

SENATE BILL 47

Introduced by Bengston, et al.

1/03	Introduced
1/03	Referred to Fish & Game
1/19	Hearing
1/21	Committee Report--Bill Passed as Amended
1/24	2nd Reading Passed
1/26	3rd Reading Failed

1                    SENATE    BILL NO. 47  
2    INTRODUCED BY BENGTSON  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE OPEN  
5    SEASON RESTRICTION ON MOURNING DOVES SO THAT THE HUNTING  
6    SEASON MAY BE FIXED BY THE FISH AND GAME COMMISSION IN THE  
7    SAME MANNER AS FOR OTHER MIGRATORY GAME BIRDS; AMENDING  
8    SECTION 87-2-101, MCA."  
9  
10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11        **Section 1.** Section 87-2-101, MCA, is amended to read:  
12        "87-2-101. Definitions. As used in this chapter and  
13    chapter 3, unless the context clearly indicates otherwise,  
14    the following definitions apply:  
15        (1) "Angling" or "fishing" means the taking of or  
16    attempting to take fish by hook and single line or single  
17    rod, in hand or within immediate control.  
18        (2) "Closed season" means the time during which game  
19    birds, fish, and game and fur-bearing animals may not be  
20    lawfully taken.  
21        (3) "Commission" means the state fish and game  
22    commission.  
23        (4) "Fur-bearing animals" means marten or sable,  
24    otter, muskrat, fisher, mink, bobcat, lynx, wolverine,  
25    northern swift fox, and beaver.

1            (5) "Game animals" means deer, elk, moose, antelope,  
2    caribou, mountain sheep, mountain goat, mountain lion, bear,  
3    and wild buffalo.  
4            (6) "Game fish" means all species of the family  
5    salmonidae (chars, trout, salmon, grayling, and whitefish);  
6    all species of the genus stizostedion (sandpike or sauger  
7    and walleyed pike or yellowpike perch); all species of the  
8    genus esox (northern pike, pickerel, and muskellunge); all  
9    species of the genus micropterus (bass); all species of the  
10   genus polyodon (paddlefish); all species of the family  
11   acipenseridae (sturgeon); all species of the genus lota  
12   (burbot or ling); and the species ictalurus punctatus  
13   (channel catfish).  
14            (7) "Migratory game birds" means waterfowl, including  
15   wild ducks, wild geese, brant, and swans; cranes, including  
16   little brown and sandhill; rails, including coots; wilson's  
17   snipes or jacksnipes; and mourning doves; ~~however, the open~~  
18   ~~season on mourning doves shall be restricted to the open~~  
19   ~~season on upland game birds as defined in subsection (12)~~  
20   below.  
21            (8) "Nongame wildlife" means any wild mammal, bird,  
22   amphibian, reptile, fish, mollusk, crustacean, or other  
23   animal not otherwise legally classified by statute or  
24   regulation of this state.  
25            (9) "Open season" means the time during which game

1 birds, fish, game and fur-bearing animals may be lawfully  
2 taken.

3 (10) "Person" means individuals, associations,  
4 partnerships, and corporations.

5 (11) "Predatory animals" means coyote, weasel, skunk,  
6 and civet cat.

7 (12) "Upland game birds" means sharptailed grouse, blue  
8 grouse, spruce (Franklin) grouse, prairie chicken, sage hen  
9 or sage grouse, ruffed grouse, quail, pheasant, Hungarian  
10 partridge, ptarmigan, wild turkey, and chukar partridge.

11 (13) "Wild buffalo" means buffalo or bison which have  
12 not been reduced to captivity."

13 **Section 2.** Extension of authority. Any existing  
14 authority to make rules on the subject of the provisions of  
15 [this act] is extended to the provisions of [this act].

-End-

APPROVED BY COMM.  
ON FISH AND GAME

## SENATE BILL NO. 47

INTRODUCED BY BENGTON, BISHOP, HANSON, DEMARS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE OPEN SEASON RESTRICTION ON MOURNING DOVES SO THAT THE HUNTING SEASON MAY BE FIXED BY THE FISH AND GAME COMMISSION IN THE SAME MANNER AS FOR OTHER MIGRATORY GAME BIRDS; AMENDING SECTION 87-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 87-2-101, MCA, is amended to read:

**"87-2-101. Definitions.** As used in this chapter and chapter 3, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Angling" or "fishing" means the taking of or attempting to take fish by hook and single line or single rod, in hand or within immediate control.

(2) "Closed season" means the time during which game birds, fish, and game and fur-bearing animals may not be lawfully taken.

(3) "Commission" means the state fish and game commission.

(4) "Fur-bearing animals" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine,

northern swift fox, and beaver.

(5) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, bear, and wild buffalo.

(6) "Game fish" means all species of the family salmonidae (chars, trout, salmon, grayling, and whitefish); all species of the genus stizostedion (sandpike or sauger and walleyed pike or yellowpike perch); all species of the genus esox (northern pike, pickerel, and muskellunge); all species of the genus micropterus (bass); all species of the genus polyodon (paddlefish); all species of the family acipenseridae (sturgeon); all species of the genus lota (burbot or ling); and the species ictalurus punctatus (channel catfish).

(7) "Migratory game birds" means waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown and sandhill; rails, including coots; wilson's snipes or jacksnipes; and mourning doves; ~~however, the open season on mourning doves shall be restricted to the open season on upland game birds as defined in subsection (12) below.~~

(8) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other animal not otherwise legally classified by statute or regulation of this state.

(9) "Open season" means the time during which game birds, fish, game and fur-bearing animals may be lawfully taken.

(10) "Person" means individuals, associations, partnerships, and corporations.

(11) "Predatory animals" means coyote, weasel, skunk, and civet cat.

(12) "Upland game birds" means sharptailed grouse, blue grouse, spruce (Franklin) grouse, prairie chicken, sage hen or sage grouse, ruffed grouse, quail, pheasant, Hungarian partridge, ptarmigan, wild turkey, and chukar partridge.

(13) "Wild buffalo" means buffalo or bison which have not been reduced to captivity."

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].

NEW SECTION. **SECTION 3.** EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

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INTRODUCED BY BENGTSON, BISHOP, HANSON, DEMARS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE OPEN SEASON RESTRICTION ON MOURNING DOVES SO THAT THE HUNTING SEASON MAY BE FIXED BY THE FISH AND GAME COMMISSION IN THE SAME MANNER AS FOR OTHER MIGRATORY GAME BIRDS; AMENDING SECTION 87-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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13 not been reduced to captivity."

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

18       NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS  
19 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-