

HOUSE BILL NO. 33

INTRODUCED BY O'KEEFE

IN THE HOUSE

DECEMBER 27, 1990 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

JANUARY 7, 1991 FIRST READING.

JANUARY 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

JANUARY 24, 1991 PRINTING REPORT.

JANUARY 26, 1991 SECOND READING, DO PASS AS AMENDED.

JANUARY 28, 1991 ENGROSSING REPORT.

JANUARY 30, 1991 THIRD READING, PASSED.
AYES, 78; NOES, 19.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

FIRST READING.

FEBRUARY 16, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 5, 1991 SECOND READING, CONCURRED IN.

ON MOTION, SEGREGATED FROM COMMITTEE
OF WHOLE REPORT.

MARCH 6, 1991 SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 7, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 7, 1991

RECEIVED FROM SENATE.

MARCH 16, 1991

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

APRIL 19, 1991

CONFERENCE COMMITTEE REPORTED.

APRIL 20, 1991

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 21, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 22, 1991

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 23, 1991

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 24, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 33
2 INTRODUCED BY O'KEEFE

1 45, chapter 8, part 1, apply to [section 1].

-End-

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF
5 ILLEGAL POSTING OF PUBLIC LAND; PROVIDING THAT A PERSON WHO
6 KNOWINGLY POSTS STATE OR FEDERAL LAND AS PRIVATE PROPERTY OR
7 AS BEING CLOSED TO HUNTING OR TRESPASSING IS GUILTY OF A
8 CRIME; AND PROVIDING A PENALTY."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. **Section 1.** Illegal posting of public
12 land. (1) A person commits the offense of illegal posting of
13 public land if, without authorization, he knowingly posts
14 land that is under the ownership or control of the state or
15 federal government as:

- 16 (a) private property;
- 17 (b) closed to trespassing; or
- 18 (c) closed to hunting.

19 (2) A person convicted of illegal posting of public
20 land shall be fined an amount not to exceed \$500 or be
21 imprisoned in the county jail for a term not to exceed 6
22 months, or both.

23 NEW SECTION. **Section 2.** Codification instruction.
24 [Section 1] is intended to be codified as an integral part
25 of Title 45, chapter 8, part 1, and the provisions of Title

INTRODUCED BILL
HB 33



STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0033, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This legislation: 1) creates the offense of illegal posting of public land; 2) provides that a person who knowingly posts state or federal land as private property or as being closed to hunting or trespassing is guilty of a crime; and 3) provides a penalty for illegal posting.

ASSUMPTIONS:

1. There would be no revenue associated with this bill. The Department of Fish, Wildlife and Parks has no enforcement authority for Title 45, Chapter 8, MCA, and there is no impact on other state agencies.
2. The department will receive the majority of complaints statewide and will need to refer some complaints to proper authorities.
3. Some complaints will occur year around, but most will occur during hunting season.
4. Department wardens currently are unable to handle all complaints received during hunting season.
5. Assume that the department will receive an average of three (3) calls per county per week during September, October and November. Each call will require 15 minutes to respond to. (56 counties x 3 calls x 12 weeks = 2,016 calls)
6. The increased workload will require an additional 0.25 FTE and \$9,459 per year as detailed below based upon average warden costs: personal services \$6,834, operations and equipment \$2,625, for total increased expenditures of \$9,459 per year.

FISCAL IMPACT:


Department of Fish, Wildlife and Parks:

Expenditures:

	FY '92			FY '93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Personal Services	0	6,834	6,834	0	6,834	6,834
Operating Expenses	0	2,625	2,625	0	2,625	2,625
Total	0	9,459	9,459	0	9,459	9,459

Funding:

State Spec Rev. (Gen Lic Acct)	0	9,459	9,459	0	9,459	9,459
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Rod Sundsted, BUDGET DIRECTOR 1-5-91 DATE
 Office of Budget and Program Planning


Mark O'Keefe, PRIMARY SPONSOR 1/8/91 DATE

Fiscal Note for HB0033, as introduced

HB 33

APPROVED BY COMM.
ON FISH AND GAME

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7 AS BEING CLOSED TO HUNTING OR TRESPASSING IS GUILTY OF A
8 CRIME; AND PROVIDING A PENALTY."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 land. (1) A person commits the offense of illegal posting of
13 public land if, without authorization, he knowingly posts
14 land that is under the ownership or control of the state or
15 federal government as:

- 16 (a) private property;
- 17 (b) closed to trespassing; or
- 18 (c) closed to hunting.

19 (2) A person convicted of illegal posting of public
20 land shall be fined an amount not to exceed \$500 or be
21 imprisoned in the county jail for a term not to exceed 6
22 months, or both.

23 NEW SECTION. Section 2. Codification instruction.
24 [Section 1] is intended to be codified as an integral part
25 of Title 45, chapter 8, part 1, and the provisions of Title

1 45, chapter 8, part 1, apply to [section 1].

-End-

SECOND READING

HB 33



SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 16, 1991

MR. PRESIDENT: *

We, your committee on Fish and Game having had under consideration House Bill No. 33 (first reading copy -- white), respectfully report that House Bill No. 33 be amended and as so amended do pass:

1. Title, line 5.

Strike: "PUBLIC"

Insert: "STATE AND FEDERAL"

2. Page 1, line 11.

Strike: "public"

Insert: "state and federal"

3. Page 1, line 13.

Strike: "public"

Insert: "state or federal"

4. Page 1, lines 15 and 16.

Strike: "PUBLIC" on line 15 through "LANDS" on line 16

Insert: "state or federal land"

5. Page 1, line 20.

Strike: "public"

Insert: "state or federal"

Signed: _____

Bob Williams
Bob Williams, Chairman

JGL 2-16-91
Amd. Coord.

SB 2-16 12:15
Sec. of Senate

HB 33
SENATE

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 6, 1991 9:14 am

Mr. Chairman: I move to amend House Bill No. 33 (third reading copy -- blue) as follows:

1. Title, line 8.

Following: "CRIME;"

Insert: "PROVIDING AN EXCEPTION;"

2. Page 1, line 20.

Following: line 19

Insert: "(2) The provisions of subsection (1) do not apply to the posting of state lands by the leaseholder."

Renumber: subsequent subsection

ADOPT

REJECT

Signed: _____

Aklestad
Senator Aklestad

Jan 3-6-91
And. Coord.

SB 3-6 9:25
Sec. of Senate

SENATE
HB 33

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HOUSE BILL NO. 33
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ILLEGAL POSTING OF PUBLIC LAND; PROVIDING THAT A PERSON WHO
KNOWINGLY POSTS STATE OR FEDERAL LAND AS PRIVATE PROPERTY OR
AS BEING CLOSED TO HUNTING OR TRESPASSING IS GUILTY OF A
CRIME; AND PROVIDING A PENALTY."

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

NEW SECTION. **Section 1.** Illegal posting of public
land. (1) A person commits the offense of illegal posting of
public land if, without authorization, he knowingly posts
land that is under the ownership or control of the state or
federal government ~~as:~~ TO RESTRICT ACCESS OR USE OF PUBLIC
LANDS.

- ~~(a)--private-property;~~
- ~~(b)--closed-to-trespassing;-or~~
- ~~(c)--closed-to-hunting-~~

(2) A person convicted of illegal posting of public
land shall be fined an amount not to exceed \$500 or be
imprisoned in the county jail for a term not to exceed 6
months, or both.

NEW SECTION. **Section 2.** Codification instruction.
[Section 1] is intended to be codified as an integral part

1 of Title 45, chapter 8, part 1, and the provisions of Title
2 45, chapter 8, part 1, apply to [section 1].

-End-

THIRD READING

AS AMENDED HB 33



HOUSE BILL NO. 33

INTRODUCED BY O'KEEFE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF ILLEGAL POSTING OF PUBLIC STATE AND FEDERAL LAND; PROVIDING THAT A PERSON WHO KNOWINGLY POSTS STATE OR FEDERAL LAND AS PRIVATE PROPERTY OR AS BEING CLOSED TO HUNTING OR TRESPASSING IS GUILTY OF A CRIME; PROVIDING AN EXCEPTION; AND PROVIDING A PENALTY."

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

NEW SECTION. Section 1. Illegal posting of public STATE AND FEDERAL land. (1) A person commits the offense of illegal posting of public STATE OR FEDERAL land if, without authorization, he knowingly posts land that is under the ownership or control of the state or federal government as TO RESTRICT ACCESS OR USE OF PUBLIC-LANDS STATE OR FEDERAL LAND.

(a)--private-property;

(b)--closed-to-trespassing;-or

(c)--closed-to-hunting-;

(2) THE PROVISIONS OF SUBSECTION (1) DO NOT APPLY TO THE POSTING OF STATE LANDS BY THE LEASEHOLDER.

(2)(3) A person convicted of illegal posting of public STATE OR FEDERAL land shall be fined an amount not to exceed

\$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

NEW SECTION. Section 2. Codification instruction.

[Section 1] is intended to be codified as an integral part of Title 45, chapter 8, part 1, and the provisions of Title 45, chapter 8, part 1, apply to [section 1].

-End-



Free Conference Committee
on House Bill 33
Report No. 1, April 19, 1991

4-19-20
4:30 PM
D.H.

Page 1 of 1

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 33 and recommend that House Bill 33 (reference copy -- salmon) be amended as follows:


1. Title, line 8.
Strike: "PROVIDING AN EXCEPTION;"

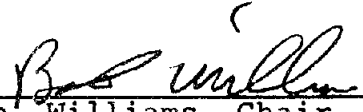
2. Page 1, lines 22 and 23.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

And this Free Conference Committee report be adopted.

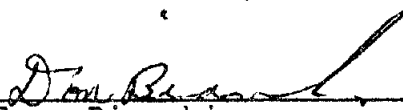
For the House:

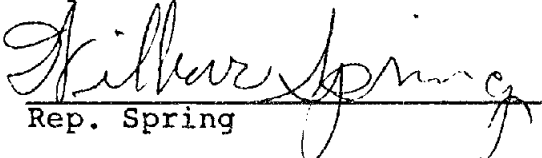
For the Senate:


Rep. O'Keefe, Chair


Sen. Williams, Chair


Rep. Measure


Sen. Bianchi


Rep. Spring


Sen. Grosfield

ADOPT
REJECT

FCCR #1
HB 33
841511CC.HSF

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17 TO RESTRICT ACCESS OR USE OF PUBLIC LANDS STATE OR FEDERAL
18 LAND.

19 ~~(a) private property;~~

20 ~~(b) closed to trespassing; or~~

21 ~~(c) closed to hunting;~~

22 ~~(2) THE PROVISIONS OF SUBSECTION (1) DO NOT APPLY TO~~

23 ~~THE POSTING OF STATE LANDS BY THE LEASEHOLDER;~~

24 ~~(2)(3)~~(2) A person convicted of illegal posting of
25 public STATE OR FEDERAL land shall be fined an amount not to

1 exceed \$500 or be imprisoned in the county jail for a term
2 not to exceed 6 months, or both.

3 NEW SECTION. Section 2. Codification instruction.
4 [Section 1] is intended to be codified as an integral part
5 of Title 45, chapter 8, part 1, and the provisions of Title
6 45, chapter 8, part 1, apply to [section 1].

-End-

