

SENATE BILL NO. 219

INTRODUCED BY WALKER, DRISCOLL, PIPINICH, REAM, BISHOP

IN THE SENATE

JANUARY 23, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
FEBRUARY 1, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1989	PRINTING REPORT.
FEBRUARY 3, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 6, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 20, 1989	FIRST READING.
MARCH 8, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 11, 1989	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 14, 1989	THIRD READING, CONCURRED IN. AYES, 76; NOES, 21.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1989	RECEIVED FROM HOUSE.
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APRIL 5, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *219*
 2 INTRODUCED BY *Barber* *Ward* *in* *Rever*
 3 *Bishop*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING PUBLIC
 5 HUNTING ACCESS REQUIREMENTS NECESSARY FOR LANDOWNER
 6 ELIGIBILITY FOR GAME DAMAGE ASSISTANCE; GRANTING THE
 7 DEPARTMENT OF FISH, WILDLIFE, AND PARKS THE DISCRETION TO
 8 PROVIDE GAME DAMAGE ASSISTANCE IN CERTAIN CIRCUMSTANCES WHEN
 9 ACCESS IS DENIED; AND AMENDING SECTION 87-1-225, MCA."

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

12 **Section 1.** Section 87-1-225, MCA, is amended to read:

13 "87-1-225. Regulation of wild animals damaging
 14 property -- public hunting access requirements. (1) Subject
 15 to the provisions of subsection (2), a landowner is eligible
 16 for game damage assistance or special damage hunts under
 17 subsection (3) if he:

18 (a) allows public hunting access sufficient to
 19 accomplish adequate game herd reduction during established
 20 hunting seasons; or

21 (b) does not significantly reduce public hunting
 22 access through lease hunting provisions, fee access rates,
 23 or other restrictions.

24 (2) The department may provide game damage assistance
 25 when public hunting access to a landowner's property has

1 been denied because of unique or special circumstances that
 2 have rendered public hunting inappropriate.

3 (3) Within 48 hours after receiving a request or
 4 complaint from any landholder or person in possession and
 5 having charge of any land in the state that wild animals of
 6 the state, protected by the fish and game laws and
 7 regulations, are doing damage to the property or crops
 8 thereon, the department shall investigate and arrange to
 9 study the situation with respect to damage and depredation.
 10 The department may then decide to open a special season on
 11 the game or, if the special season method be not feasible,
 12 the department may destroy the animals causing the damage.
 13 The department may authorize and grant the holders of said
 14 property permission to kill or destroy a specified number of
 15 the animals causing the damage. No wild ferocious animal
 16 damaging property or endangering life shall be covered by
 17 this section."

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

-End-

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 219

INTRODUCED BY WALKER, DRISCOLL, PIPINICH, REAM, BISHOP

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING PUBLIC HUNTING ACCESS REQUIREMENTS NECESSARY FOR LANDOWNER ELIGIBILITY FOR GAME DAMAGE ASSISTANCE; GRANTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS THE DISCRETION TO PROVIDE GAME DAMAGE ASSISTANCE IN CERTAIN CIRCUMSTANCES WHEN ACCESS IS DENIED; AND AMENDING SECTION 87-1-225, MCA."

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

Section 1. Section 87-1-225, MCA, is amended to read:

"87-1-225. Regulation of wild animals damaging property -- public hunting access requirements. (1) Subject to the provisions of subsection (2), a landowner is eligible for game damage assistance ~~or special damage hunts~~ under subsection (3) if he:

(a) allows public hunting access ~~sufficient---to accomplish--adequate--game-herd-reduction~~ during established hunting seasons; or

(b) does not significantly reduce public hunting access through ~~lease-hunting-provisions, fee-access-rates, or other~~ IMPOSED restrictions.

(2) The department may provide game damage assistance when public hunting access to a landowner's property has

been denied because of unique or special circumstances that have rendered public hunting inappropriate.

(3) Within 48 hours after receiving a request or complaint from any landholder or person in possession and having charge of any land in the state that wild animals of the state, protected by the fish and game laws and regulations, are doing damage to the property or crops thereon, the department shall investigate and arrange to study the situation with respect to damage and depredation. The department may then decide to open a special season on the game or, if the special season method be not feasible, the department may destroy the animals causing the damage. The department may authorize and grant the holders of said property permission to kill or destroy a specified number of the animals causing the damage. THE DEPARTMENT MAY USE OTHER GAME DAMAGE CONTROL TECHNIQUES CONSIDERED NECESSARY TO ASSIST IN RESOLVING THE DAMAGE. No wild ferocious animal damaging property or endangering life shall be covered by this section."

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-

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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-

COMMITTEE OF THE WHOLE AMENDMENT
SENATE BILL 219
Representative COBB

March 9, 1989 12:03 pm
Page 1 of 1

Mr. Chairman: I move to amend SENATE BILL 219 (third reading copy -- blue).

Signed: _____

John Cobb

Representative COBB

And, that such amendments to SENATE BILL 219 read as follows:

1. Title, line 5.
Following: "HUNTING"
Strike: "ACCESS"
2. Title, line 9.
Following: line 8
Strike: "ACCESS"
Insert: "PUBLIC HUNTING"
3. Page 1, line 18.
Following: "hunting"
Strike: "access"
4. Page 1.
Following: line 21
Strike: "access"
5. Page 1, line 25.
Following: "hunting"
Strike: "access to"
Insert: "on"

ADOPT

REJECT

SB 219
HOUSE

551203CW.HRT

RT

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when public hunting access-to ON a landowner's property has been denied because of unique or special circumstances that have rendered public hunting inappropriate.

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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-

-2-

SB 219
REFERENCE BILL