

SENATE BILL 6

Introduced by Bishop

1/02	Introduced
1/02	Referred to Fish & Game
1/03	Fiscal Note Requested
1/09	Fiscal Note Received
1/09	Fiscal Note Printed
1/12	Hearing
1/20	Committee Report--Bill Passed as Amended
1/23	2nd Reading Passed as Amended
1/25	3rd Reading Failed

1 SENATE BILL NO. 6
2 INTRODUCED BY BISHOP
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE ANY PENALTY
5 FOR NONCOMPLIANCE WITH GAME TAGGING REQUIREMENTS DISCOVERED
6 AT A GAME CHECKING STATION WHEN THE NONCOMPLIANCE IS BY A
7 HUNTER OR FISHERMAN WHO VOLUNTARILY STOPS AT A GAME CHECKING
8 STATION; AND AMENDING SECTION 87-1-208, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 **Section 1.** Section 87-1-208, MCA, is amended to read:
12 **"87-1-208. Inspection at-checking-station of licenses**
13 **and game -- penalty provisions.** (1) Every person, upon the
14 request of the director or his authorized representative or
15 of any game warden, shall produce for inspection any current
16 fish and game license which has been issued to such person
17 and shall produce for inspection any game animals, birds,
18 fish, or fur-bearing animals in his possession.
19 (2) Hunters or fishermen entering or leaving areas for
20 which checking stations have been established must stop and
21 report if a checking station is on the hunter's or
22 fishermen's route of travel to or from the hunting or
23 fishing area. Failure to stop and report at a checking
24 station when personnel are on duty shall constitute a
25 misdemeanor.

1 (3) A hunter or fisherman who voluntarily stops and
2 reports at a checking station is not subject to any penalty
3 for noncompliance with 87-2-509, 87-3-404, 87-3-405,
4 87-5-302, or any other provision of this title or any rule
5 adopted pursuant to this title concerning validation of
6 licenses, tags, or coupons or attachment of licenses, tags,
7 or coupons to game carcasses if the noncompliance is
8 discovered while the hunter or fisherman is at a checking
9 station."

10 **Section 2.** Extension of authority. Any existing
11 authority to make rules on the subject of the provisions of
12 [this act] is extended to the provisions of [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB006, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

SB006 removes any penalty for noncompliance with game tagging requirements discovered at a game checking station when the noncompliance is by a hunter or fisherman who voluntarily stops at the station.

ASSUMPTIONS:

1. The average number of tagging violation citations issued is 188 each year, 20% or 38 of which are issued at check stations.
2. The average fine for a tagging violation is \$90 for an annual decrease in fine revenue of \$3,420 (\$90 x 38 violations).
3. Court costs of \$17.50 are deducted from fine revenue and this would amount to \$665 (\$17.50 x 38 violations).
4. Fine revenue, less court costs, is distributed as follows: 50% to the counties, 40% to other state agencies, and 10% to the Department of Fish, Wildlife and Parks.

FISCAL IMPACT:

	Current Law	FY90 Proposed Law	Difference	Current Law	FY91 Proposed Law	Difference
Fish, Wildlife and Parks	\$ 1,363	\$1,087	(\$ 276)	\$ 1,363	\$1,087	(\$ 276)
Other State Agencies	5,452	4,350	(1,102)	5,452	4,350	(\$1,102)
Counties JP Courts	10,105	8,063	(2,042)	10,105	8,063	(\$2,042)
Reduced Fine Revenue			(\$3,420)			(\$3,420)

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

County justices of the peace will have approximately 38 fewer cases, and the counties will receive \$2,042 less in fine revenue and court costs each year.

Ray Shackleford 1/7/89
RAY/SHACKLEFORD, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Al Bishop 1-9-89
AL BISHOP, PRIMARY SPONSOR DATE

Fiscal Note for SB006, as introduced

SB 6

APPROVED BY COMM.
ON FISH AND GAMESENATE BILL NO. 6
INTRODUCED BY BISHOP

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE--ANY--PENALTY
PROVIDE THAT A COURTESY CITATION BE ISSUED FOR NONCOMPLIANCE
WITH GAME TAGGING REQUIREMENTS DISCOVERED AT A GAME CHECKING
STATION WHEN THE NONCOMPLIANCE IS BY A HUNTER OR FISHERMAN
WHO VOLUNTARILY STOPS AT A GAME CHECKING STATION; AND
AMENDING SECTION 87-1-208, MCA."

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

Section 1. Section 87-1-208, MCA, is amended to read:

**"87-1-208. Inspection at-checking-station of licenses
and game -- penalty provisions.** (1) Every person, upon the
request of the director or his authorized representative or
of any game warden, shall produce for inspection any current
fish and game license which has been issued to such person
and shall produce for inspection any game animals, birds,
fish, or fur-bearing animals in his possession.

(2) Hunters or fishermen entering or leaving areas for
which checking stations have been established must stop and
report if a checking station is on the hunter's or
fishermen's route of travel to or from the hunting or
fishing area. Failure to stop and report at a checking
station when personnel are on duty shall constitute a

misdemeanor.

(3) A hunter or fisherman who voluntarily stops and
reports at a checking station ~~is not subject to any penalty~~
MUST BE ISSUED A COURTESY CITATION for noncompliance with
87-2-509, 87-3-404, 87-3-405, 87-5-302, or any other
provision of this title or any rule adopted pursuant to this
title concerning validation of licenses, tags, or coupons or
attachment of licenses, tags, or coupons to game carcasses
if the noncompliance is discovered while the hunter or
fisherman is at a checking station."

NEW SECTION. Section 2. Extension of authority. Any
existing authority to make rules on the subject of the
provisions of [this act] is extended to the provisions of
[this act].

-End-

1 SENATE BILL NO. 6

2 INTRODUCED BY BISHOP

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE--ANY--PENALTY
5 PROVIDE THAT A COURTESY CITATION BE ISSUED FOR THE FIRST
6 OFFENSE FOR NONCOMPLIANCE WITH GAME TAGGING REQUIREMENTS
7 DISCOVERED AT A GAME CHECKING STATION WHEN THE NONCOMPLIANCE
8 IS BY A HUNTER OR FISHERMAN WHO VOLUNTARILY STOPS AT A GAME
9 CHECKING STATION; AND AMENDING SECTION 87-1-208, MCA."

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5 noncompliance with 87-2-509, 87-3-404, 87-3-405, 87-5-302,
6 or any other provision of this title or any rule adopted
7 pursuant to this title concerning validation of licenses,
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13 provisions of [this act] is extended to the provisions of
14 [this act].

-End-