

SENATE BILL NO. 27

INTRODUCED BY KENNEDY

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE CLASSIFICATION OF THE SUN RIVER GAME PRESERVE SO THAT THE AREA CAN BE ADMINISTERED ACCORDING TO STANDARD GAME MANAGEMENT PRACTICES; AMENDING SECTION 87-5-402, MCA; REPEALING SECTION 87-5-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the early migration of game animals from nearby areas due to hunting pressure has caused excessive grazing of the limited winter forage in the area of the Sun River Game Preserve; and

WHEREAS, prevention of excessive grazing can best be accomplished by removing the game preserve designation of the area and managing the area in a manner similar to nearby game management areas, which management may include the hunting of excess game animals in accordance with standard game management practices.

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

Section 1. Section 87-5-402, MCA, is amended to read:

"87-5-402. Posting of notice and additional provisions.

(1) Preserves, refuges, sanctuaries, rest grounds, or closed

districts ~~made--or~~ created by said the department and any land or water areas ~~or-portions-thereof~~ closed by said the department ~~shall~~ must be conspicuously posted for a period of 20 days, with posters setting forth their purposes and the penalties for violating the orders, and rules, and regulations of the department applicable to them. Not less than 20 days before any fish and game district, closed district, preserve, refuge, sanctuary, or rest ground,--so created by said the department, or any closure of land or water areas becomes effective, publication ~~shall~~ must be made as provided in 87-1-202 of the boundaries of such the fish and game district, closed district, preserve, refuge, sanctuary, or rest ground,--so created by said the department, such and the boundaries to must be accurately designated by definite topographic monuments or public land survey.

(2) The hunting, pursuing, capturing, killing, or taking of any fish, game animals, game birds, or fur-bearing animals in violation of the rules, regulations, or orders of the department governing any closed season, fish and game district, refuge, sanctuary, preserve, rest ground, or closed land or water area promulgated by said the department ~~shall-be is~~ punishable ~~with-the-same-penalties~~ as provided for the violation of the state fish and game laws ~~of-this~~ state regarding closed seasons.

1 (3) All game preserves or refuges heretofore--created
2 are continued in full-force-and effect until such-time-as
3 the-same they are changed by the department in the manner
4 herein designated in this subsection. ~~Said~~ The department
5 shall--have has the right, power, and authority, when
6 properly petitioned, to alter and change the boundaries of
7 or entirely do away with and abandon any preserve or refuge,
8 excepting--the-Sun-River-game-preserve, when, in the opinion
9 of ~~said~~ the department, it is to-the best interest-so to do
10 so."

11 NEW SECTION. **Section 2.** Repealer. Section 87-5-403,
12 MCA, is repealed.

13 NEW SECTION. **Section 3.** Effective date. [This act] is
14 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB 0027, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act removing the classification of the Sun River Game Preserve so that the area can be administered according to standard game management practices and repealing section 87-5-403, MCA.

ASSUMPTIONS:

1. Any additional management actions relating to the Sun River Game Preserve would be covered by the department's current management program budget.

FISCAL IMPACT:

Expenditures:

All additional expenditures would be covered by existing department budgets.

Daniel M. Lewis 1-7-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

John Kennedy Jr. 1/8/93
JOHN KENNEDY JR., PRIMARY SPONSOR DATE

Fiscal Note for SB0027, as introduced

SB 27