, except
17 as allowed in 87-3-127 and 87-3-128, set gun, projected artificial light, trap, salt lick, or bait;

18 (b) use any recorded or electrically amplified bird or animal calls or sounds or recorded or electrically
19 amplified imitations of bird or animal calls or sounds to assist in the hunting, taking, killing, or capturing of wildlife
20 except predatory animals, wolves, and those birds not protected by state or federal law;

21 (c) while hunting, take into a field or forest or have in the person's possession any device or mechanism
22 devised to silence, muffle, or minimize the report of any firearm, whether the device or mechanism is operated
23 from or attached to any firearm;

24 (d) while hunting, possess any electronic motion-tracking device or mechanism, as defined by
25 commission rule, that is designed to track the motion of a game animal and relay information on the animal's
26 movement to the hunter. A radio-tracking collar attached to a dog that is used by a hunter engaged in lawful
27 hunting activities is not considered a motion-tracking device or mechanism for purposes of this subsection (1)(d).

28 (e) while hunting, use archery equipment that has been prohibited by rule of the commission;

29 (f) use a shotgun to hunt deer or elk except with weapon type and loads as specified by the department;

30 (g) use a rifle to hunt or shoot upland game birds unless the use of rifles is permitted by the department.

1 This does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only, not larger than
2 a number 10 gauge, fired from the shoulder.

3 (h) use a rifle to hunt or shoot wild turkey during the spring wild turkey season.

4 (2) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000
5 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon
6 conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping
7 license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in
8 77-1-101, for recreational purposes for a period of time set by the court.

9 (3) A person convicted of hunting while using projected artificial light as described in subsection (1)(a)
10 may be subject to the additional penalties provided in 87-6-901 and 87-6-902.

11 (4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through
12 87-6-907."

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14 **Section 6.** Section 87-6-414, MCA, is amended to read:

15 **"87-6-414. Failure to wear hunter orange while big game hunting.** (1) Except as provided in
16 subsection (3), a person may not hunt any big game animals in this state or accompany any hunter as an outfitter
17 or guide under any of the provisions of the laws of this state without wearing as exterior garments above the waist
18 a total of not less than 400 square inches of hunter orange material visible at all times while hunting.

19 (2) As used in this section, "hunter orange" means a daylight fluorescent orange color.

20 (3) This section does not apply to a person hunting:

21 (a) with a bow and arrow during the special archery season; or

22 (b) wolves outside the general deer and elk season as authorized by commission rules.

23 (4) The department shall make rules to implement this section.

24 (5) A person convicted of a violation of this section shall be punished by a fine of not less than \$10 or
25 more than \$20."

26

27 ~~NEW SECTION. Section 9. Repealer. The following sections of the Montana Code Annotated are~~
28 ~~repealed:~~

29 ~~87-5-131. Process for delisting of gray wolf -- management following delisting.~~

30 ~~87-5-132. Use of radio-tracking collars for monitoring wolf packs.~~

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2 NEW SECTION. **Section 7. Codification instruction.** [Section 1] is intended to be codified as an
3 integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to [section 1].

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5 NEW SECTION. **Section 8. Severability.** If a part of [this act] is invalid, all valid parts that are severable
6 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
7 remains in effect in all valid applications that are severable from the invalid applications.

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9 NEW SECTION. **Section 9. Effective date.** [This act] is effective on passage and approval.

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