

CHAPTER NO. 704

SENATE BILL NO. 497

INTRODUCED BY VAN VALKENBURG

IN THE SENATE

February 13, 1979	Introduced and referred to Committee on Fish and Game.
February 15, 1979	Fiscal note requested.
February 20, 1979	Committee recommend bill do pass as amended. Report adopted. Statement of intent adopted.
February 21, 1979	Fiscal note returned.
February 22, 1979	Printed and placed on members' desks.
February 23, 1979	Second reading, do pass as amended. Correctly engrossed. On motion rules suspended. Bill placed on calendar for third reading this day. Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on Fish and Game.
March 9, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 13, 1979	Second reading, concurred in.
March 15, 1979	On motion taken from third reading and referred to second reading.

March 16, 1979                      Second reading, concurred in  
as amended.

March 20, 1979                      Third reading, concurred in  
as amended.

IN THE SENATE

March 21, 1979                      Returned from second house.  
Concurred in as amended.

March 22, 1979                      Second reading, amendments  
rejected.

   On motion Joint Conference  
Committee requested.

March 23, 1979                      Joint Conference Committee  
appointed.

March 29, 1979                      Joint Conference Committee  
dissolved.

   On motion Free Conference  
Committee requested and  
appointed.

April 4, 1979                        Free Conference Committee  
reported.

April 5, 1979                        Second reading, adopted.

April 6, 1979                        Third reading, adopted.

   Adopted by second house.

April 7, 1979                        Sent to enrolling.

   Reported correctly enrolled.

1 *Senate* BILL NO. 497  
 2 INTRODUCED BY *Van Valkenburg*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PERMIT  
 5 SYSTEM FOR THE AERIAL HUNTING OF PREDATORY ANIMALS;  
 6 FORBIDDING THE HARASSMENT OF LIVESTOCK BY AIRCRAFT;  
 7 PROVIDING PENALTIES, INCLUDING FORFEITURE OF PERSONAL  
 8 PROPERTY, FOR ILLEGAL AERIAL HUNTING OF WILDLIFE; AND  
 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12 Section 1. Aerial hunting prohibited -- exceptions.

13 (1) Except as provided in [section 7], no person except an  
 14 employee of the state, its subdivisions, or the federal  
 15 government, acting within the scope of his employment may  
 16 engage in the aerial hunting of wild animals as defined in  
 17 87-7-101 without first obtaining a permit from the  
 18 department of livestock. The permit must specify the species  
 19 of wild animals to be hunted and the areas over which aerial  
 20 hunting may take place.

21 (2) No person issued a permit as required by this  
 22 section may engage in aerial hunting of wild animals in  
 23 violation of the terms of his permit.

24 Section 2. Use of personal property for illegal aerial  
 25 hunting prohibited. When a permit is required under [section

1 1], the use of any aircraft or other personal property,  
 2 including motor vehicles and other personal property used on  
 3 the ground in support of aerial hunting activities, for the  
 4 aerial hunting of any wildlife is prohibited except when  
 5 done pursuant to the terms of the permit.

6 Section 3. Prohibition against harassing livestock. No  
 7 person, whether or not lawfully authorized to aerially hunt,  
 8 may, while engaged in flying an aircraft, knowingly harass,  
 9 injure, or attempt to injure any livestock except with the  
 10 express permission of the owner of the livestock. Flying  
 11 near livestock at an altitude of less than 500 feet creates  
 12 a rebuttable presumption of intent to harass.

13 Section 4. Rulemaking authority. The department of  
 14 livestock may adopt rules to effectuate the purposes of  
 15 [this act] and to implement and conduct the aerial hunting  
 16 permit system provided for by [this act]. Such rules may  
 17 include:

18 (1) limits on the number of permits issued for a  
 19 specific area of land;

20 (2) limits on the distance from home base that a  
 21 permitted aerial hunter is able to hunt;

22 (3) reasonable experience qualifications for pilots  
 23 and gunners;

24 (4) standards for determining when a nonresident may  
 25 be issued a permit under [section 6];

1 (5) standards for the issuance of a permit based upon  
2 actual or potential livestock losses due to predation;

3 (6) reports required of permittees; and

4 (7) such other matters as may be necessary to  
5 effectuate the purposes of [this act] and reduce loss to  
6 livestock or game due to predation.

7 Section 5. Duration of permit -- fee. Each permit  
8 shall be valid for a period set by the department of  
9 livestock not to exceed 3 years and shall cost \$50 a year or  
10 portion thereof if a period of less than a year is set. All  
11 fees for permits shall be paid to the department of  
12 livestock for deposit in the state treasury to the credit of  
13 the earmarked revenue fund for predatory animal control.

14 Section 6. Residency requirement. No person not having  
15 residence and domicile in Montana may be issued a permit  
16 provided for in [section 1] except when authorized by the  
17 board of livestock. Permits may be issued to nonresidents  
18 for use only in Montana counties adjacent to the stateline  
19 if the department considers that such counties are  
20 inadequately serviced by resident permittees, or to  
21 nonresidents who are owners of land in Montana who wish to  
22 engage in aerial hunting only over their own property.

23 Section 7. Resident landowners authorized to aerially  
24 hunt over their own lands without permit -- conditions. Any  
25 landowner having residence and domicile in Montana may

1 engage in the aerial hunting of wild animals, as defined in  
2 81-7-101, with his own aircraft and over his own land  
3 without a permit, provided he first notifies the department  
4 in writing that he will be engaged in aerial hunting and  
5 gives an adequate description of the location of the land  
6 over which he will aerial hunt. Such notification must be  
7 made annually.

8 Section 8. Penalties -- jurisdiction -- revocation of  
9 permit. (1) Any person violating [sections 1 or 3] is guilty  
10 of a misdemeanor and upon conviction is punishable by a fine  
11 of not less than \$250 or more than \$1000 or by imprisonment  
12 in the county jail for a period not to exceed 6 months, or  
13 both.

14 (2) The justice court has jurisdiction over such  
15 violations.

16 (3) The department may revoke or suspend the permit of  
17 anyone violating its terms.

18 Section 9. Forfeiture of personal property used in  
19 illegal aerial hunting or harassment of livestock. (1) Any  
20 aircraft or other personal property used in the air or on  
21 the ground in support of aerial activity in violation of  
22 [sections 1 through 3] or 87-3-126 shall be forfeited to and  
23 confiscated by the state, along with any carcasses or pelts  
24 taken in violation of [this act]. If any property is  
25 observed in such use or if there exists probable cause to

1 believe it to have been or to be devoted wholly or in part  
2 to such use, the property shall be seized and held by  
3 enforcement officers set forth in [section 10]. Upon  
4 conviction in a proceeding in district court in the name of  
5 the state against the owner or user of such personal  
6 property, the personal property shall be confiscated and  
7 sold at sheriff's sale.

8 (2) This section does not apply to personal property  
9 that has been stolen prior to the illegal use when the  
10 lawful owner is not in collusion with the party or parties  
11 involved in the illegal use.

12 Section 10. Enforcement. (1) Investigations of  
13 violations of [this act], arrests, and seizures may be made  
14 by any peace officer, fish and game warden, or agent of the  
15 department designated by the department.

16 (2) To enforce [this act], the department may enter  
17 into agreement with federal agencies with predatory animal  
18 control. Such agreements may allow the federal agency to  
19 assist in investigations, arrests, and seizures.

20 Section 11. Codification. Sections 1 through 10 in  
21 this act are intended to be codified as an integral part of  
22 Title 81, chapter 7, and the provisions contained in Title  
23 81, chapter 7, apply to these sections.

24 Section 12. Effective date. This act is effective on  
25 passage and approval.

## STATE OF MONTANA

Request No. 381-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 15, 1979, there is hereby submitted a Fiscal Note for Senate Bill 497 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 497 is legislation proposed to provide for a permit system for the aerial hunting of predatory animals; forbidding the harassment of livestock by aircraft; providing penalties, including forfeiture of personal property, for illegal aerial hunting of wildlife; and providing an immediate effective date.

## ASSUMPTIONS:

Four additional game wardens would be requested in Fish and Game Regions 4 (Great Falls), 5 (Billings), 6 (Glasgow), and 7 (Miles City), to investigate complaints and process citations through the court system.

## FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Proposed law		
Personal services	\$54,737	\$56,023
Operating expenses	<u>22,000</u>	<u>22,000</u>
Total expenditures under proposed law	76,737	78,023
Expenditures under current law	<u>19,488</u>	<u>19,817</u>
Increased expenditures under proposed law	<u>\$57,249</u>	<u>\$58,206</u>

Proposed law will increase revenue to the predator fund approximately \$4,000 each year.

*Carolyn Dearing*  
 BUDGET DIRECTOR

Office of Budget and Program Planning

Date: \_\_\_\_\_

MR

1 STATEMENT OF INTENT RE: SB 497

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Section 4 of this bill requires the Department of Livestock to adopt rules regulating aerial hunting. It is the intent of this bill that any rules so adopted not interfere with the needs of livestock producers protecting their livestock for predation. At the same time it is the intent of this bill that such rules protect the interests of persons who do not wish aerial hunting to occur over land in their control. Finally, such rules shall reflect the purpose that aerial hunting is permitted for the purpose of reducing livestock losses due to predation.

Approved by the SENATE COMMITTEE OF FISH AND GAME on February 20, 1979.

SB 497

## SENATE BILL NO. 497

INTRODUCED BY VAN VALKENBURG

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PERMIT SYSTEM FOR THE AERIAL HUNTING OF PREDATORY ANIMALS; FORBIDDING THE HARASSMENT OF LIVESTOCK BY AIRCRAFT; PROVIDING PENALTIES ~~---INCLUDING---FORFEITURE---OF---PERSONAL PROPERTY---FOR---ILLEGAL---AERIAL---HUNTING---OF---WILDLIFE---AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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

Section 1. Aerial hunting prohibited -- exceptions.

(1) Except as provided in [section 7], no person except an employee of the state, its subdivisions, or the federal government, acting within the scope of his employment may engage in the aerial hunting of wild animals as defined in ~~07-7-101 01-7-101~~ without first obtaining a permit from the department of livestock. ~~The permit must specify the species of wild animals to be hunted and the areas over which aerial hunting may take place.~~

(2) No person issued a permit as required by this section may engage in aerial hunting of wild animals in violation of the terms of his permit, THE RULES PROMULGATED BY THE BOARD OF LIVESTOCK, OR THE TERMS OF [THIS ACT].

Section 2. Use of personal property for illegal aerial

hunting prohibited. ~~When a permit is required under [section 1] the~~ THE use of any aircraft or other personal property, including motor vehicles and other personal property used on the ground in support of aerial hunting activities, for the aerial hunting of any wildlife is prohibited except when done pursuant to the ~~terms of the~~ A permit ISSUED BY THE DEPARTMENT OF LIVESTOCK.

Section 3. Prohibition against harassing livestock. No person, whether or not lawfully authorized to aerially hunt, may, while engaged in flying an aircraft, knowingly harass, injure, or attempt to injure any livestock except with the express permission of the owner of the livestock. ~~Flying near livestock at an altitude of less than 500 feet creates a rebuttable presumption of intent to harass.~~

Section 4. Rulemaking authority. The department of livestock may SHALL adopt rules to effectuate the purposes of [this act] and to implement and conduct the aerial hunting permit system provided for by [this act]. Such rules may include:

(1) limits on the number of permits issued for a specific area of land;

(2) ~~limits on the distance from home base that a permitted aerial hunter is able to hunt~~ THE SPECIES OF WILD ANIMALS TO BE HUNTED;

(3) reasonable experience qualifications for pilots



1 and gunners;

2 (4) standards for determining when a nonresident may  
3 be issued a permit under [section 6];

4 (5) standards for the issuance of a permit based upon  
5 actual-or-potential livestock losses due to predation;

6 (6) reports required of permittees; and

7 (7) such other matters as may be necessary to  
8 effectuate the purposes of [this act] and reduce loss to  
9 livestock or game due to predation.

10 Section 5. Duration of permit -- fee. Each permit  
11 shall be valid for a period set by the department of  
12 livestock not to exceed 3 years and shall cost \$50 a year or  
13 portion thereof if a period of less than a year is set. All  
14 fees for permits shall be paid to the department of  
15 livestock for deposit in the state treasury to the credit of  
16 the earmarked revenue fund for predatory animal control.

17 Section 6. Residency requirement. No person not having  
18 residence and domicile in Montana may be issued a permit  
19 provided for in [section 1] except when authorized by the  
20 board of livestock. Permits may be issued to nonresidents  
21 for use only in Montana-counties-adjacent-to-the-state-line  
22 if AREAS WHICH the department considers that such counties  
23 are inadequately serviced by resident permittees, or to  
24 nonresidents who are owners of land in Montana who wish to  
25 engage in aerial hunting only over their own property.

1 Section 7. Resident landowners authorized to aerially  
2 hunt over their own lands without permit -- conditions. Any  
3 landowner having residence and domicile in Montana may  
4 engage in the aerial hunting of wild animals, as defined in  
5 81-7-101, with-his-own-aircraft--and over his own land  
6 without a permit, provided he first ANNUALLY notifies the  
7 department in writing that he will be engaged in aerial  
8 hunting and gives an adequate description of the location of  
9 the land over which he will aerial hunt. Such notification  
10 must-be-made-annually HUNTING MUST BE IN ACCORDANCE WITH ALL  
11 RULES OF THE DEPARTMENT OF LIVESTOCK.

12 Section 8. Penalties -- jurisdiction -- revocation of  
13 permit. (1) Any person violating [sections--1--or--3] ANY  
14 PROVISION OF [THIS ACT] is guilty of a misdemeanor, and upon  
15 conviction--is-punishable-by-a-fine-of-not-less-than-\$250-or  
16 more-than-\$1000-or-by-imprisonment-in-the-county-jail-for-a  
17 period-not-to-exceed-6-months-or-both

18 (2) (A) A CONVICTION FOR A VIOLATION OF [SECTION 1(1)]  
19 IS PUNISHABLE BY A FINE OF NOT LESS THAN \$500 OR MORE THAN  
20 \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR A PERIOD  
21 NOT TO EXCEED 6 MONTHS, OR BOTH, A SUBSEQUENT CONVICTION IS  
22 PUNISHABLE BY A FINE OF NOT LESS THAN \$1,000 OR MORE THAN  
23 \$1,500 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR A PERIOD  
24 NOT TO EXCEED ONE YEAR.

25 (B) A CONVICTION FOR A VIOLATION OF PROVISIONS OF

1 ~~[THIS ACT] OTHER THAN [SECTION 1(1)] SHALL BE PUNISHABLE BY~~  
 2 ~~FINE OF NOT MORE THAN \$500 OR BY IMPRISONMENT IN THE COUNTY~~  
 3 ~~JAIL FOR A PERIOD NOT TO EXCEED 6 MONTHS, OR BOTH. A~~  
 4 ~~SUBSEQUENT CONVICTION SHALL BE PUNISHABLE BY A FINE OF NOT~~  
 5 ~~LESS THAN \$250 AND NOT MORE THAN \$500 OR BY IMPRISONMENT IN~~  
 6 ~~THE COUNTY JAIL FOR A PERIOD NOT TO EXCEED 6 MONTHS.~~

7 ~~(2)(3) The justice court has jurisdiction over such~~  
 8 ~~violations.~~

9 ~~(3)(4) The department may revoke or suspend the permit~~  
 10 ~~of anyone violating its terms.~~

11 ~~Section 9. Forfeiture of personal property used in~~  
 12 ~~illegal aerial hunting or harassment of livestock. (1) Any~~  
 13 ~~aircraft or other personal property used in the air or on~~  
 14 ~~the ground in support of aerial activity in violation of~~  
 15 ~~[sections 1 through 3] or 87-3-126 shall be forfeited to and~~  
 16 ~~confiscated by the state, along with any carcasses or pets~~  
 17 ~~taken in violation of [this act] if any property is~~  
 18 ~~observed in such use or if there exists probable cause to~~  
 19 ~~believe it to have been or to be devoted wholly or in part~~  
 20 ~~to such use, the property shall be seized and held by~~  
 21 ~~enforcement officers set forth in [section 18]. Upon~~  
 22 ~~conviction in a proceeding in district court in the name of~~  
 23 ~~the state against the owner or user of such personal~~  
 24 ~~property, the personal property shall be confiscated and~~  
 25 ~~sold at sheriff's sales.~~

1 ~~(2) This section does not apply to personal property~~  
 2 ~~that has been stolen prior to the illegal use when the~~  
 3 ~~lawful owner is not in collusion with the party or parties~~  
 4 ~~involved in the illegal use.~~

5 Section 9. Enforcement. (1) Investigations of  
 6 violations of [this act], arrests, and seizures may be made  
 7 by any peace officer, fish and game warden, or agent of the  
 8 department designated by the department.

9 (2) To enforce [this act], the department may enter  
 10 into agreement with federal agencies with predatory animal  
 11 control. Such agreements may allow the federal agency to  
 12 assist in investigations, arrests, and seizures.

13 Section 10. Codification. Sections 1 through 9 in  
 14 this act are intended to be codified as an integral part of  
 15 Title 81, chapter 7, and the provisions contained in Title  
 16 81, chapter 7, apply to these sections.

17 Section 12. Effective date. This act is effective on  
 18 passage and approval.

-End-

## SENATE BILL NO. 497

INTRODUCED BY VAN VALKENBURG

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PERMIT SYSTEM FOR THE AERIAL HUNTING OF PREDATORY ANIMALS FORBIDDING--THE--HARASSMENT--OF--LIVESTOCK--BY--AIRCRAFT; PROVIDING--PENALTIES--INCLUDING--FORFEITURE--OF--PERSONAL PROPERTY--FOR--ILLEGAL--AERIAL--HUNTING--OF--WILDLIFE; AND PROVIDING--AN--IMMEDIATE--EFFECTIVE--DATE."

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

Section 1. Aerial hunting prohibited -- exceptions.

(1) Except as provided in [section 7], no person except an employee of the state, its subdivisions, or the federal government, acting within the scope of his employment may engage in the aerial hunting of wild animals as defined in 87-7-101 ~~81-7-101~~ without first obtaining a permit from the department of livestock. ~~The permit must specify the species of wild animals to be hunted and the areas over which aerial hunting may take place.~~

(2) No person issued a permit as required by this section may engage in aerial hunting of wild animals in violation of the terms of his permit, ~~THE RULES PROMULGATED BY THE BOARD OF LIVESTOCK, OR THE TERMS OF [THIS ACT].~~

Section 2. ~~Use of personal property for illegal aerial~~

~~hunting prohibited. When a permit is required under [section 1] the use of any aircraft or other personal property including motor vehicles and other personal property used on the ground in support of aerial hunting activities for the aerial hunting of any wildlife is prohibited except when done pursuant to the terms of the permit ISSUED BY THE DEPARTMENT OF LIVESTOCK.~~

~~Section 3. Prohibition against harassing livestock. No person whether or not lawfully authorized to aerially hunt may while engaged in flying on aircrafts knowingly harass, injure or attempt to injure any livestock except with the express permission of the owner of the livestock. Flying near livestock at an altitude of less than 500 feet creates a rebuttable presumption of intent to harass.~~

~~Section 2. Rulemaking authority. The department of livestock may ~~SHALL~~ MAY adopt rules to effectuate the purposes of [this act] and to implement and conduct the aerial hunting permit system provided for by [this act]. Such rules may include:~~

- ~~{1} limits on the number of permits issued for a specific area of land;~~
- ~~{2} limits on the distance from home base that a permitted aerial hunter is able to hunt; ~~THE SPECIES OF WILD ANIMALS TO BE HUNTED;~~~~
- ~~{3} reasonable experience qualifications for pilots;~~

1 and-gunnerst  
 2 {4}-standards-for-determining-when-a-nonresident-may  
 3 be-issued-a-permit-under-[section-6]t  
 4 {5}-standards-for-the-issuance-of-a-permit-based-upon  
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 10 Section 3. Duration of permit -- fee. Each permit  
 11 shall be valid for a period set by the department of  
 12 livestock not to exceed 3 years and shall cost \$50 a-year or  
 13 portion thereof if a period of less than a year is set. All  
 14 fees for permits shall be paid to the department of  
 15 livestock for deposit in the state treasury to the credit of  
 16 the earmarked revenue fund for predatory animal control.  
 17 Section 4. Residency requirement. No person not having  
 18 residence and domicile in Montana may be issued a permit  
 19 provided for in [section 1] except when authorized by the  
 20 board of livestock. Permits may be issued to nonresidents  
 21 for use only in Montana counties adjacent to the state line  
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 23 are inadequately serviced by resident permittees or to  
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 25 engage in aerial hunting only over their own propertyt

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 2 hunt over their own lands without permit -- conditions. Any  
 3 landowner having residence and domicile in Montana may  
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 7 department in writing that he will be engaged in aerial  
 8 hunting and gives an adequate description of the location of  
 9 the land over which he will aerial hunt. Such notification  
 10 must be made annually HUNTING MUST BE IN ACCORDANCE WITH ALL  
 11 RULES OF THE DEPARTMENT OF LIVESTOCK.  
 12 Section 6. Penalties -- jurisdiction -- revocation of  
 13 permit. (1) Any person violating [sections 1 or 3] ANY  
 14 PROVISION OF [THIS ACT] is guilty of a misdemeanor, and upon  
 15 conviction is punishable by a fine of not less than \$250 or  
 16 more than \$1000 or by imprisonment in the county jail for a  
 17 period not to exceed 6 months, or both.  
 18 (2) (A) A CONVICTION FOR A VIOLATION OF [SECTION 1(1)]  
 19 IS PUNISHABLE BY A FINE OF NOT LESS THAN \$500 OR MORE THAN  
 20 \$1000 \$500, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR A  
 21 PERIOD NOT TO EXCEED 6 MONTHS, OR BOTH, A SUBSEQUENT  
 22 CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS THAN \$1000  
 23 OR MORE THAN \$1500 OR BY IMPRISONMENT IN THE COUNTY JAIL  
 24 FOR A PERIOD NOT TO EXCEED ONE YEAR.  
 25 (B) A CONVICTION FOR A VIOLATION OF PROVISIONS OF

1 ~~[THIS ACT] OTHER THAN SECTION 1111 SHALL BE PUNISHABLE BY~~  
 2 ~~FINE OF NOT MORE THAN \$500 OR BY IMPRISONMENT IN THE COUNTY~~  
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7 (2) The justice court has jurisdiction over such  
 8 violations.

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 10 permit of anyone violating its terms.

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 16 confiscated by the state along with any carcasses or pets  
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 20 to such use. The property shall be seized and held by  
 21 enforcement officers set forth in [section 10]. Upon  
 22 conviction in a proceeding in district court in the name of  
 23 the state against the owner or user of such personal  
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17 Section 12. Effective date. This act is effective on  
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1                   STATEMENT OF INTENT RE: SB 497  
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4           Section 4 of this bill requires the Department of  
5 Livestock to adopt rules regulating aerial hunting. It is  
6 the intent of this bill that any rules so adopted not  
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10 persons who do not wish aerial hunting to occur over land in  
11 their control. Finally, such rules shall reflect the purpose  
12 that aerial hunting is permitted for the purpose of reducing  
13 livestock losses due to predation.

14           Approved by the SENATE COMMITTEE OF FISH AND GAME on  
15 February 20, 1979.

SE 497

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 2 INTRODUCED BY VAN VALKENBURG  
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21 (2) No person issued a permit as required by this  
 22 section may engage in aerial hunting of wild animals in  
 23 violation of the terms of his permit, ~~THE RULES PROMULGATED~~  
 24 ~~BY THE BOARD OF LIVESTOCK, OR THE TERMS OF [THIS ACT].~~

25 Section 2. Use of personal property for illegal aerial

1 hunting prohibited. When a permit is required under  
 2 [section 1], the ~~THE~~ use of any aircraft or other personal  
 3 property including motor vehicles and other personal  
 4 property used on the ground in support of aerial hunting  
 5 activities for the aerial hunting of any wildlife is  
 6 prohibited except when done pursuant to the terms of the a  
 7 permit ~~ISSUED BY THE DEPARTMENT OF LIVESTOCK.~~

8 Section 3. Prohibition against harassing livestock.  
 9 No person, whether or not lawfully authorized to aerially  
 10 hunt, may while engaged in flying on aircraft knowingly  
 11 harass, injure, or attempt to injure any livestock except  
 12 with the express permission of the owner of the livestock  
 13 flying near livestock at an altitude of less than 500 feet  
 14 creates a rebuttable presumption of intent to harass.

15 Section 2. Rulemaking authority. The department of  
 16 livestock may ~~SHALL~~ ~~MAY~~ adopt rules to effectuate the  
 17 purposes of [this act] and to implement and conduct the  
 18 aerial hunting permit system provided for by [this act].  
 19 Such rules may include:

- 20 (1) limits on the number of permits issued for a
- 21 specific area of land;
- 22 (2) limits on the distance from home base that a
- 23 permitted aerial hunter is able to hunt ~~THE SPECIES OF WILD~~
- 24 ~~ANIMALS TO BE HUNTED;~~
- 25 (3) reasonable experience qualifications for pilots

1 and-gunnerst  
 2 {4}--standards--for--determining--when--a--nonresident--may  
 3 be--issued--a--permit--under--[section-6]t  
 4 {5}--standards--for--the--issuance--of--a--permit--based--upon  
 5 actual--or--potential--livestock--losses--due--to--predationt  
 6 {6}--reports--required--of--permittees--and  
 7 {7}--such--other--matters--as--may--be--necessary--to  
 8 effectuate--the--purposes--of--[this-act]--and--reduce--loss--to  
 9 livestock--or--game--due--to--predationv

10 Section 3. Duration of permit -- fee. Each permit  
 11 shall be valid for a period set by the department of  
 12 livestock not to exceed 3 years and shall cost \$50 a-year A  
 13 YEAR or portion thereof if a period of less than a year is  
 14 set. All fees for permits shall be paid to the department of  
 15 livestock for deposit in the state treasury to the credit of  
 16 the earmarked revenue fund for predatory animal control.

17 Section 4. Residency requirement. No person not having  
 18 residence and domicile in Montana may be issued a permit  
 19 provided for in [section 1] except when authorized by the  
 20 board of livestock. Permits may be issued to nonresidents  
 21 for use only in Montana counties adjacent to the state line  
 22 if AREAS WHICH the department considers that such counties  
 23 are inadequately serviced by resident permittees or to  
 24 nonresidents who are owners of land in Montana who wish to  
 25 engage in aerial hunting only over their own propertyv

1 Section 5. Resident landowners authorized to aerially  
 2 hunt over their own lands without permit -- conditions. Any  
 3 landowner having residence and domicile in Montana may  
 4 engage in the aerial hunting of wild animals, as defined in  
 5 81-7-101, with his own aircraft and over his own land  
 6 without a permit, provided he first ANNUALLY notifies the  
 7 department in writing that he will be engaged in aerial  
 8 hunting and gives an adequate description of the location of  
 9 the land over which he will aerial hunt. Such notification  
 10 must be made annually HUNTING MUST BE IN ACCORDANCE WITH ALL  
 11 RULES OF THE DEPARTMENT OF LIVESTOCK.

12 Section 6. Penalties -- jurisdiction -- revocation of  
 13 permit. (1) Any person violating [sections 1 or 3] ANY  
 14 PROVISION OF [THIS ACT] WHO IS PERMITTED TO ENGAGE IN AERIAL  
 15 HUNTING PURSUANT TO [THIS ACT] is guilty of a misdemeanor,  
 16 and upon conviction is punishable by a fine of not less than  
 17 \$250 or more than \$1000 or by imprisonment in the county  
 18 jail for a period not to exceed 6 months, or both

19 (2) (A) A CONVICTION FOR A VIOLATION OF [SECTION 1(1)]  
 20 IS PUNISHABLE BY A FINE OF NOT LESS THAN \$500 OR MORE THAN  
 21 \$1000 \$500, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR A  
 22 PERIOD NOT TO EXCEED 6 MONTHS, OR BOTH, A SUBSEQUENT  
 23 CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS THAN \$1000  
 24 OR MORE THAN \$1500 OR BY IMPRISONMENT IN THE COUNTY JAIL  
 25 FOR A PERIOD NOT TO EXCEED ONE YEAR.



1 ~~(B) A CONVICTION FOR A VIOLATION OF PROVISIONS OF~~  
 2 ~~[THIS ACT] OTHER THAN [SECTION 111] SHALL BE PUNISHABLE BY~~  
 3 ~~FINE OF NOT MORE THAN \$500 OR BY IMPRISONMENT IN THE COUNTY~~  
 4 ~~JAIL FOR A PERIOD NOT TO EXCEED 6 MONTHS, OR BOTH. A~~  
 5 ~~SUBSEQUENT CONVICTION SHALL BE PUNISHABLE BY A FINE OF NOT~~  
 6 ~~LESS THAN \$250 AND NOT MORE THAN \$500 OR BY IMPRISONMENT IN~~  
 7 ~~THE COUNTY JAIL FOR A PERIOD NOT TO EXCEED 6 MONTHS.~~

8 ~~(2)(1) The justice court has jurisdiction over such~~  
 9 ~~violations.~~

10 (3) ANY PERSON WHO IS NOT PERMITTED TO ENGAGE IN  
 11 AERIAL HUNTING PURSUANT TO [THIS ACT] WHO VIOLATES ANY  
 12 PROVISIONS OF [THIS ACT] IS GUILTY OF A MISDEMEANOR, AND  
 13 UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS THAN  
 14 \$500 NOR MORE THAN \$1,000. A SUBSEQUENT CONVICTION UNDER  
 15 THIS SUBSECTION IS PUNISHABLE BY A FINE OF NOT LESS THAN  
 16 \$1,000 OR MORE THAN \$1,500.

17 (4) THE JUSTICE COURT HAS JURISDICTION OVER VIOLATIONS  
 18 OF [THIS ACT].

19 ~~(3)(1)(2)(5) The department may revoke or suspend the~~  
 20 ~~permit of anyone violating its terms.~~

21 ~~Section 9. Forfeiture of personal property used in~~  
 22 ~~illegal aerial hunting or harassment of livestock. (1) Any~~  
 23 ~~aircraft or other personal property used in the air or on~~  
 24 ~~the ground in support of aerial activity in violation of~~  
 25 ~~[sections 1 through 3] or 87-3-126 shall be forfeited to and~~

1 ~~confiscated by the state along with any carcasses or pets~~  
 2 ~~taken in violation of [this act] if any property is~~  
 3 ~~observed in such use or if there exists probable cause to~~  
 4 ~~believe it to have been or to be devoted wholly or in part~~  
 5 ~~to such use, the property shall be seized and held by~~  
 6 ~~enforcement officers set forth in [section 10]. Upon~~  
 7 ~~conviction in a proceeding in district court in the name of~~  
 8 ~~the state against the owner or user of such personal~~  
 9 ~~property, the personal property shall be confiscated and~~  
 10 ~~sold at sheriff's sale.~~

11 ~~(2) This section does not apply to personal property~~  
 12 ~~that has been stolen prior to the illegal use when the~~  
 13 ~~lawful owner is not in collusion with the party or parties~~  
 14 ~~involved in the illegal use.~~

15 Section 7. Enforcement. (1) Investigations of  
 16 violations of [this act], arrests, and seizures may be made  
 17 by any peace officer, fish and game warden, or agent of the  
 18 department designated by the department.

19 (2) To enforce [this act], the department may enter  
 20 into agreement with federal agencies with predatory animal  
 21 control. Such agreements may allow the federal agency to  
 22 assist in investigations, arrests, and seizures.

23 Section 8. Codification. Sections 1 through 10 of I in  
 24 this act are intended to be codified as an integral part of  
 25 Title 81, chapter 7, and the provisions contained in Title

SB 0497/04

- 1 81, chapter 7, apply to these sections.
- 2 ~~Section 12v--Effective date--This act is effective--on~~
- 3 ~~passage-and-approval~~

-End-

1                   STATEMENT OF INTENT RE: SB 497

2  
3

4           Section 4 of this bill requires the Department of  
5 Livestock to adopt rules regulating aerial hunting. It is  
6 the intent of this bill that any rules so adopted not  
7 interfere with the needs of livestock producers protecting  
8 their livestock for predation. At the same time it is the  
9 intent of this bill that such rules protect the interests of  
10 persons who do not wish aerial hunting to occur over land in  
11 their control. Finally, such rules shall reflect the purpose  
12 that aerial hunting is permitted for the purpose of reducing  
13 livestock losses due to predation.

14           Approved by the SENATE COMMITTEE OF FISH AND GAME on  
15 February 20, 1979.

SB 497

1 SENATE BILL NO. 497  
 2 INTRODUCED BY VAN VALKENBURG  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PERMIT  
 5 SYSTEM FOR THE AERIAL HUNTING OF PREDATORY ANIMALS  
 6 FORBIDDING THE HARASSMENT OF LIVESTOCK BY AIRCRAFT  
 7 PROVIDING PENALTIES, INCLUDING FORFEITURE OF PERSONAL  
 8 PROPERTY, FOR ILLEGAL AERIAL HUNTING OF WILDLIFE AND  
 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12 Section 1. Aerial hunting prohibited -- exceptions.  
 13 (1) Except as provided in [section 7], no person except an  
 14 employee of the state, its subdivisions, or the federal  
 15 government, acting within the scope of his employment may  
 16 engage in the aerial hunting of wild animals as defined in  
 17 87-7-101 ~~81-101~~ without first obtaining a permit from the  
 18 department of livestock. ~~The permit must specify the species~~  
 19 ~~of wild animals to be hunted and the areas over which aerial~~  
 20 ~~hunting may take place.~~

21 (2) No person issued a permit as required by this  
 22 section may engage in aerial hunting of wild animals in  
 23 violation of the terms of his permit. THE RULES PROMULGATED  
 24 BY THE BOARD OF LIVESTOCK, OR THE TERMS OF [THIS ACT].

25 Section 2. Use of personal property for illegal aerial

1 hunting prohibited. When a permit is required under  
 2 [section 1], the ~~THE~~ use of any aircraft or other personal  
 3 property including motor vehicles and other personal  
 4 property used on the ground in support of aerial hunting  
 5 activities for the aerial hunting of any wildlife is  
 6 prohibited except when done pursuant to the terms of the a  
 7 permit ISSUED BY THE DEPARTMENT OF LIVESTOCK.

8 Section 3. Prohibition against harassing livestock.  
 9 No person, whether or not lawfully authorized to aerially  
 10 hunt, may while engaged in flying on aircraft knowingly  
 11 harass, injure, or attempt to injure any livestock except  
 12 with the express permission of the owner of the livestock.  
 13 Flying near livestock at an altitude of less than 500 feet  
 14 creates a rebuttable presumption of intent to harass.

15 Section 2. Rulemaking authority. The department of  
 16 livestock may ~~SHALL~~ MAY adopt rules to effectuate the  
 17 purposes of [this act] and to implement and conduct the  
 18 aerial hunting permit system provided for by [this act].  
 19 Such rules may include:

- 20 (1) limits on the number of permits issued for a  
 21 specific area of land;
- 22 (2) limits on the distance from home base that a  
 23 permitted aerial hunter is able to hunt THE SPECIES OF WILD  
 24 ANIMALS TO BE HUNTED;
- 25 (3) reasonable experience qualifications for pilots

1 and-gunnerst

2 (4)--standards--for--determining--when--a--nonresident--may  
3 be--issued--a--permit--under--[section-6]t

4 (5)--standards--for--the--issuance--of--a--permit--based--upon  
5 actual--or--potential--livestock--losses--due--to--predationt

6 (6)--reports--required--of--permittees--and

7 (7)--such--other--matters--as--may--be--necessary--to  
8 effectuate--the--purposes--of--[this-act]--and--reduce--loss--to  
9 livestock--or--game--due--to--predationv

10 Section 3. Duration of permit -- fee. Each permit  
11 shall be valid for a period set by the department of  
12 livestock not to exceed 3 years and shall cost \$50 a-year A  
13 YEAR or portion thereof if a period of less than a year is  
14 set. All fees for permits shall be paid to the department of  
15 livestock for deposit in the state treasury to the credit of  
16 the earmarked revenue fund for predatory animal control.

17 Section 4. Residency requirement. No person not having  
18 residence and domicile in Montana may be issued a permit  
19 provided for in [section 1] except when authorized by the  
20 board of livestock. Permits may be issued to nonresidents  
21 for use only in Montana counties adjacent to the state line  
22 if AREAS WHICH the department considers that such counties  
23 are inadequately serviced by resident permittees or to  
24 nonresidents who are owners of land in Montana who wish to  
25 engage in aerial hunting only over their own propertyv

1 Section 5. Resident landowners authorized to aerially  
2 hunt over their own lands without permit -- conditions. Any  
3 landowner having residence and domicile in Montana may  
4 engage in the aerial hunting of wild animals, as defined in  
5 81-7-101, with his own aircraft and over his own land  
6 without a permit, provided he first ANNUALLY notifies the  
7 department in writing that he will be engaged in aerial  
8 hunting and gives an adequate description of the location of  
9 the land over which he will aerial hunt. Such notification  
10 must be made annually HUNTING MUST BE IN ACCORDANCE WITH ALL  
11 RULES OF THE DEPARTMENT OF LIVESTOCK.

12 Section 6. Penalties -- jurisdiction -- revocation of  
13 permit. (1) Any person violating [sections--1-or-3] ANY  
14 PROVISION OF [THIS ACT] WHO IS PERMITTED TO ENGAGE IN AERIAL  
15 HUNTING PURSUANT TO [THIS ACT] is guilty of a misdemeanor,  
16 and upon conviction is punishable by a fine of not less than  
17 \$250 or more than \$1000 or by imprisonment in the county  
18 jail for a period not to exceed 6 months or bothv

19 (2) (a) A CONVICTION FOR A VIOLATION OF [SECTION--111  
20 SUBSECTION (1)] IS PUNISHABLE BY A FINE OF NOT LESS THAN  
21 \$500 OR MORE THAN \$1000 \$500, OR BY IMPRISONMENT IN THE  
22 COUNTY JAIL FOR A PERIOD NOT TO EXCEED 6 MONTHS OR BOTH A  
23 SUBSEQUENT CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS  
24 THAN \$1000 OR MORE THAN \$1500 OR BY IMPRISONMENT IN THE  
25 COUNTY JAIL FOR A PERIOD NOT TO EXCEED ONE YEARv

1 ~~(1) A CONVICTION FOR A VIOLATION OF PROVISIONS OF~~  
 2 ~~[THIS ACT] OTHER THAN SECTION 1111 SHALL BE PUNISHABLE BY~~  
 3 ~~FINE OF NOT MORE THAN \$500 OR BY IMPRISONMENT IN THE COUNTY~~  
 4 ~~JAIL FOR A PERIOD NOT TO EXCEED 6 MONTHS, OR BOTH. A~~  
 5 ~~SUBSEQUENT CONVICTION SHALL BE PUNISHABLE BY A FINE OF NOT~~  
 6 ~~LESS THAN \$250 AND NOT MORE THAN \$500 OR BY IMPRISONMENT IN~~  
 7 ~~THE COUNTY JAIL FOR A PERIOD NOT TO EXCEED 6 MONTHS.~~

8 ~~(2) The justice court has jurisdiction over such~~  
 9 ~~violations.~~

10 (3) ANY PERSON WHO IS NOT PERMITTED TO ENGAGE IN  
 11 AERIAL HUNTING PURSUANT TO [THIS ACT] WHO VIOLATES ANY  
 12 PROVISIONS OF [THIS ACT] IS GUILTY OF A MISDEMEANOR, AND  
 13 UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS THAN  
 14 \$500 NOR MORE THAN \$1,000. A SUBSEQUENT CONVICTION UNDER  
 15 THIS SUBSECTION IS PUNISHABLE BY A FINE OF NOT LESS THAN  
 16 \$1,000 OR MORE THAN \$1,500.

17 (4) THE JUSTICE COURT HAS JURISDICTION OVER VIOLATIONS  
 18 OF [THIS ACT].

19 (3)(4)(2)(5) The department may revoke or suspend the  
 20 permit of anyone violating its terms.

21 Section 9. Forfeiture of personal property used in  
 22 illegal aerial hunting or harassment of livestock. (1) Any  
 23 aircraft or other personal property used in the air or on  
 24 the ground in support of aerial activity in violation of  
 25 [sections 1 through 3] or 87-3-126 shall be forfeited to and

1 confiscated by the state along with any carcasses or pets  
 2 taken in violation of [this act] if any property is  
 3 observed in such use or if there exists probable cause to  
 4 believe it to have been or to be devoted wholly or in part  
 5 to such use the property shall be seized and held by  
 6 enforcement officers set forth in [section 10] Upon  
 7 conviction in a proceeding in district court in the name of  
 8 the state against the owner or user of such personal  
 9 property the personal property shall be confiscated and  
 10 sold at sheriff's sale.

11 (2) This section does not apply to personal property  
 12 that has been stolen prior to the illegal use when the  
 13 lawful owner is not in collusion with the party or parties  
 14 involved in the illegal use.

15 Section 7. Enforcement. (1) Investigations of  
 16 violations of [this act], arrests, and seizures may be made  
 17 by any peace officer, fish and game warden or agent of the  
 18 department designated by the department.

19 (2) To enforce [this act], the department may enter  
 20 into agreement with federal agencies with predatory animal  
 21 control. Such agreements may allow the federal agency to  
 22 assist in investigations, arrests, and seizures.

23 Section 8. Codification. Sections 1 through 10 2 I in  
 24 this act are intended to be codified as an integral part of  
 25 Title 81, chapter 7, and the provisions contained in Title

SB 0497/05

- 1 81, chapter 7, apply to these sections.
- 2 ~~Section 12v--Effective date--This act is effective--on~~
- 3 ~~passage and approval~~

-End-

1                   STATEMENT OF INTENT RE: SB 497

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4           Section 4 of this bill requires the Department of  
5 Livestock to adopt rules regulating aerial hunting. It is  
6 the intent of this bill that any rules so adopted not  
7 interfere with the needs of livestock producers protecting  
8 their livestock from predation. At the same time it is the  
9 intent of this bill that such rules protect the interests of  
10 persons who do not wish aerial hunting to occur over land in  
11 their control. Finally, such rules shall reflect the purpose  
12 that aerial hunting is permitted for the purpose of reducing  
13 livestock losses due to predation.

14           Approved by the SENATE COMMITTEE OF FISH AND GAME on  
15 February 20, 1979.

SB 497  
CORRECTED  
REFERENCE



1 STATEMENT OF INTENT RE: SB 497

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Section 4 of this bill requires the Department of Livestock to adopt rules regulating aerial hunting. It is the intent of this bill that any rules so adopted not interfere with the needs of livestock producers protecting their livestock for predation. At the same time it is the intent of this bill that such rules protect the interests of persons who do not wish aerial hunting to occur over land in their control. Finally, such rules shall reflect the purpose that aerial hunting is permitted for the purpose of reducing livestock losses due to predation.

Approved by the SENATE COMMITTEE OF FISH AND GAME on February 20, 1979.

SENATE BILL NO. 497

INTRODUCED BY VAN VALKENBURG

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PERMIT SYSTEM FOR THE AERIAL HUNTING OF PREDATORY ANIMALS FORBIDDING THE HARASSMENT OF LIVESTOCK BY AIRCRAFT PROVIDING PENALTIES INCLUDING FORFEITURE OF PERSONAL PROPERTY FOR ILLEGAL AERIAL HUNTING OF WILDLIFE AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Aerial hunting prohibited -- exceptions.

(1) Except as provided in [section 7], no person except an employee of the state, its subdivisions, or the federal government, acting within the scope of his employment may engage in the aerial hunting of wild animals as defined in 07-7-101 01-7-101 without first obtaining a permit from the department of livestock. The permit must specify the species of wild animals to be hunted and the areas over which aerial hunting may take place.

(2) No person issued a permit as required by this section may engage in aerial hunting of wild animals in violation of the terms of his permit, THE RULES PROMULGATED BY THE BOARD OF LIVESTOCK, OR THE TERMS OF [THIS ACT].

Section 2. Use of personal property for illegal aerial

hunting prohibited. When a permit is required under [section 1], the use of any aircraft or other personal property including motor vehicles and other personal property used on the ground in support of aerial hunting activities for the aerial hunting of any wildlife is prohibited except when done pursuant to the terms of the permit ISSUED BY THE DEPARTMENT OF LIVESTOCK.

Section 3. Prohibition against harassing livestock. No person, whether or not lawfully authorized to aerially hunt, may while engaged in flying on aircrafts knowingly harass, injure, or attempt to injure any livestock except with the express permission of the owner of the livestock flying near livestock at an altitude of less than 500 feet creates a rebuttable presumption of intent to harass.

Section 2. Rulemaking authority. The department of livestock may SHALL MAY adopt rules to effectuate the purposes of [this act] and to implement and conduct the aerial hunting permit system provided for by [this act].

Such rules may include:

- (1) limits on the number of permits issued for a specific area of land;
(2) limits on the distance from home base that a permitted aerial hunter is able to hunt THE SPECIES OF WILD ANIMALS TO BE HUNTED;
(3) reasonable experience qualifications for pilots

1 and-gunners†

2 ~~{4}--standards--for--determining--when--a--nonresident--may~~  
3 ~~be--issued--a--permit--under--[section--6]†~~

4 ~~{5}--standards--for--the--issuance--of--a--permit--based--upon~~  
5 ~~actual--or--potential--livestock--losses--due--to--predation†~~

6 ~~{6}--reports--required--of--permittees†--and~~

7 ~~{7}--such--other--matters--as--may--be--necessary--to~~  
8 ~~effectuate--the--purposes--of--[this--act]--and--reduce--loss--to~~  
9 ~~livestock--or--game--due--to--predation†~~

10 Section 3. Duration of permit -- fee. Each permit  
11 shall be valid for a period set by the department of  
12 livestock not to exceed 3 years and shall cost \$50 a-year &  
13 ~~YEAS~~ or portion thereof if a period of less than a year is  
14 set. All fees for permits shall be paid to the department of  
15 livestock for deposit in the state treasury to the credit of  
16 the earmarked revenue fund for predatory animal control.

17 Section 4. Residency requirement. No person not having  
18 residence and domicile in Montana may be issued a permit  
19 provided for in [section 1] except when authorized by the  
20 board of livestock. ~~Permits may be issued to nonresidents~~  
21 ~~for use only in Montana counties adjacent to the state line~~  
22 ~~if AREAS WHICH the department considers that such counties~~  
23 ~~are inadequately serviced by resident permittees, or to~~  
24 ~~nonresidents who are owners of land in Montana who wish to~~  
25 ~~engage in aerial hunting only over their own property†~~

1 Section 5. Resident landowners authorized to aerially  
2 hunt over their own lands without permit -- conditions. Any  
3 landowner having residence and domicile in Montana may  
4 engage in the aerial hunting of wild animals, as defined in  
5 81-7-101, with his own aircraft and over his own land  
6 without a permit, provided he first ANNUALLY notifies the  
7 department in writing that he will be engaged in aerial  
8 hunting and gives an adequate description of the location of  
9 the land over which he will aerial hunt. Such notification  
10 ~~must be made annually~~ HUNTING MUST BE IN ACCORDANCE WITH ALL  
11 RULES OF THE DEPARTMENT OF LIVESTOCK.

12 Section 6. Penalties -- jurisdiction -- revocation of  
13 permit. (1) Any person violating ~~[sections--1--or--3]~~ ANY  
14 PROVISION OF [THIS ACT] WHO IS PERMITTED TO ENGAGE IN AERIAL  
15 HUNTING PURSUANT TO [THIS ACT] is guilty of a misdemeanor,  
16 ~~and upon conviction is punishable by a fine of not less than~~  
17 ~~\$250--or--more--than--\$1000--or--by--imprisonment--in--the--county~~  
18 ~~jail--for--a--period--not--to--exceed--6--months,--or--both†~~

19 ~~{2}†† A CONVICTION FOR A VIOLATION OF [SECTION--1†††~~  
20 ~~SUBSECTION (1)] IS PUNISHABLE BY A FINE OF NOT LESS THAN~~  
21 ~~\$500 OR MORE THAN \$1000 \$500, OR BY IMPRISONMENT IN THE~~  
22 ~~COUNTY JAIL FOR A PERIOD NOT TO EXCEED 6 MONTHS, OR BOTH, A~~  
23 ~~SUBSEQUENT CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS~~  
24 ~~THAN \$1,000 OR MORE THAN \$1,500 OR BY IMPRISONMENT IN THE~~  
25 ~~COUNTY JAIL FOR A PERIOD NOT TO EXCEED ONE YEAR.~~

1 ~~(D) A CONVICTION FOR A VIOLATION OF PROVISIONS OF~~  
 2 ~~[THIS ACT] OTHER THAN [SECTION 1(1)] SHALL BE PUNISHABLE BY~~  
 3 ~~FINE OF NOT MORE THAN \$500 OR BY IMPRISONMENT IN THE COUNTY~~  
 4 ~~JAIL FOR A PERIOD NOT TO EXCEED 6 MONTHS OR BOTH. A~~  
 5 ~~SUBSEQUENT CONVICTION SHALL BE PUNISHABLE BY A FINE OF NOT~~  
 6 ~~LESS THAN \$250 AND NOT MORE THAN \$500 OR BY IMPRISONMENT IN~~  
 7 ~~THE COUNTY JAIL FOR A PERIOD NOT TO EXCEED 6 MONTHS.~~

8 ~~(2)(3) The justice court has jurisdiction over such~~  
 9 ~~violations.~~

10 ~~(3) ANY PERSON WHO IS NOT PERMITTED TO ENGAGE IN~~  
 11 ~~AERIAL HUNTING PURSUANT TO [THIS ACT] WHO VIOLATES ANY~~  
 12 ~~PROVISIONS OF [THIS ACT] IS GUILTY OF A MISDEMEANOR, AND~~  
 13 ~~UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS THAN~~  
 14 ~~\$500 OR MORE THAN \$1,000. A SUBSEQUENT CONVICTION UNDER THIS~~  
 15 ~~SUBSECTION IS PUNISHABLE BY A FINE OF NOT LESS THAN \$1,000~~  
 16 ~~OR MORE THAN \$1,500.~~

17 ~~(4) THE JUSTICE COURT HAS JURISDICTION OVER VIOLATIONS~~  
 18 ~~OF [THIS ACT].~~

19 (3) ANY PERSON WHO IS NOT PERMITTED TO ENGAGE IN  
 20 AERIAL HUNTING PURSUANT TO [THIS ACT] WHO VIOLATES ANY  
 21 PROVISIONS OF [THIS ACT] IS GUILTY OF A MISDEMEANOR, AND  
 22 UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS THAN  
 23 \$250 OR MORE THAN \$1,000. A SUBSEQUENT CONVICTION UNDER THIS  
 24 SUBSECTION IS PUNISHABLE BY A FINE OF NOT LESS THAN \$500 OR  
 25 MORE THAN \$1,000.

1 (4) THE JUSTICE COURT HAS JURISDICTION OVER VIOLATIONS  
 2 OF [THIS ACT].

3 ~~(3)(4)(5)~~ (5) The department may revoke or suspend the  
 4 permit of anyone violating its terms.

5 Section 9. ~~forfeiture of personal property used in~~  
 6 ~~illegal aerial hunting or harassment of livestock. (1) Any~~  
 7 ~~aircraft or other personal property used in the air or on~~  
 8 ~~the ground in support of aerial activity in violation of~~  
 9 ~~[sections 1 through 3] or 87-3-126 shall be forfeited to and~~  
 10 ~~confiscated by the state, along with any carcasses or pelts~~  
 11 ~~taken in violation of [this act]. If any property is~~  
 12 ~~observed in such use or if there exists probable cause to~~  
 13 ~~believe it to have been or to be devoted wholly or in part~~  
 14 ~~to such use, the property shall be seized and held by~~  
 15 ~~enforcement officers set forth in [section 10]. Upon~~  
 16 ~~conviction in a proceeding in district court in the name of~~  
 17 ~~the state against the owner or user of such personal~~  
 18 ~~property, the personal property shall be confiscated and~~  
 19 ~~sold at sheriff's sales.~~

20 (2) ~~This section does not apply to personal property~~  
 21 ~~that has been stolen prior to the illegal use when the~~  
 22 ~~lawful owner is not in collusion with the party or parties~~  
 23 ~~involved in the illegal use.~~

24 Section 7. Enforcement. (1) Investigations of  
 25 violations of [this act], arrests, and seizures may be made

1 by any peace officer, fish-and-game warden, or agent of the  
2 department designated by the department.

3 (2) To enforce [this act], the department may enter  
4 into agreement with federal agencies with predatory animal  
5 control. Such agreements may allow the federal agency to  
6 assist in investigations, arrests, and seizures.

7 Section 8. Codification. Sections 1 through ~~10~~ 9 I in  
8 this act are intended to be codified as an integral part of  
9 Title 81, chapter 7, and the provisions contained in Title  
10 81, chapter 7, apply to these sections.

11 ~~Section 12. Effective date. This act is effective on~~  
12 ~~passage and approval~~

-End-

HOUSE OF REPRESENTATIVES

March 8, 1979

Committee on Fish and Game amendments to SENATE BILL NO. 497, second printing, third reading copy, as follows:

1. Page 3, line 12.

Following: "a-year"

Insert: "a year"

2. Page 4, line 14.

Following: "[THIS ACT]"

Insert: "who is permitted to engage in aerial hunting pursuant to [this act]"

3. Page 5.

Following: line 8

Insert: "(3) Any person who is not permitted to engage in aerial hunting pursuant to [this act] who violates any provisions of [this act] is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$500 nor more than \$1,000. A subsequent conviction under this subsection is punishable by a fine of not less than \$1,000 or more than \$1,500.

(4) The justice court has jurisdiction over violations of [this act]."

Renumber: subsequent subsections

4. Page 6, line 13.

Following: "±0"

Strike: "9"

Insert: "7"

AND AS AMENDED BE CONCURRED IN

HOUSE OF REPRESENTATIVES  
March 16, 1979

Committee of the Whole amendment to Senate Bill No. 497, reference bill, as follows:

1. Page 4, line 19.  
Following: "(2)"  
Strike: "(A)"  
Following: "OF"  
Strike: "[SECTION 1(1)]"  
Insert: "subsection (1)"

AND AS AMENDED,  
BE CONCURRED IN