

1 HOUSE BILL NO. 106

2 INTRODUCED BY E. ALBUS

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SHOOTING PRESERVE LAWS; REQUIRING
6 PRESERVES TO BE LOCATED ENTIRELY ON PRIVATE PROPERTY; INCREASING THE SHOOTING
7 PRESERVE LICENSE FEE; REMOVING QUANTITY REQUIREMENTS ON THE RELEASE OF BIRDS;
8 REQUIRING SHOOTING PRESERVE OPERATORS TO REPORT HARVESTS ON DEPARTMENT OF FISH,
9 WILDLIFE, AND PARKS FORMS; REMOVING THE QUANTITY RESTRICTION ON SHOOTING PRESERVE
10 GAME HARVESTS; AMENDING SECTIONS 87-4-502, 87-4-503, 87-4-522, 87-4-524, 87-4-525, AND 87-6-
11 706, MCA; REPEALING SECTION 87-4-523, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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15 **Section 1.** Section 87-4-502, MCA, is amended to read:

16 **"87-4-502. Size, location, Location and posting of preserves.** Operating licenses or permits may
17 be issued to any person, partnership, association, or corporation for the operation of shooting preserves that
18 meet the following requirements:

19 (1) Each shooting preserve must be restricted to ~~not more than 2,560 contiguous acres and must~~
20 ~~be located in areas that will not substantially reduce hunting areas available to the public as determined by the~~
21 ~~department.~~ private property.

22 (2) The exterior boundaries of each shooting preserve must be clearly defined and posted with
23 signs erected around the extremity at intervals of ~~250 feet or less~~ ONE-QUARTER MILE. EACH SHOOTING PRESERVE
24 MUST HAVE A MINIMUM OF TWO SIGNS REGARDLESS OF THE SIZE OF THE PRESERVE."

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26 **Section 2.** Section 87-4-503, MCA, is amended to read:

27 **"87-4-503. Fees.** Fees for shooting preserve licenses or permits ~~must be \$100 for each year for the~~
28 ~~first 320 acres of shooting preserve area, plus \$40 for each year for each additional 160 acres and any fraction~~

1 of 160 acres. are \$250 and are valid until February 28 of the fifth year following the year of issuance, unless
2 otherwise revoked. Application for renewal must be made before a license expires. The department shall renew
3 the license upon payment of the license fee if the licensee has complied with all recording and reporting
4 requirements."

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6 **Section 3.** Section 87-4-522, MCA, is amended to read:

7 **"87-4-522. Game hunted in preserve.** (1) Game that may be hunted under this part must be
8 confined to artificially propagated ring-necked pheasants with no color mutations, chukar partridges, Merriam's
9 turkeys, Hungarian partridges, and other species authorized by the department.

10 (2) ~~— A minimum of 100 birds cumulative of all species authorized to be hunted in an individual~~
11 ~~shooting preserve must be released each year on the licensed area during the shooting preserve season.~~

12 (3)(2) Artificially propagated upland game birds released on a shooting preserve during the shooting
13 preserve season must be at least 14 weeks of age and must be marked prior to release in a manner that
14 distinguishes them from wild upland game birds.

15 (4)(3) For each shooting preserve season, a shooting preserve operator shall maintain a record of the
16 total number, by species and source, of artificially propagated upland game birds released and harvested and
17 the number of wild upland game birds harvested in the preserve. The record must be open to inspection by a
18 delegated representative of the department at any reasonable time, ~~and must be the basis on which the game-~~
19 ~~recovery limits in 87-4-523 are determined."~~

20

21 **Section 4.** Section 87-4-524, MCA, is amended to read:

22 **"87-4-524. Preserve operators to establish shooting restrictions.** (1) ~~Except for required~~
23 ~~compliance with the game recovery restriction provided in 87-4-523, shooting~~ Shooting preserve operators
24 licensed prior to July 1, 2003, may establish their own shooting limitations and restrictions on the age, sex, and
25 number of each species that may be taken by each person.

26 (2) The department may impose restrictions on a shooting preserve license issued after July 1,
27 2003, in an area that supports existing native upland game bird species if the department determines that the
28 restrictions are necessary to protect native populations. The restrictions must be based on sound biological

1 principles."

2

3 **Section 5.** Section 87-4-525, MCA, is amended to read:

4 **"87-4-525. Tagging Reporting of game.** All harvested game shall be ~~tagged with a self-sealing tag~~
5 ~~prior to being either consumed on the premises or removed therefrom, such tags to remain affixed until the~~
6 ~~game actually is prepared for consumption~~ accompanied by a harvest form provided by the department until the
7 game is consumed. The department shall furnish tags at nominal cost to shooting preserve operators, the tags
8 ~~to be numbered consecutively and dated by year of issuance.~~ the harvest form at no cost to shooting preserve
9 operators."

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11 **Section 6.** Section 87-6-706, MCA, is amended to read:

12 **"87-6-706. Shooting preserve offenses.** (1) A person may not:

- 13 (a) hunt on a shooting preserve without obtaining a license pursuant to 87-4-504; or
14 (b) harvest game on a shooting preserve without ~~tagging reporting~~ the game pursuant to 87-4-525.
15 (2) Each shooting preserve operator shall keep records in accordance with 87-4-522.
16 (3) A person convicted of a violation of this section shall be fined not less than \$50 or more than
17 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the
18 person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing,
19 or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands,
20 as defined in 77-1-101, for recreational purposes for a period of time set by the court."

21

22 NEW SECTION. Section 7. Repealer. The following section of the Montana Code Annotated is
23 repealed:

24 87-4-523. Amount of game recoverable.

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26 NEW SECTION. Section 8. Effective date. [This act] is effective on passage and approval.

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