HOUSE BILL NO. 17

INTRODUCED BY REAM

IN THE HOUSE

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

STATEMENT OF INTENT

A statement of intent is required for this bill because 87-1-301(2) grants to the fish and game commission the authority to adopt rules regarding the use and type of archery equipment that may be employed for hunting and fishing purposes. It is intended that this authority be permissive rather than mandatory in order to allow but not require the commission to address any need for restrictions or limitations on archery equipment, with adequate opportunity for public hearing and comment. The legislature is aware that this rulemaking power is expressed in broad and general language; however, this is necessary because bow hunting technology is an emerging field for which detailed and precise standards have not yet been fully developed. The legislature recognizes that the commission has the power to 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	$t^{\frac{1}{2}}$ $t^{\frac{1}{2}}$ 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	+2+(b) establish the hunting, fishing, and trapping
15	rules of the department;
16	(3)(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	(4)(d) have the power within the department to
20	establish wildlife refuges and bird and game preserves;
21	(e) approve all acquisitions or transfers by the
22	department of interests in land or water;
23	(6) review and approve the budget of the department
24	prior to its transmittal to the budget office; and
25	(7)(g) review and approve construction projects whose

HB 0017/01

- 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 <u>change.</u>"
- 7 NEW SECTION. Section 2. Restrictions on use of archery
 - equipment. A person may not, while hunting or fishing, use
 - 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
- of Title 87, chapter 3, part 1, and the provisions of Title
- 87, chapter 3, part 1, apply to [section 2].

APPROVED BY COMM. ON FISH AND GAME

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Montana Legislative Council

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

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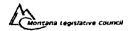
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REFERENCE BILL

HB 0017/02

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