

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLASSIFYING WOLVES AS PREDATORS INSTEAD OF A
5 SPECIES IN NEED OF MANAGEMENT; REPEALING WOLF HUNTING AND TRAPPING LICENSES AND
6 REGULATIONS; REVISING WOLF-RELATED EXPENDITURES; AMENDING SECTIONS 2-15-3110, 2-15-
7 3113, 81-7-101, 87-1-206, 87-1-217, 87-1-304, 87-1-601, 87-1-625, 87-2-101, 87-2-104, 87-2-810, 87-3-310,
8 87-5-725, 87-6-101, 87-6-106, 87-6-304, 87-6-401, 87-6-414, 87-6-415, AND 87-6-906, MCA; REPEALING
9 SECTIONS 87-1-623, 87-1-901, 87-2-523, 87-2-524, 87-2-813, 87-5-131, AND 87-5-132, MCA; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 2-15-3110, MCA, is amended to read:

15 **"2-15-3110. (Temporary) Livestock loss board -- purpose, membership, and qualifications. (1)**

16 There is a livestock loss board. The purpose of the board is to administer the programs called for in the
17 ~~Montana gray wolf conservation and management plan, the Montana mountain lion management plan, and the~~
18 Montana grizzly bear management plan and established in 2-15-3111 through 2-15-3113, with funds provided
19 through the accounts established in 81-1-110, in order to minimize losses caused by wolves, mountain lions,
20 and grizzly bears to livestock producers and to reimburse livestock producers for livestock losses from wolf,
21 mountain lion, and grizzly bear predation.

22 (2) The board consists of five members, appointed by the governor, as follows:

23 (a) three members who are actively involved in the livestock industry and who have knowledge and
24 experience with regard to wildlife impacts or management; and

25 (b) two members of the general public who are or have been actively involved in wildlife conservation
26 or wildlife management and who have knowledge and experience with regard to livestock production or
27 management.

28 (3) The board is designated as a quasi-judicial board for the purposes of 2-15-124. Notwithstanding

1 the provisions of 2-15-124(1), the governor is not required to appoint an attorney to serve as a member of the
2 board.

3 (4) The board is allocated to the department of livestock for administrative purposes only as provided
4 in 2-15-121.

5 (5) The board shall adopt rules to implement the provisions of 2-15-3110 through 2-15-3114 and 81-
6 1-110 through 81-1-113.

7 (6) The board shall prioritize grants for prevention of wolf and grizzly bear predation over those for
8 mountain lion predation. (Terminates June 30, 2023--sec. 6, Ch. 284, L. 2017.)

9 **2-15-3110. (Effective July 1, 2023) Livestock loss board -- purpose, membership, and**

10 **qualifications.** (1) There is a livestock loss board. The purpose of the board is to administer the programs
11 called for in the ~~Montana gray wolf conservation and management plan, the Montana mountain lion~~
12 ~~management plan,~~ and the Montana grizzly bear management plan and established in 2-15-3111 through 2-15-
13 3113, with funds provided through the accounts established in 81-1-110, in order to minimize losses caused by
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18 experience with regard to wildlife impacts or management; and

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20 or wildlife management and who have knowledge and experience with regard to livestock production or
21 management.

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23 the provisions of 2-15-124(1), the governor is not required to appoint an attorney to serve as a member of the
24 board.

25 (4) The board is allocated to the department of livestock for administrative purposes only as provided
26 in 2-15-121.

27 (5) The board shall adopt rules to implement the provisions of 2-15-3110 through 2-15-3114 and 81-
28 1-110 through 81-1-112.

1 (6) The board shall prioritize grants for prevention of wolf and grizzly bear predation over those for
2 mountain lion predation."

3

4 **Section 2.** Section 2-15-3113, MCA, is amended to read:

5 **"2-15-3113. Additional powers and duties of livestock loss board.** (1) The livestock loss board
6 shall:

7 (a) process claims;

8 (b) seek information necessary to ensure that claim documentation is complete;

9 (c) provide payments authorized by the board for confirmed and probable livestock losses, along with
10 a written explanation of payment;

11 (d) submit monthly and annual reports to the board of livestock summarizing claims and expenditures
12 and the results of action taken on claims and maintain files of all claims received, including supporting
13 documentation;

14 (e) provide information to the board of livestock regarding appealed claims and implement any
15 decision by the board;

16 (f) prepare the annual budget for the board; and

17 (g) provide proper documentation of staff time and expenditures.

18 (2) The livestock loss board may enter into an agreement with any Montana tribe, if the tribe controls
19 wolves as predatory animals or has adopted a ~~wolf~~, mountain lion, or grizzly bear management plan for
20 reservation lands that is consistent with state control of wolves as predatory animals or the state ~~wolf~~, mountain
21 lion, or grizzly bear management plan, to provide that tribal lands within reservation boundaries are eligible for
22 mitigation grants pursuant to 2-15-3111 and that livestock losses on tribal lands within reservation boundaries
23 are eligible for reimbursement payments pursuant to 2-15-3112.

24 (3) The livestock loss board shall:

25 (a) coordinate and share information with state, federal, and tribal officials, livestock producers,
26 nongovernmental organizations, and the general public in an effort to reduce livestock losses caused by
27 wolves, mountain lions, and grizzly bears;

28 (b) establish an annual budget for the prevention, mitigation, and reimbursement of livestock losses

1 caused by wolves, mountain lions, and grizzly bears;

2 (c) perform or contract for the performance of periodic program audits and reviews of program
3 expenditures, including payments to individuals, incorporated entities, and producers who receive loss
4 reduction grants and reimbursement payments;

5 (d) adjudicate appeals of claims;

6 (e) investigate alternative or enhanced funding sources, including possible agreements with public
7 entities and private wildlife or livestock organizations that have active livestock loss reimbursement programs in
8 place;

9 (f) meet as necessary to conduct business; and

10 (g) report annually to the governor, the legislature, members of the Montana congressional
11 delegation, the board of livestock, the fish and wildlife commission, and the public regarding results of the
12 programs established in 2-15-3111 through 2-15-3113.

13 (4) The livestock loss board may sell or auction any carcasses or parts of carcasses from wolves or
14 mountain lions received pursuant to 87-1-217. The proceeds, minus the costs of the sale including the
15 preparation of the carcass or part of the carcass for sale, must be deposited into the livestock loss reduction
16 and mitigation special revenue account established in 81-1-110 and used for the purposes of 2-15-3111
17 through 2-15-3114."

18

19 **Section 3.** Section 81-7-101, MCA, is amended to read:

20 **"81-7-101. Definition.** For the purpose of this part, the term "predatory animal" includes coyote, red
21 fox, wolf, and any other individual animal causing depredations upon livestock."

22

23 **Section 4.** Section 87-1-206, MCA, is amended to read:

24 **"87-1-206. Bounty claims for wild animals.** (1) The department shall pay bounty claims for wild
25 animals that have been filed with and approved by the board of livestock. The department shall pay out of the
26 state fish and game funds, other than those funds derived from license fees paid by hunters and anglers,
27 bounties on predatory wild animals as the bounty claims are presented, not exceeding \$7,500 for each calendar
28 year.

1 (2) The board of livestock shall, after approving the bounty claim, deliver the claim to the department
 2 for rejection or approval. If the claim or certificate is rejected, it must be returned by the department to the board
 3 of livestock. If approved, it must be delivered to the department of administration for allowance or disallowance.
 4 This section does not take from the department the exclusive power to administer the fish and game money at
 5 its discretion.

6 (3) If the department of administration allows the claim, the department shall draw a warrant on the
 7 state fish and game money in the state special revenue fund for the amount approved in favor of the claimant in
 8 the order in which the claim is approved.

9 (4) For the purposes of this section, the term "predatory wild animals" includes wolves."

10

11 **Section 5.** Section 87-1-217, MCA, is amended to read:

12 **"87-1-217. Policy for management of large predators -- legislative intent.** (1) In managing large
 13 predators, the primary goals of the department, in the order of listed priority, are to:

- 14 (a) protect humans, livestock, and pets;
- 15 (b) preserve and enhance the safety of the public during outdoor recreational and livelihood activities;
- 16 and
- 17 (c) preserve citizens' opportunities to hunt large game species.

18 (2) With regard to large predators, it is the intent of the legislature that the specific provisions of this
 19 section concerning the management of large predators will control the general supervisory authority of the
 20 department regarding the management of all wildlife.

21 ~~(3) For the management of wolves in accordance with the priorities established in subsection (1), the~~
 22 ~~department may use lethal action to take problem wolves that attack livestock if the state objective for breeding~~
 23 ~~pairs has been met. For the purposes of this subsection, "problem wolves" means any individual wolf or pack of~~
 24 ~~wolves with a history of livestock predation.~~

25 ~~(4)~~(3) The department shall work with the livestock loss board and the United States department of
 26 agriculture wildlife services to establish the conditions under which carcasses or parts of carcasses from wolves
 27 or mountain lions are retrieved during management activities and when those carcasses or parts of carcasses
 28 are made available to the livestock loss board for sale or auction pursuant to 2-15-3113.

1 ~~(5)~~(4) The department shall ensure that county commissioners and tribal governments in areas that
2 have identifiable populations of large predators have the opportunity for consultation and coordination with state
3 and federal agencies prior to state and federal policy decisions involving large predators and large game
4 species.

5 ~~(6)~~(5) As used in this section:

6 (a) "consultation" means to actively provide information to a county or tribal government regarding
7 proposed policy decisions on matters that may have a harmful effect on agricultural production or livestock
8 operations or that may pose a risk to human health or safety in that county or on those tribal lands and to seek
9 information and advice from counties or tribal governments on these matters;

10 (b) "large game species" means deer, elk, mountain sheep, moose, antelope, and mountain goats;
11 and

12 (c) "large predators" means bears, and mountain lions, ~~and wolves.~~"

13

14 **Section 6.** Section 87-1-304, MCA, is amended to read:

15 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) Subject to the provisions of 87-5-
16 302 ~~and subsection (7) of this section~~, the commission may:

17 (a) fix seasons, bag limits, possession limits, and season limits;

18 (b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing
19 animal as defined by 87-2-101;

20 (c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear,
21 and wild buffalo or bison, ~~and wolf~~ by persons holding an archery stamp and the required license, permit, or tag
22 and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat,
23 mountain lion, bear, and wild buffalo or bison, ~~and wolf~~ in those areas;

24 (d) subject to the provisions of 87-1-301(6), restrict areas and species to hunting with only specified
25 hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities
26 and experiences; and

27 (e) declare areas open to special license holders only and issue special licenses in a limited number
28 when the commission determines, after proper investigation, that a special season is necessary to ensure the

1 maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission
2 may declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are
3 causing damage to private property or when a written complaint of damage has been filed with the commission
4 by the owner of that property. In determining to whom special licenses must be issued, the commission may,
5 when more applications are received than the number of animals to be killed, award permits to those chosen
6 under a drawing system. The procedures used for awarding the permits from the drawing system must be
7 determined by the commission.

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

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

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

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

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

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

28 ~~(a) prohibit the hunting or trapping of wolves; or~~

1 ~~(b) close the area to wolf hunting or trapping unless a wolf harvest quota established by the~~
2 ~~commission for that area has been met."~~

3

4 **Section 7.** Section 87-1-601, MCA, is amended to read:

5 **"87-1-601. Use of fish and game money.** (1) (a) Except as provided in 87-1-290, 87-1-293, ~~87-1-~~
6 ~~623,~~ and subsections (8) and (10) of this section, all money collected or received from the sale of hunting and
7 fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the
8 fish and game laws of this state, or from appropriations or received by the department from any other state
9 source must be turned over to the department of revenue and placed in the state special revenue fund to the
10 credit of the department.

11 (b) Any money received from federal sources must be deposited in the federal special revenue fund
12 to the credit of the department.

13 (c) All interest earned on money from the following sources must be placed in the state special
14 revenue fund to the credit of the department:

15 (i) the general license account;

16 (ii) the license drawing account;

17 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-
18 722, and 87-2-724; and

19 (iv) money received from the sale of any other hunting and fishing license.

20 (2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set
21 apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures
22 authorized to be made by the department under the terms of this title. The money described in subsection (1)
23 must be spent for those purposes by the department, subject to appropriation by the legislature.

24 (3) Any reference to the fish and game fund in Title 87 means fish and game money in the state
25 special revenue fund and the federal special revenue fund.

26 (4) Except as provided in subsections (8) and (9), all money collected or received from fines and
27 forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish
28 and game laws under Title 87 must be deposited by the department of revenue and credited to the department

1 in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of
2 the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any
3 case in which the fine is not imposed in addition to the costs of prosecution.

4 (5) (a) Except as provided in 87-1-621, section 2(3), Chapter 560, Laws of 2005, and subsection (6)
5 of this section, money must be deposited in an account in the permanent fund if it is received by the department
6 from:

7 (i) the sale of surplus real property;

8 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department,
9 except royalties or other compensation based on production; and

10 (iii) leases of interests in department real property not contemplated at the time of acquisition.

11 (b) The interest derived from the account, but not the principal, may be used only for the purpose of
12 operation, development, and maintenance of real property of the department and only upon appropriation by
13 the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws
14 or state statutes specifically naming the department or money received by the department, then the use of this
15 money must be limited in the manner, method, and amount to those uses that do not result in a violation.

16 (6) Money received from the sale or lease of lands acquired and managed for the purposes of Title
17 23, chapter 1, must be deposited in the state special revenue fund in the account established for miscellaneous
18 funds received for state parks and may be used only for the purposes of Title 23, chapter 1.

19 (7) Money received from the collection of license drawing applications is subject to the deposit
20 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit
21 schedule pursuant to 17-6-105(8).

22 (8) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806,
23 or rules adopted under 77-1-804 must be deposited in the state general fund.

24 (9) The department of revenue shall deposit in the state general fund one-half of the money received
25 from the fines imposed pursuant to Title 87, chapter 6.

26 (10) (a) The department shall deposit all money received from the search and rescue surcharge in 87-
27 2-202 in a state special revenue account to the credit of the department for search and rescue purposes as
28 provided for in 10-3-801.

1 (b) Upon certification by the department of reimbursement requests submitted by the department of
 2 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the
 3 department may transfer funds from the special revenue account to the search and rescue account provided for
 4 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

5 (c) Using funds in the department's search and rescue account that are not already committed to
 6 reimbursement for search and rescue missions, the department may provide matching funds to the department
 7 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion
 8 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears
 9 to the statewide total of search and rescue missions.

10 (d) Any money deposited in the special revenue account is available for reimbursement of search and
 11 rescue missions and to provide matching funds to reimburse counties for search and rescue training and
 12 equipment costs."

13

14 **Section 8.** Section 87-1-625, MCA, is amended to read:

15 **"87-1-625. Funding for wolf management.** (1) The department shall allocate ~~\$500,000~~ \$110,000
 16 annually for ~~wolf management~~.

17 ~~(2) For the purposes of this section, the term "management" has the same meaning provided in 87-5-~~
 18 ~~402 and includes:~~

19 ~~(a) wolf collaring conducted pursuant to 87-5-132; and~~

20 ~~(b) lethal action conducted pursuant to 87-1-217 to take problem wolves that attack livestock with a~~
 21 history of livestock predation.

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

24 ~~(4)(2)~~ Pursuant to 87-1-201, the department may allocate funds from any source to meet the
 25 requirements of this section.

26 ~~(5)(3)~~ The department may contract with the United States department of agriculture wildlife services
 27 and county governments for the purposes of this section."

28

1 **Section 9.** Section 87-2-101, MCA, is amended to read:

2 **"87-2-101. Definitions.** As used in Title 87, chapter 3, and this chapter, unless the context clearly
3 indicates otherwise, the following definitions apply:

4 (1) "Angling" or "fishing" means to take or harvest fish or the act of a person possessing any
5 instrument, article, or substance for the purpose of taking or harvesting fish in any location that a fish might
6 inhabit.

7 (2) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an
8 area inhabited by wildlife for the purpose of attracting game animals or game birds.

9 (b) The term does not include:

10 (i) decoys, silhouettes, or other replicas of wildlife body forms;

11 (ii) scents used only to mask human odor; or

12 (iii) types of scents that are approved by the commission for attracting game animals or game birds.

13 (3) "Fur-bearing animals" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine,
14 northern swift fox, and beaver.

15 (4) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat,
16 mountain lion, bear, and wild buffalo.

17 (5) "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and
18 whitefish); all species of the genus Sander (sandpike or sauger and walleyed pike or yellowpike perch); all
19 species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus Micropterus
20 (bass); all species of the genus Polyodon (paddlefish); all species of the family Acipenseridae (sturgeon); all
21 species of the genus Lota (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus
22 *Pomoxis* (crappie); and the species *Ictalurus punctatus* (channel catfish).

23 (6) "Hunt" means to pursue, shoot, wound, take, harvest, kill, chase, lure, possess, or capture or the
24 act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of
25 shooting, wounding, taking, harvesting, killing, possessing, or capturing wildlife protected by the laws of this
26 state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently taken. The term
27 includes an attempt to take or harvest by any means, including but not limited to pursuing, shooting, wounding,
28 killing, chasing, luring, possessing, or capturing.

1 (7) "Migratory game birds" means waterfowl, including wild ducks, wild geese, brant, and swans;
2 cranes, including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning
3 doves.

4 (8) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or
5 other animal not otherwise legally classified by statute or regulation of this state.

6 (9) "Open season" means the time during which game birds, game fish, game animals, and fur-
7 bearing animals may be lawfully taken.

8 (10) "Person" means an individual, association, partnership, or corporation.

9 (11) "Predatory animals" means coyote, weasel, skunk, ~~and civet cat,~~ and wolf.

10 (12) "Trap" means to take or harvest or participate in the taking or harvesting of any wildlife protected
11 by the laws of the state by setting or placing any mechanical device, snare, deadfall, pit, or device intended to
12 take wildlife or to remove wildlife from any of these devices.

13 (13) "Upland game birds" means sharp-tailed grouse, blue grouse, spruce (Franklin) grouse, prairie
14 chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild
15 turkey, and chukar partridge.

16 (14) "Wild buffalo" means buffalo or bison that have not been reduced to captivity."
17

18 **Section 10.** Section 87-2-104, MCA, is amended to read:

19 **"87-2-104. Number of licenses, permits, or tags allowed -- fees.** (1) The department may prescribe
20 rules and regulations for the issuance or sale of a replacement license, permit, or tag if the original license,
21 permit, or tag is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

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

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

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

28 (c) issue one or more Class A-9 resident antlerless elk B tag licenses or Class B-12 nonresident

1 antlerless elk B tag licenses to an applicant. Unless otherwise reduced pursuant to subsection (4), the fee for a
2 Class B-12 license is \$270.

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

6 (4) The fee for a resident or nonresident license of any class issued under subsection (2) may be
7 reduced annually by the department."
8

9 **Section 11.** Section 87-2-810, MCA, is amended to read:

10 **"87-2-810. Apprentice hunting certificate.** (1) A person who is 10 years of age or older and who has
11 not completed a hunter safety and education course pursuant to 87-2-105 is eligible to apply for an apprentice
12 hunting certificate that entitles the holder to obtain and use hunting licenses and permits in accordance with this
13 title and the provisions of this section.

14 (2) A person may obtain an apprentice hunting certificate for no more than 2 license years before the
15 person must ~~complete~~ have completed a Montana hunter safety and education course pursuant to 87-2-105.
16 Completing a Montana hunter safety and education course prior to turning 12 years of age does not preclude a
17 person who is at least 10 years of age from being eligible to obtain and use hunting licenses pursuant to this
18 section. As used in this subsection, "completing a Montana hunter safety and education course" means passing
19 a hunter safety and education course or a bowhunter education course provided pursuant to 87-2-105(4)
20 through (6), including the required test and field day.

21 (3) A person who obtains an apprentice hunting certificate must be in the company of a mentor when
22 hunting and shall conduct all hunting in accordance with this section and within the terms and conditions of the
23 license or permit issued.

24 (4) To qualify as a mentor who will accompany an apprentice hunter, a person must:

25 (a) be at least 21 years of age;

26 (b) if the apprentice hunter is under 18 years of age, be related to the apprentice hunter by blood,
27 adoption, or marriage, be the legal guardian of the apprentice hunter, or be a person designated by a parent or
28 legal guardian as being capable and qualified to assist the apprentice hunter;

- 1 (c) have completed a hunter safety and education course pursuant to 87-2-105;
- 2 (d) have a current Montana hunting license;
- 3 (e) have agreed to accompany and supervise the apprentice hunter and remain within sight of and
- 4 direct voice contact with the apprentice hunter at all times while in the field; and
- 5 (f) confirm that the apprentice hunter possesses the physical and psychological capacity to safely and
- 6 ethically engage in hunting activities.

7 (5) Subject to the conditions of this section, the department shall issue an apprentice hunting
8 certificate upon payment of a fee of \$5. This fee must be deposited in the state special revenue fund account to
9 the credit of the department for hunter education purposes.

10 (6) The department shall issue an apprentice hunting certificate that allows an apprentice hunter to be
11 accompanied by multiple mentors.

12 (7) Except as provided in subsection (8), a person who obtains an apprentice hunting certificate may
13 purchase any unlimited hunting license or permit by any applicable deadline for the fee established pursuant to
14 this chapter, including:

15 (a) a reduced cost license for which the applicant qualifies. An apprentice hunter who is under 12
16 years of age is eligible to obtain the unlimited reduced cost licenses available to a person who is 12 years of
17 age.

18 (b) a wild turkey tag if it is issued in an unlimited number.

19 (8) A person who obtains an apprentice hunting certificate is not eligible:

20 (a) to obtain a Class A-2 special bow and arrow license without having:

21 (i) completed a bowhunter education course; and

22 (ii) turned 12 years of age by January 16 of the license year;

23 (b) to obtain a black bear license;

24 (c) to obtain a mountain lion license;

25 (d) to obtain a Class D-3 resident hound training license;

26 ~~(e) to obtain a wolf license;~~

27 ~~(f)~~(e) to participate in a drawing with a limited quota;

28 ~~(g)~~(f) to obtain a mountain sheep license in any area where the licenses are issued in unlimited

1 numbers; or

2 ~~(h)~~(g) to obtain an elk license if the apprentice hunter is under 15 years of age.

3 (9) An apprentice hunter who violates the terms of this section or a mentor who violates the terms of
4 this section while accompanying an apprentice hunter is subject to the loss of privileges granted by this section
5 for up to one full license season."

6

7 **Section 12.** Section 87-3-310, MCA, is amended to read:

8 **"87-3-310. Transfer of possession of harvested game.** (1) A person licensed to hunt and
9 authorized to possess a carcass of a game animal that requires mandatory department biological inspection ~~or~~
10 ~~a wolf that requires mandatory department biological inspection~~ may, after validating and attaching the license
11 or tag in accordance with 87-6-411, transfer possession of all or part of that game animal ~~or wolf~~ to any person
12 at any time after leaving the site of the kill, provided a statement of possession has been completed.

13 (2) A statement of possession must be on a form prescribed by the department and signed by the
14 licensed person and the person or persons receiving possession and must accompany the carcass or portion of
15 carcass presented for inspection.

16 (3) Upon receipt of game or a part of game, the recipient is authorized and responsible to present the
17 harvested game to the department as required for biological inspection, if applicable, and salvage the edible
18 meat for human consumption, if required by law.

19 (4) A person may not transfer possession of all or part of a grizzly bear carcass."

20

21 **Section 13.** Section 87-5-725, MCA, is amended to read:

22 **"87-5-725. Notification of transplantation or introduction of wildlife.** (1) When the decision to
23 introduce or transplant a ~~wolf, bear,~~ or mountain lion is made pursuant to this part, the department shall:

24 (a) provide public notice on its website and, when practical, by personal contact in the general area
25 where the animal is released; and

26 (b) notify the public through print and broadcast media of the availability of release information on the
27 department's website.

28 (2) Prior permission from the landowner is required before any animal may be transplanted onto

1 private property."

2

3 **Section 14.** Section 87-6-101, MCA, is amended to read:

4 **"87-6-101. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions
5 apply:

6 (1) "Alternative livestock" means a privately owned caribou, white-tailed deer, mule deer, elk, moose,
7 antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned reindeer, or
8 any other cloven-hoofed ungulate as classified by the department. Black bear and mountain lion must be
9 regulated pursuant to Title 87, chapter 4, part 8.

10 (2) "Alternative livestock ranch" means the enclosed land area upon which alternative livestock may
11 be kept for purposes of obtaining, rearing in captivity, keeping, or selling alternative livestock or parts of
12 alternative livestock, as authorized under Title 87, chapter 4, part 4.

13 (3) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an
14 area inhabited by wildlife for the purpose of attracting game animals or game birds.

15 (b) The term does not include:

16 (i) decoys, silhouettes, or other replicas of wildlife body forms;

17 (ii) scents used only to mask human odor; or

18 (iii) types of scents that are approved by the commission for attracting game animals or game birds.

19 (4) "Closed season" means the time during which game birds, fish, game animals, and fur-bearing
20 animals may not be lawfully taken.

21 (5) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the
22 families Suidae, Camelidae, or Hippopotamidae. The term does not include domestic pigs, domestic cows,
23 domestic yaks, domestic sheep, domestic goats that are not naturally occurring in the wild in their country of
24 origin, or bison.

25 (6) "Conviction" means a judgment or sentence entered following a guilty plea, a nolo contendere
26 plea, a verdict or finding of guilty rendered by a legally constituted jury or by a court of competent jurisdiction
27 authorized to try the case without a jury, or a forfeiture of bail or collateral deposited to secure the person's
28 appearance in court that has not been vacated.

1 (7) "Field trial" has the meaning provided in 87-3-601.

2 (8) "Fishing" means to take or harvest fish or the act of a person possessing any instrument, article, or
3 substance for the purpose of taking or harvesting fish in any location that a fish might inhabit.

4 (9) (a) "Fur dealer" means a person engaging in, carrying on, or conducting wholly or in part the
5 business of buying or selling, trading, or dealing within the state of Montana in the skins or pelts of fur-bearing
6 animals or predatory animals.

7 (b) If a fur dealer resides in Montana or if the fur dealer's principal place of business is within the state
8 of Montana, the fur dealer is considered a resident fur dealer. All other fur dealers are considered nonresident
9 fur dealers.

10 (10) "Fur farm" means enclosed land upon which furbearers are kept for purposes of obtaining, rearing
11 in captivity, keeping, and selling furbearers or parts of furbearers.

12 (11) (a) "Fur-bearing animal" or "furbearer" means marten or sable, otter, muskrat, fisher, mink,
13 bobcat, lynx, wolverine, northern swift fox, and beaver.

14 (b) As used in Title 87, chapter 4, part 10, "furbearer" does not include fox or mink.

15 (12) "Game animal" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat,
16 mountain lion, bear, and wild buffalo.

17 (13) "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and
18 whitefish); all species of the genus Stizostedion (sandpike or sauger and walleyed pike or yellowpike perch); all
19 species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus Micropterus
20 (bass); all species of the genus Polyodon (paddlefish); all species of the family Acipenseridae (sturgeon); all
21 species of the genus Lota (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus
22 *Pomoxis* (crappie); and the species *Ictalurus punctatus* (channel catfish).

23 (14) "Hunt" means to pursue, shoot, wound, take, harvest, kill, chase, lure, possess, or capture or the
24 act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of
25 shooting, wounding, taking, harvesting, killing, possessing, or capturing wildlife protected by the laws of this
26 state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently taken. The term
27 includes an attempt to take or harvest by any means, including but not limited to pursuing, shooting, wounding,
28 killing, chasing, luring, possessing, or capturing.

1 (15) "Knowingly" has the meaning provided in 45-2-101.

2 (16) "Livestock" includes ostriches, rheas, and emus.

3 (17) "Migratory game bird" means waterfowl, including wild ducks, wild geese, brant, and swans;
4 cranes, including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning
5 doves.

6 (18) "Negligently" has the meaning provided in 45-2-101.

7 (19) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or
8 other animal not otherwise legally classified by statute or regulation of this state.

9 (20) "Open season" means the time during which game birds, fish, and game and fur-bearing animals
10 may be lawfully taken.

11 (21) "Participating state" means any state that enacts legislation to become a member of the Interstate
12 Wildlife Violator Compact.

13 (22) "Person" means an individual, association, partnership, and corporation.

14 (23) "Possession" has the meaning provided in 45-2-101.

15 (24) "Predatory animal" means coyote, weasel, skunk, ~~and civet cat,~~ and wolf.

16 (25) "Purposely" has the meaning provided in 45-2-101.

17 (26) "Raptor" means all birds of the orders Falconiformes and Strigiformes, commonly called falcons,
18 hawks, eagles, ospreys, and owls.

19 (27) "Resident" has the meaning provided in 87-2-102.

20 (28) "Roadside menagerie" means any place where one or more wild animals are kept in captivity for
21 the evident purpose of exhibition or attracting trade, on or off the facility premises. It does not include the
22 exhibition of any animal by an educational institution or by a traveling theatrical exhibition or circus based
23 outside of Montana.

24 (29) "Sale" means a contract by which a person:

25 (a) transfers an interest in either game or fish for a price; or

26 (b) transfers, barter, or exchanges an interest either in game or fish for an article or thing of value.

27 (30) "Site of the kill" means the location where a game animal or game bird expires and the person
28 responsible for the death takes physical possession of the carcass.

1 (31) "Supplemental feed attractant" means any food, garbage, or other attractant for game animals.

2 The term does not include growing plants or plants harvested for the feeding of livestock.

3 (32) "Taxidermist" means a person who conducts a business for the purpose of mounting, preserving,
4 or preparing all or part of the dead bodies of any wildlife.

5 (33) "Trap" means to take or harvest or participate in the taking or harvesting of any wildlife protected
6 by state law by setting or placing any mechanical device, snare, deadfall, pit, or device intended to take wildlife
7 or to remove wildlife from any of these devices.

8 (34) "Upland game birds" means sharptailed grouse, blue grouse, spruce (Franklin) grouse, prairie
9 chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild
10 turkey, and chukar partridge.

11 (35) "Wild animal" means an animal that is wild by nature as distinguished from common domestic
12 animals, whether the animal was bred or reared in captivity, and includes birds and reptiles.

13 (36) "Wild animal menagerie" means any place where one or more bears or large cats, including
14 cougars, lions, tigers, jaguars, leopards, pumas, cheetahs, ocelots, and hybrids of those large cats, are kept in
15 captivity for use other than public exhibition.

16 (37) "Wild buffalo" means buffalo or bison that have not been reduced to captivity.

17 (38) "Zoo" means any zoological garden chartered as a nonprofit corporation by the state or any facility
18 participating in the American zoo and aquarium association accreditation program for the purpose of exhibiting
19 wild animals for public viewing."
20

21 **Section 15.** Section 87-6-106, MCA, is amended to read:

22 **"87-6-106. Lawful taking to protect livestock or person.** (1) This chapter may not be construed to
23 impose, by implication or otherwise, criminal liability for the taking of wildlife protected by this title if the wildlife
24 is attacking, killing, or threatening to kill a person or livestock. However, for purposes of protecting livestock, a
25 person may not kill or attempt to kill a grizzly bear unless the grizzly bear is in the act of attacking or killing
26 livestock.

27 (2) A person may kill or attempt to kill a ~~wolf or~~ mountain lion that is in the act of attacking or killing a
28 domestic dog.

1 (3) A person who, under this section, takes wildlife protected by this title shall notify the department
2 within 72 hours and shall surrender or arrange to surrender the wildlife to the department."

3

4 **Section 16.** Section 87-6-304, MCA, is amended to read:

5 **"87-6-304. License, permit, or tag offenses.** (1) A person may not apply for, purchase, or possess
6 more than one license, permit, or tag of any one class or more than one special license for any one species
7 listed in 87-2-701. This provision does not apply to Class B-4, or Class B-5, ~~or Class E-2~~ licenses or to licenses
8 issued under 87-2-104(2) for game management purposes. However, when more than one license, permit, or
9 tag is authorized by the commission, a person may not apply for, purchase, or possess more licenses, permits,
10 or tags than are authorized.

11 (2) The holder of a replacement license, permit, or tag may not make the replacement license, permit,
12 or tag available for use by another person.

13 (3) Except as provided in 87-6-305(2), a person to whom a license or permit has been issued may not
14 fish, hunt for any game bird or game animal, or attempt to hunt for any fur-bearing animal in this state unless
15 the person is carrying the required license or permit at the time.

16 (4) A person may not refuse to exhibit a license or permit and the identification used in purchasing a
17 license or permit for inspection to a warden or other officer requesting to see it.

18 (5) A person may not at any time alter or change a license in any material manner or loan or transfer
19 any license to another person. A person other than the person to whom a license is issued may not use the
20 license. A person may not attach the person's license to a game animal killed by another person.

21 (6) A person convicted of a violation of this section shall be fined not less than \$50 or more than
22 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, except
23 as provided in subsection (7), the person, upon conviction or forfeiture of bond or bail, may be subject to
24 forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or
25 trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set
26 by the court.

27 (7) A person convicted under subsection (1), (2), or (5) of unlawfully procuring, possessing, using, or
28 transferring a replacement license, permit, or tag shall forfeit any current hunting, fishing, or trapping license

1 issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction
2 or forfeiture of bond or bail unless a court imposes a longer period. For each subsequent violation, the person
3 shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or
4 trap in this state for the same period of time imposed by the court for the person's previous violation plus an
5 additional 24 months."

6

7 **Section 17.** Section 87-6-401, MCA, is amended to read:

8 **"87-6-401. Unlawful use of equipment while hunting.** (1) A person may not:

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

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

14 (c) while hunting, take into a field or forest or have in the person's possession any device or
15 mechanism devised to silence, muffle, or minimize the report of any firearm, whether the device or mechanism
16 is operated from or attached to any firearm. This subsection (1)(c) does not prohibit the use of a device or
17 mechanism registered with the bureau of alcohol, tobacco, firearms and explosives to silence, muffle, or
18 minimize the report of a firearm when hunting wildlife.

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

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

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

27 (g) use a rifle to hunt or shoot upland game birds unless the use of rifles is permitted by the
28 department. This does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only,

1 not larger than a number 10 gauge, fired from the shoulder.

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

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

8 (3) A person convicted of hunting while using projected artificial light as described in subsection (1)(a)
9 may be subject to the additional penalties provided in 87-6-901 through 87-6-903.

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

12

13 **Section 18.** Section 87-6-414, MCA, is amended to read:

14 **"87-6-414. Failure to wear hunter orange while big game hunting.** (1) Except as provided in
15 subsection (3), a person may not hunt any big game animals in this state or accompany any hunter as an
16 outfitter or guide under any of the provisions of the laws of this state without wearing as exterior garments
17 above the waist a total of not less than 400 square inches of hunter orange material visible at all times while
18 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 **Section 19.** Section 87-6-415, MCA, is amended to read:

28 **"87-6-415. Failure to obtain landowner's permission for hunting.** (1) A resident or nonresident

1 shall obtain permission of the landowner, the lessee, or their agents before taking or attempting to take game
 2 animals, migratory game birds, nongame wildlife, predatory animals, or upland game birds, ~~or wolves~~ while
 3 hunting on private property.

4 (2) A person who violates this section shall, upon conviction for a first offense, be fined \$135.

5 (3) A person convicted of a second offense of hunting on private property without obtaining
 6 permission of the landowner within 5 years shall be fined not less than \$500 or more than \$1,000.

7 (4) In addition, the person, upon conviction under subsection (3) or forfeiture of bond or bail:

8 (a) may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state
 9 and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational
 10 purposes for a period of time set by the court; and

11 (b) may be ordered to make restitution for property damage resulting from the violation in an amount
 12 and manner to be set by the court. The court shall determine the manner and amount of restitution after full
 13 consideration of the convicted person's ability to pay the restitution. Upon good cause shown by the convicted
 14 person, the court may modify any previous order specifying the amount and manner of restitution. Full payment
 15 of the amount of restitution ordered must be made prior to the release of state jurisdiction over the person
 16 convicted."

17

18 **Section 20.** Section 87-6-906, MCA, is amended to read:

19 **"87-6-906. Restitution for illegal killing, possession, or waste of certain wildlife.** (1) Except as
 20 provided in 87-6-907 and in addition to other penalties provided by law, a person convicted or forfeiting bond or
 21 bail on a charge of the illegal taking, killing, possession, or waste of a wild bird, mammal, or fish listed in this
 22 section shall reimburse the state for each bird, mammal, or fish according to the following schedule:

23 (a) mountain sheep and endangered species, \$2,000;

24 (b) elk, caribou, bald eagle, black bear, ~~wolf~~, and moose, \$1,000;

25 (c) mountain lion, lynx, wolverine, buffalo, golden eagle, osprey, falcon, antlered deer as defined by
 26 commission regulation, bull trout longer than 18 inches, and adult buck antelope as defined by commission
 27 regulation, \$500;

28 (d) deer not included in subsection (1)(c), antelope not included in subsection (1)(c), fisher, raptor not

1 included in subsection (1)(c), swan, bobcat, white sturgeon, river-dwelling grayling, and paddlefish, \$300;

2 (e) fur-bearing animals that are not listed in subsection (1)(c) or (1)(d), \$100;

3 (f) game bird (except swan), \$25;

4 (g) game fish, \$10.

5 (2) When a court enters an order declaring bond or bail to be forfeited, the court may also order that
6 some or all of the forfeited bond or bail be paid as restitution to the state according to the schedule in
7 subsection (1). A hearing to determine the amount of restitution, as required under 46-9-512, is not required for
8 an order of restitution under this section."

9

10 NEW SECTION. Section 21. Repealer. The following sections of the Montana Code Annotated are
11 repealed:

12 87-1-623. Wolf management account.

13 87-1-901. Gray wolf management -- rulemaking -- reporting.

14 87-2-523. Class E-1--resident wolf license.

15 87-2-524. Class E-2--nonresident wolf license.

16 87-2-813. Auction or lottery of wolf license.

17 87-5-131. Process for delisting of gray wolf -- management following delisting.

18 87-5-132. Use of radio-tracking collars for monitoring wolf packs.

19

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

22

23 NEW SECTION. Section 23. Effective date. [This act] is effective on passage and approval.

24

- END -