

HOUSE BILL NO. 486

INTRODUCED BY KOEHNKE, GALT

IN THE HOUSE

JANUARY 27, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON FISH & GAME.

FEBRUARY 21, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 23, 1987                   PRINTING REPORT.

FEBRUARY 24, 1987                   SECOND READING, DO PASS AS AMENDED.  
  
ON MOTION, RULES SUSPENDED AND BILL  
PLACED ON THIRD READING THIS DAY.  
  
THIRD READING, PASSED.  
AYES, 100; NOES, 0.  
  
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 AS AMENDED. REPORT  
ADOPTED.

MARCH 24, 1987                   SECOND READING, CONCURRED IN.

MARCH 26, 1987                   THIRD READING, CONCURRED IN.  
AYES, 47; NOES, 3.  
  
RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987                   RECEIVED FROM SENATE.  
  
SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 8, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 486  
2 INTRODUCED BY Frederick Bill

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE AUTHORITY  
5 OF THE FISH AND GAME COMMISSION IN REGULATING SHOTGUN AND  
6 MUZZLELOADER HUNTING OF DEER AND ELK; AND AMENDING SECTION  
7 87-1-304, MCA."

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

10 Section 1. Section 87-1-304, MCA, is amended to read:

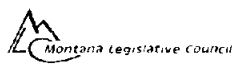
11 "87-1-304. Fixing of seasons and bag and possession  
12 limits. (1) The commission may fix seasons, bag limits,  
13 possession limits, and season limits; open or close or  
14 shorten or lengthen seasons on any species of game, bird,  
15 fish, or fur-bearing animal as defined by 87-2-101; and  
16 declare areas open to the hunting of deer, antelope, elk,  
17 moose, sheep, and goat by bow and arrow permit holders and  
18 designate times when only bows and arrows may be used to  
19 hunt deer, antelope, elk, moose, sheep, and goat in those  
20 areas. It may declare areas open to deer and elk hunting  
21 where shotguns only may be used to hunt or kill deer and  
22 elk. In areas where deer and elk hunting is open to the use  
23 of shotguns only, the commission may shall authorize the use  
24 of muzzleloaders (rifled or smoothbore). It may declare  
25 areas open to special license holders only and issue special

1 licenses in a limited number when it determines, after  
2 proper investigation, that such a season is necessary to  
3 assure the maintenance of an adequate supply of game birds,  
4 fish, or animals or fur-bearing animals. It may declare a  
5 special season and issue special licenses when game birds or  
6 animals or fur-bearing animals are causing damage to private  
7 property or when written complaint of such damage has been  
8 filed with the commission by the owner of that property. In  
9 determining to whom those licenses shall be issued, it may,  
10 when more applications are received than the number of  
11 animals to be killed, award permits to those chosen under a  
12 drawing system. The procedures used for awarding the permits  
13 from the drawing system shall be determined by the  
14 commission.

15 (2) The commission may adopt rules governing the use  
16 of livestock and vehicles by archers during special archery  
17 seasons.

18 (3) It may divide the state into fish and game  
19 districts and create fish, game, or fur-bearing animal  
20 districts throughout the state. It may declare closed season  
21 for hunting, fishing, or trapping in any of those districts  
22 and later may open those districts to hunting, fishing, or  
23 trapping.

24 (4) It may declare a closed season on any species of  
25 game, fish, game birds, or fur-bearing animals threatened



1 with undue depletion from any cause. It may close any area  
2 or district of any stream, public lake, or public water or  
3 portions thereof to hunting, trapping, or fishing for  
4 limited periods of time, when necessary to protect a  
5 recently stocked area, district, water, spawning waters,  
6 spawn-taking waters, or spawn-taking stations or to prevent  
7 the undue depletion of fish, game and fur-bearing animals,  
8 and game and nongame birds. It later may open the area or  
9 district upon consent of a majority of the property owners  
10 affected.

11 (5) The commission may authorize the director to open  
12 or close any special season upon 12 hours' notice to the  
13 public.

14 (6) It may declare certain fishing waters closed to  
15 fishing except by persons under 13 years of age. The purpose  
16 of this subsection is to provide suitable fishing waters for  
17 the exclusive use and enjoyment of juveniles under 13 years  
18 of age, at times and in areas the commission in its  
19 discretion considers advisable and consistent with its  
20 policies relating to fishing."

21 NEW SECTION. Section 2. Extension of authority. Any  
22 existing authority of the fish and game commission to make  
23 rules on the subject of the provisions of this act is  
24 extended to the provisions of this act.

-End-

APPROVED BY COMM.  
ON FISH AND GAME

HOUSE BILL NO. 486

INTRODUCED BY KOEHNKE, GALT

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE AUTHORITY OF THE FISH AND GAME COMMISSION IN REGULATING SHOTGUN AND MUZZLELOADER HUNTING OF DEER AND ELK; AND AMENDING SECTION SECTIONS 87-3-301 AND 87-1-304, MCA."

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

Section 1. Section 87-1-304, MCA, is amended to read:

"87-1-304. Fixing of seasons and bag and possession limits. (1) The commission may fix seasons, bag limits, possession limits, and season limits; open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101; and declare areas open to the hunting of deer, antelope, elk, moose, sheep, and goat by bow and arrow permit holders and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, and goat in those areas. It may declare areas open to deer and OR elk OR BOTH DEER AND ELK hunting where shotguns-only ONLY BOW AND ARROW OR SHOTGUNS OR BOTH may be used to hunt or kill deer and OR elk. In areas where deer and OR elk OR BOTH DEER AND ELK hunting is open to the use of shotguns--only ONLY BOW AND ARROW OR SHOTGUNS OR BOTH, the commission may shall MAY

authorize the use of muzzleloaders ~~(rifled--or--smoothbore)~~ WITH RESTRICTIONS AS NECESSARY FOR SAFETY. It may declare areas open to special license holders only and issue special licenses in a limited number when it determines, after proper investigation, that such a season is necessary to assure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. It may declare a special season and issue special licenses when game birds or animals or fur-bearing animals are causing damage to private property or when written complaint of such damage has been filed with the commission by the owner of that property. In determining to whom those licenses shall be issued, it may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system shall be determined by the commission.

(2) The commission may adopt rules governing the use of livestock and vehicles by archers during special archery seasons.

(3) It may divide the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the state. It may declare closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to hunting, fishing, or

1 trapping.

2 (4) It may declare a closed season on any species of  
3 game, fish, game birds, or fur-bearing animals threatened  
4 with undue depletion from any cause. It may close any area  
5 or district of any stream, public lake, or public water or  
6 portions thereof to hunting, trapping, or fishing for  
7 limited periods of time, when necessary to protect a  
8 recently stocked area, district, water, spawning waters,  
9 spawn-taking waters, or spawn-taking stations or to prevent  
10 the undue depletion of fish, game and fur-bearing animals,  
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12 district upon consent of a majority of the property owners  
13 affected.

14 (5) The commission may authorize the director to open  
15 or close any special season upon 12 hours' notice to the  
16 public.

17 (6) It may declare certain fishing waters closed to  
18 fishing except by persons under 13 years of age. The purpose  
19 of this subsection is to provide suitable fishing waters for  
20 the exclusive use and enjoyment of juveniles under 13 years  
21 of age, at times and in areas the commission in its  
22 discretion considers advisable and consistent with its  
23 policies relating to fishing."

24 SECTION 2. SECTION 87-3-301, MCA, IS AMENDED TO READ:

25 "87-3-301. Shotgun loads regulated by department. No

1 person may use a shotgun to hunt, kill, or shoot deer or elk  
2 except with weapon type and loads as specified by the  
3 department."

4 NEW SECTION. Section 3. Extension of authority. Any  
5 existing authority of the fish and game commission to make  
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-End-

STANDING COMMITTEE REPORT

SENATE

March 19, 1987

19.....

MR. PRESIDENT

We, your committee on..... Fish and Game

having had under consideration..... House Bill..... No. 486

Third reading copy ( Blue )  
color

REVISE SHOTGUN AND MUZZLELOADER HUNTING

REPRESENTATIVE KOEHNKE (SENATOR ED SMITH)

HOUSE BILL

486

Respectfully report as follows: That..... No.....

be amended as follows:

Page 1, line 24.

Following:

"only"

Strike:

"ONLY BOW AND ARROW OR SHOTGUNS OR BOTH"

Insert:

"shotguns"

MB

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXX~~

*Ed Smith*

Senator Ed Smith

Chairman.

5-19-87  
5:00  
M