

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

SENATE BILL NO. 259

INTRODUCED BY

Don Hargrove

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF AN ATLATL FOR A SPECIAL 2-DAY DEER HUNTING SEASON PRECEDING A SPECIAL ARCHERY SEASON; AMENDING SECTION 87-1-304, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Class A-8 -- special atlatl license.** A holder of a valid hunting license for which a special atlatl season is set by the department may receive, upon payment of an additional fee of \$8, a Class A-8 license that authorizes the license holder to pursue, hunt, shoot, and kill a deer with an atlatl and to possess the carcass during seasons and in areas designated by the department.

Section 2. Section 87-1-304, MCA, is amended to read:

"87-1-304. Fixing of seasons and bag and possession limits. (1) (a) The commission may:

(i) fix seasons, bag limits, possession limits, and season limits;

(ii) 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;

(iii) declare areas open to the hunting of deer by atlatl permit holders and designate a 2-day atlatl hunting season preceding a special archery season; and

(iv) declare areas open to the hunting of deer, antelope, elk, moose, sheep, and goat by bow and arrow ~~permit holders~~ permitholders and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, and goat in those areas.

(b) The commission may restrict areas and species to hunting with only specified hunting arms, including bow and arrow or atlatl, for the reasons of safety or of providing diverse hunting opportunities and experiences. 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~~ ensure 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~~ whenever game birds or animals or fur-bearing

1 animals are causing damage to private property or ~~when~~ whenever a written complaint of damage has been
2 filed with the commission by the owner of that property. In determining to whom those licenses must be
3 issued, it may, when more applications are received than the number of animals to be killed, award permits
4 to those chosen under a drawing system. The procedures used for awarding the permits from the drawing
5 system must be determined by the commission.

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

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

11 (4) It may declare a closed season on any species of game, fish, game birds, or fur-bearing animals
12 threatened with undue depletion from any cause. It may close any area or district of any stream, public
13 lake, or public water or portions ~~thereof~~ of a stream, public lake, or public water to hunting, trapping, or
14 fishing for limited periods of time, ~~when~~ whenever it is necessary to protect a recently stocked area,
15 district, water, spawning waters, spawn-taking waters, or spawn-taking stations or to prevent the undue
16 depletion of fish, game and fur-bearing animals, and game and nongame birds. It later may open the area
17 or district upon consent of a majority of the property owners affected.

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

20 (6) It may declare certain fishing waters closed to fishing except by persons under 13 years of age.
21 The purpose of this subsection is to provide suitable fishing waters for the exclusive use and enjoyment
22 of juveniles under 13 years of age, at times and in areas that the commission in its discretion considers
23 advisable and consistent with its policies relating to fishing."
24

25 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
26 integral part of Title 87, chapter 2, part 7, and the provisions of Title 87 apply to [section 1].
27

28 **NEW SECTION. Section 4. Effective date.** [This act] is effective March 1, 1996.
29

-END-

SENATE BILL NO. 259

INTRODUCED BY HARGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF AN ATLATL FOR A SPECIAL 2-DAY DEER HUNTING SEASON ~~PRECEDING A~~ DURING THE SPECIAL ARCHERY SEASON; AMENDING SECTION ~~87-1-304~~ SECTIONS 87-1-301, 87-2-105, AND 87-2-708, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

~~NEW SECTION. Section 1. Class A 8 special atlatl license.~~ A holder of a valid hunting license for which a special atlatl season is set by the department may receive, upon payment of an additional fee of \$8, a Class A 8 license that authorizes the license holder to pursue, hunt, shoot, and kill a deer with an atlatl and to possess the carcass during seasons and in areas designated by the department.

~~Section 2. Section 87-1-304, MCA, is amended to read:~~

~~"87-1-304. Fixing of seasons and bag and possession limits. (1) (a) The commission may:~~

- ~~(i) fix seasons, bag limits, possession limits, and season limits;~~
- ~~(ii) 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;~~
- ~~(iii) declare areas open to the hunting of deer by atlatl permit holders and designate a 2 day atlatl hunting season preceding a special archery season; and~~
- ~~(iv) declare areas open to the hunting of deer, antelope, elk, moose, sheep, and goat by bow and arrow permit holders 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.~~

~~(b) The commission may restrict areas and species to hunting with only specified hunting arms, including bow and arrow or atlatl, for the reasons of safety or of providing diverse hunting opportunities and experiences. 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 ensure the maintenance of an adequate supply of game birds, fish, or animals or fur bearing animals. It may~~

1 ~~declare a special season and issue special licenses when whenever game birds or animals or fur-bearing~~
 2 ~~animals are causing damage to private property or when whenever a written complaint of damage has been~~
 3 ~~filed with the commission by the owner of that property. In determining to whom these licenses must be~~
 4 ~~issued, it may, when more applications are received than the number of animals to be killed, award permits~~
 5 ~~to those chosen under a drawing system. The procedures used for awarding the permits from the drawing~~
 6 ~~system must be determined by the commission.~~

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

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

12 ~~(4) It may declare a closed season on any species of game, fish, game birds, or fur-bearing animals~~
 13 ~~threatened with undue depletion from any cause. It may close any area or district of any stream, public~~
 14 ~~lake, or public water or portions thereof of a stream, public lake, or public water to hunting, trapping, or~~
 15 ~~fishing for limited periods of time, when whenever it is necessary to protect a recently stocked area,~~
 16 ~~district, water, spawning waters, spawn taking waters, or spawn taking stations or to prevent the undue~~
 17 ~~depletion of fish, game and fur-bearing animals, and game and nongame birds. It later may open the area~~
 18 ~~or district upon consent of a majority of the property owners affected.~~

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

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

25
 26 ~~**NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an~~
 27 ~~integral part of Title 87, chapter 2, part 7, and the provisions of Title 87 apply to [section 1].~~

28
 29 **Section 1.** Section 87-1-301, MCA, is amended to read:

30 **"87-1-301. Powers of commission.** (1) The commission shall:

1 (a) set the policies for the protection, preservation, and propagation of the wildlife, fish, game,
2 furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all
3 other responsibilities of the department as provided by law;

4 (b) establish the hunting, fishing, and trapping rules of the department;

5 (c) establish the rules of the department governing the use of lands owned or controlled by the
6 department and waters under the jurisdiction of the department;

7 (d) have the power within the department to establish wildlife refuges and bird and game preserves;

8 (e) approve all acquisitions or transfers by the department of interests in land or water;

9 (f) review and approve the budget of the department prior to its transmittal to the budget office;
10 and

11 (g) review and approve construction projects whose estimated cost is more than \$1,000 but less
12 than \$5,000.

13 (2) The commission may adopt rules regarding the use and type of archery equipment and atlatl
14 equipment that may be employed for hunting and fishing purposes, taking into account applicable standards
15 as technical innovations in archery and atlatl equipment change."

16
17 **Section 2.** Section 87-2-105, MCA, is amended to read:

18 **"87-2-105. Safety instruction required.** (1) A hunting license may not be issued to a resident
19 person under the age of 18 years unless the resident presents to the person authorized to issue the license
20 a certificate of competency as provided by this section.

21 (2) A hunting license may not be issued to a nonresident person under the age of 18 years unless
22 the nonresident presents to the person authorized to issue the license a certificate of competency, as
23 provided in this section, or a certificate verifying that the nonresident has successfully completed a course
24 in the safe handling of firearms in any state or province.

25 (3) A hunting license may not be issued to a member of the regular armed forces of the United
26 States or to a member of the armed forces of a foreign government attached to the armed forces of the
27 United States who is assigned to active duty in Montana and who is otherwise considered a resident under
28 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana
29 household, unless the member or dependent presents to the person authorized to issue the license a
30 certificate of competency, as provided in this section, or a certificate verifying that the member or

1 dependent has successfully completed a hunter safety course in any state or province.

2 (4) A bow and arrow license, including a license to hunt with an atlatl under the provisions of
 3 87-2-708(2), may not be issued to a resident or nonresident unless the resident or nonresident presents
 4 to the person authorized to issue the license an archery license issued for a prior hunting season or a
 5 certificate of completion from the national bowhunter education foundation. Neither the department nor the
 6 license agent is required to provide records of past archery license purchases. As part of the department's
 7 bow and arrow licensing procedures, the department shall notify the public regarding bow hunter education
 8 requirements. ~~As part of those public information efforts, the department shall notify by mail all individuals~~
 9 ~~who purchased a Class A-2 special bow and arrow license during the 1990-91 hunting season.~~

10 (5) The department shall provide for a course of instruction in the safe handling of firearms and
 11 for that purpose may cooperate with any reputable organization having as one of its objectives the
 12 promotion of safety in the handling of firearms. The department may designate as an instructor any person
 13 it finds to be competent to give instructions in the handling of firearms. A person appointed shall give the
 14 course of instruction and shall issue a certificate of competency in the safe handling of firearms to a person
 15 successfully completing the course.

16 (6) The department shall provide for a course of instruction from the national bowhunter education
 17 foundation and for that purpose may cooperate with any reputable organization having as one of its
 18 objectives the promotion of safety in the handling of bow hunting tackle. The department may designate
 19 as an instructor any person it finds to be competent to give the national bowhunter education foundation
 20 instruction. A person appointed shall give the course of instruction and shall issue a certificate of
 21 completion from the national bowhunter education foundation to any person successfully completing the
 22 course."

23

24 **Section 3.** Section 87-2-708, MCA, is amended to read:

25 **"87-2-708. Class A-2--special bow and arrow license.** (1) A holder of a valid hunting license for
 26 which a special archery season is set by the ~~department~~ commission may receive, upon payment of an
 27 additional fee of \$8, a Class A-2 license ~~which shall authorize~~ that authorizes the ~~holder thereof~~ license
 28 holder to pursue, hunt, shoot, and kill with bow and arrow the game animals ~~so~~ authorized by the licenses
 29 held and to possess the carcass ~~thereof~~ of an authorized game animal during seasons and in areas, as
 30 designated by the ~~department~~ commission.

1 (2) A holder of a Class A-2 license and a valid hunting license for deer may hunt deer with an atlatl
2 during the first 2 days of the special archery season set by the commission."

3

4 NEW SECTION. **Section 4. Effective date.** [This act] is effective March 1, 1996.

5

-END-

1 SENATE BILL NO. 259
2 INTRODUCED BY HARGROVE
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF AN ATLATL FOR A SPECIAL 2-DAY
5 DEER HUNTING SEASON ~~PRECEDING A~~ DURING THE SPECIAL ARCHERY SEASON; AMENDING SECTION
6 ~~87-1-304~~ SECTIONS 87-1-301, 87-2-105, AND 87-2-708, MCA; AND PROVIDING A DELAYED EFFECTIVE
7 DATE."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.



HOUSE STANDING COMMITTEE REPORT

March 3, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 259 (third reading copy -- blue) be concurred in as amended.

Signed: Douglas T. Wagner
Doug Wagner, Chair

Carried by: Rep. Marshall

And, that such amendments read:

1. Title, line 4.
Strike: "A SPECIAL 2-DAY"
2. Title, line 5.
Following: "HUNTING"
Strike: "SEASON"
3. Title, line 6.
Strike: "A DELAYED"
Insert: "AN IMMEDIATE"
4. Page 5, line 2.
Strike: "the first 2 days of"
5. Page 5, line 4.
Strike: "March 1, 1996"
Insert: "on passage and approval"

-END-

SB 259

Committee Vote:
Yes 17, No 0.

HOUSE

SENATE BILL NO. 259

INTRODUCED BY HARGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF AN ATLATL FOR A SPECIAL 2-DAY DEER HUNTING SEASON PRECEDING A DURING THE SPECIAL ARCHERY SEASON; AMENDING SECTION 87-1-304 SECTIONS 87-1-301, 87-2-105, AND 87-2-708, MCA; AND PROVIDING A DELAYED AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Class A 8 special atlatl license. A holder of a valid hunting license for which a special atlatl season is set by the department may receive, upon payment of an additional fee of \$8, a Class A 8 license that authorizes the license holder to pursue, hunt, shoot, and kill a deer with an atlatl and to possess the carcass during seasons and in areas designated by the department.

Section 2. Section 87-1-304, MCA, is amended to read:

"87-1-304. Fixing of seasons and bag and possession limits. (1) (a) The commission may:

(i) fix seasons, bag limits, possession limits, and season limits;

(ii) 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;

(iii) declare areas open to the hunting of deer by atlatl permit holders and designate a 2-day atlatl hunting season preceding a special archery season; and

(iv) declare areas open to the hunting of deer, antelope, elk, moose, sheep, and goat by bow and arrow permit holders permit holders and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, and goat in these areas.

(b) The commission may restrict areas and species to hunting with only specified hunting arms, including bow and arrow or atlatl, for the reasons of safety or of providing diverse hunting opportunities and experiences. 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 ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. It may

1 ~~declare a special season and issue special licenses when whenever game birds or animals or fur bearing~~
 2 ~~animals are causing damage to private property or when whenever a written complaint of damage has been~~
 3 ~~filed with the commission by the owner of that property. In determining to whom those licenses must be~~
 4 ~~issued, it may, when more applications are received than the number of animals to be killed, award permits~~
 5 ~~to those chosen under a drawing system. The procedures used for awarding the permits from the drawing~~
 6 ~~system must be determined by the commission.~~

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

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

12 ~~(4) It may declare a closed season on any species of game, fish, game birds, or fur bearing animals~~
 13 ~~threatened with undue depletion from any cause. It may close any area or district of any stream, public~~
 14 ~~lake, or public water or portions thereof of a stream, public lake, or public water to hunting, trapping, or~~
 15 ~~fishing for limited periods of time, when whenever it is necessary to protect a recently stocked area,~~
 16 ~~district, water, spawning waters, spawn taking waters, or spawn taking stations or to prevent the undue~~
 17 ~~depletion of fish, game and fur bearing animals, and game and nongame birds. It later may open the area~~
 18 ~~or district upon consent of a majority of the property owners affected.~~

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

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

25
 26 ~~**NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an~~
 27 ~~integral part of Title 87, chapter 2, part 7, and the provisions of Title 87 apply to [section 1].~~

28
 29 **Section 1.** Section 87-1-301, MCA, is amended to read:

30 **"87-1-301. Powers of commission.** (1) The commission shall:

1 (a) set the policies for the protection, preservation, and propagation of the wildlife, fish, game,
2 furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all
3 other responsibilities of the department as provided by law;

4 (b) establish the hunting, fishing, and trapping rules of the department;

5 (c) establish the rules of the department governing the use of lands owned or controlled by the
6 department and waters under the jurisdiction of the department;

7 (d) have the power within the department to establish wildlife refuges and bird and game preserves;

8 (e) approve all acquisitions or transfers by the department of interests in land or water;

9 (f) review and approve the budget of the department prior to its transmittal to the budget office;

10 and

11 (g) review and approve construction projects whose estimated cost is more than \$1,000 but less
12 than \$5,000.

13 (2) The commission may adopt rules regarding the use and type of archery equipment and atlatl
14 equipment that may be employed for hunting and fishing purposes, taking into account applicable standards
15 as technical innovations in archery and atlatl equipment change."
16

17 **Section 2.** Section 87-2-105, MCA, is amended to read:

18 **"87-2-105. Safety instruction required.** (1) A hunting license may not be issued to a resident
19 person under the age of 18 years unless the resident presents to the person authorized to issue the license
20 a certificate of competency as provided by this section.

21 (2) A hunting license may not be issued to a nonresident person under the age of 18 years unless
22 the nonresident presents to the person authorized to issue the license a certificate of competency, as
23 provided in this section, or a certificate verifying that the nonresident has successfully completed a course
24 in the safe handling of firearms in any state or province.

25 (3) A hunting license may not be issued to a member of the regular armed forces of the United
26 States or to a member of the armed forces of a foreign government attached to the armed forces of the
27 United States who is assigned to active duty in Montana and who is otherwise considered a resident under
28 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana
29 household, unless the member or dependent presents to the person authorized to issue the license a
30 certificate of competency, as provided in this section, or a certificate verifying that the member or

1 dependent has successfully completed a hunter safety course in any state or province.

2 (4) A bow and arrow license, including a license to hunt with an atlatl under the provisions of
 3 87-2-708(2), may not be issued to a resident or nonresident unless the resident or nonresident presents
 4 to the person authorized to issue the license an archery license issued for a prior hunting season or a
 5 certificate of completion from the national bowhunter education foundation. Neither the department nor the
 6 license agent is required to provide records of past archery license purchases. As part of the department's
 7 bow and arrow licensing procedures, the department shall notify the public regarding bow hunter education
 8 requirements. ~~As part of these public information efforts, the department shall notify by mail all individuals~~
 9 ~~who purchased a Class A-2 special bow and arrow license during the 1990-91 hunting season.~~

10 (5) The department shall provide for a course of instruction in the safe handling of firearms and
 11 for that purpose may cooperate with any reputable organization having as one of its objectives the
 12 promotion of safety in the handling of firearms. The department may designate as an instructor any person
 13 it finds to be competent to give instructions in the handling of firearms. A person appointed shall give the
 14 course of instruction and shall issue a certificate of competency in the safe handling of firearms to a person
 15 successfully completing the course.

16 (6) The department shall provide for a course of instruction from the national bowhunter education
 17 foundation and for that purpose may cooperate with any reputable organization having as one of its
 18 objectives the promotion of safety in the handling of bow hunting tackle. The department may designate
 19 as an instructor any person it finds to be competent to give the national bowhunter education foundation
 20 instruction. A person appointed shall give the course of instruction and shall issue a certificate of
 21 completion from the national bowhunter education foundation to any person successfully completing the
 22 course."
 23

24 **Section 3.** Section 87-2-708, MCA, is amended to read:

25 "**87-2-708. Class A-2 -- special bow and arrow license.** (1) A holder of a valid hunting license for
 26 which a special archery season is set by the ~~department~~ commission may receive, upon payment of an
 27 additional fee of \$8, a Class A-2 license ~~which shall authorize~~ that authorizes the ~~holder thereof~~ license
 28 holder to pursue, hunt, shoot, and kill with bow and arrow the game animals ~~se~~ authorized by the licenses
 29 held and to possess the carcass ~~thereof~~ of an authorized game animal during seasons and in areas, as
 30 designated by the ~~department~~ commission.

1 (2) A holder of a Class A-2 license and a valid hunting license for deer may hunt deer with an atlatl
2 during the first 2 days of the special archery season set by the commission."

3

4 NEW SECTION. Section 4. Effective date. [This act] is effective ~~March 1, 1996~~ ON PASSAGE
5 AND APPROVAL.

6

-END-