

HOUSE BILL NO. 17

INTRODUCED BY REAM

IN THE HOUSE

DECEMBER 27, 1990	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
JANUARY 7, 1991	FIRST READING.
JANUARY 10, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 11, 1991	PRINTING REPORT.
JANUARY 14, 1991	SECOND READING, DO PASS.
JANUARY 15, 1991	ENGROSSING REPORT.
JANUARY 16, 1991	THIRD READING, PASSED. AYES, 92; NOES, 4.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 17, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
FEBRUARY 1, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 2, 1991	SECOND READING, CONCURRED IN.
FEBRUARY 4, 1991	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 5, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE FISH AND  
5 GAME COMMISSION TO ADOPT RULES REGARDING THE USE AND TYPE OF  
6 ARCHERY EQUIPMENT THAT MAY BE EMPLOYED FOR HUNTING AND  
7 FISHING PURPOSES; RESTRICTING THE USE OF PROHIBITED ARCHERY  
8 EQUIPMENT; AND AMENDING SECTION 87-1-301, MCA."

9  
10 STATEMENT OF INTENT

11 A statement of intent is required for this bill because  
12 87-1-301(2) grants to the fish and game commission the  
13 authority to adopt rules regarding the use and type of  
14 archery equipment that may be employed for hunting and  
15 fishing purposes. It is intended that this authority be  
16 permissive rather than mandatory in order to allow but not  
17 require the commission to address any need for restrictions  
18 or limitations on archery equipment, with adequate  
19 opportunity for public hearing and comment. The legislature  
20 is aware that this rulemaking power is expressed in broad  
21 and general language; however, this is necessary because bow  
22 hunting technology is an emerging field for which detailed  
23 and precise standards have not yet been fully developed. The  
24 legislature recognizes that the commission has the power to  
25 determine the extent and nature of hunting and fishing

1 privileges and that the commission's expertise makes it the  
2 proper forum for addressing the need for archery equipment  
3 regulation.

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

6 **Section 1.** Section 87-1-301, MCA, is amended to read:

7 "**87-1-301. Powers of the commission.** (1) The commission  
8 shall:

9 (2)(a) set the policies for the protection,  
10 preservation, and propagation of the wildlife, fish, game,  
11 furbearers, waterfowl, nongame species, and endangered  
12 species of the state and for the fulfillment of all other  
13 responsibilities of the department as provided by law;

14 (3)(b) establish the hunting, fishing, and trapping  
15 rules of the department;

16 (4)(c) establish the rules of the department governing  
17 the use of lands owned or controlled by the department and  
18 waters under the jurisdiction of the department;

19 (5)(d) have the power within the department to  
20 establish wildlife refuges and bird and game preserves;

21 (6)(e) approve all acquisitions or transfers by the  
22 department of interests in land or water;

23 (7)(f) review and approve the budget of the department  
24 prior to its transmittal to the budget office; and

25 (8)(g) review and approve construction projects whose



1 estimated cost is more than \$1,000 but less than \$5,000.

2 (2) The commission may adopt rules regarding the use  
3 and type of archery equipment that may be employed for  
4 hunting and fishing purposes, taking into account applicable  
5 standards as technical innovations in archery equipment  
6 change."

7 NEW SECTION. Section 2. Restrictions on use of archery  
8 equipment. A person may not, while hunting or fishing, use  
9 archery equipment that has been prohibited by rule of the  
10 commission.

11 NEW SECTION. Section 3. Codification instruction.  
12 [Section 2] is intended to be codified as an integral part  
13 of Title 87, chapter 3, part 1, and the provisions of Title  
14 87, chapter 3, part 1, apply to [section 2].

-End-

APPROVED BY COMM.  
ON FISH AND GAME

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