

HOUSE BILL NO. 429

INTRODUCED BY SCHYE, E. SMITH, TVEIT,
WEEDING, STRATFORD, HAMMOND

IN THE HOUSE

JANUARY 24, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

FEBRUARY 19, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

 STATEMENT OF INTENT ADOPTED.

FEBRUARY 20, 1987 PRINTING REPORT.

FEBRUARY 21, 1987 SECOND READING, DO PASS.

FEBRUARY 23, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
AYES, 90; NOES, 9.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

MARCH 20, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 24, 1987 SECOND READING, CONCURRED IN.

MARCH 26, 1987 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 27, 1987 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

1 House BILL NO. 429
 2 INTRODUCED BY Sege & Smith Trust
 3 STRAFFORD Blummond

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR FISH AND
 5 GAME COMMISSION APPROVAL OF THE AWARDING OF PRIZES FOR THE
 6 TAKING OF PROTECTED FISH IN STATE WATERS; AND AMENDING
 7 SECTION 87-3-121, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 87-3-121, MCA, is amended to read:

11 "~~87-3-121. Bag--limit--prizes--unlawful-----exception~~
 12 Conditions for award of prizes. (1) It shall be unlawful for
 13 any person, firm, corporation, association, or club to offer
 14 or give any prize, gift, or anything of value in connection
 15 with or as a bag limit prize for the taking, capturing,
 16 killing, or in any manner acquiring any game, fish, fowl,
 17 fur-bearing animals, or any fish, bird, or animal now or
 18 that shall be hereafter protected in any way by the fish and
 19 game laws of the state of Montana.

20 (2) The commission shall adopt rules to regulate
 21 contests by a person, firm, corporation, association, or
 22 club that intends to offer or give a prize, gift, or
 23 anything of value in connection with or as a prize for the
 24 taking, capturing, killing, or in any manner acquiring a
 25 fish that is protected under Title 87. The commission's

1 rules must be based on the commission's duty under Title 87
 2 to protect, preserve, and propagate fish in the state.

3 ~~(2)~~(3) This section shall not be construed to prohibit
 4 the award of prizes for any one game bird, fish, or
 5 fur-bearing animal on the basis of size, quality, or
 6 rarity."

-End-



-2- INTRODUCED BILL
 HB 429

APPROVED BY COMM.
ON FISH AND GAME

1 STATEMENT OF INTENT

2 HOUSE BILL 429

3 House Fish and Game Committee

4
5 A statement of intent is required for this bill because
6 it grants rulemaking duties to the fish and game commission
7 with regard to the awarding of prizes for the taking of
8 protected fish in state waters. It is the intent of the
9 legislature that the commission adopt rules that address an
10 approval process for the conditions or operations of fishing
11 tournaments, derbies, or contests in order to protect and
12 preserve the fish resources in the state from potentially
13 harmful practices or results of such events.

14 It is the intent of the legislature that the commission
15 adopt rules that are designed to prevent adverse impacts on
16 the fish resources. To accomplish the purpose, the
17 commission may adopt rules that include but are not limited
18 to:

19 (1) the duties of the department of fish, wildlife,
20 and parks to recommend approval or disapproval of a
21 tournament, derby, or contest or its conditions, based on
22 sound wildlife conservation criteria;

23 (2) reporting requirements for the rules and
24 conditions of a tournament, derby, or contest that awards a
25 prize for the taking of fish;

1 (3) purse or participation limits for such events;
2 (4) time limits for reporting such events to obtain
3 commission approval or disapproval; and
4 (5) details of the approval process, including any
5 appeal process.

6 Notwithstanding the general rulemaking areas listed, it
7 is the intent of the legislature to permit the commission to
8 adopt rules that allow the commission enough flexibility to
9 consider the merits of each tournament, derby, or contest on
10 a case-by-case basis.

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 18 fur-bearing animals, or any fish, bird, or animal now or
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 20 game laws of the state of Montana.

21 (2) The commission shall adopt rules to regulate
 22 contests by a person, firm, corporation, association, or
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 24 anything of value in connection with or as a prize for the
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1 fish that ~~is~~ ARE protected under Title 87. The commission's
 2 rules must be based on the commission's duty under Title 87
 3 to protect, preserve, and propagate fish in the state.
 4 ~~(2)~~(3) This section shall not be construed to prohibit
 5 the award of prizes for any one game bird, fish, or
 6 fur-bearing animal on the basis of size, quality, or
 7 rarity."

-End-



STATEMENT OF INTENT

HOUSE BILL 429

House Fish and Game Committee

A statement of intent is required for this bill because it grants rulemaking duties to the fish and game commission with regard to the awarding of prizes for the taking of protected fish in state waters. It is the intent of the legislature that the commission adopt rules that address an approval process for the conditions or operations of fishing tournaments, derbies, or contests in order to protect and preserve the fish resources in the state from potentially harmful practices or results of such events.

It is the intent of the legislature that the commission adopt rules that are designed to prevent adverse impacts on the fish resources. To accomplish the purpose, the commission may adopt rules that include but are not limited to:

(1) the duties of the department of fish, wildlife, and parks to recommend approval or disapproval of a tournament, derby, or contest or its conditions, based on sound wildlife conservation criteria;

(2) reporting requirements for the rules and conditions of a tournament, derby, or contest that awards a prize for the taking of fish;

(3) purse or participation limits for such events;

(4) time limits for reporting such events to obtain commission approval or disapproval; and

(5) details of the approval process, including any appeal process.

Notwithstanding the general rulemaking areas listed, it is the intent of the legislature to permit the commission to adopt rules that allow the commission enough flexibility to consider the merits of each tournament, derby, or contest on a case-by-case basis.

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killing, or in any manner acquiring any game, fish, fowl,
fur-bearing animals, or any fish, bird, or animal now or
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game laws of the state of Montana.

(2) The commission shall adopt rules to regulate
contests by a person, firm, corporation, association, or
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anything of value in connection with or as a prize for the
taking, capturing, killing, or in any manner acquiring a

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rules must be based on the commission's duty under Title 87
to protect, preserve, and propagate fish in the state.

(2)(3) This section shall not be construed to prohibit
the award of prizes for any one game bird, fish, or
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1 STATEMENT OF INTENT

2 HOUSE BILL 429

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REFERENCE BILL

-2-

HB-429

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(2) The commission shall adopt rules to regulate contests by a person, firm, corporation, association, or club that intends to offer or give a prize, gift, or anything of value in connection with or as a prize for the taking, capturing, killing, or in any manner acquiring a

fish that is ARE protected under Title 87. The commission's rules must be based on the commission's duty under Title 87 to protect, preserve, and propagate fish in the state.

(2)(3) This section shall not be construed to prohibit the award of prizes for any one game bird, fish, or fur-bearing animal on the basis of size, quality, or rarity."

-End-

