

HOUSE BILL NO. 149

INTRODUCED BY M. CUFFE

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE REGULATION OF CERTAIN FISHING DERBIES; PROHIBITING CONTESTS INVOLVING SPECIES OF CONCERN; PROVIDING EXCEPTIONS; AND AMENDING SECTIONS 23-5-165, 87-3-121, AND 87-6-214, MCA."

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

Section 1. Section 23-5-165, MCA, is amended to read:

"23-5-165. Fishing derbies and wagering on natural occurrences. (1) The following are authorized gambling activities:

(a) subject to 87-3-121, a fishing derby in which two or more persons pay valuable consideration for an opportunity to win a prize for the species, size, weight, or otherwise specified fish caught in a fishing event; and

(b) wagering on the outcome of a natural occurrence in which two or more persons pay valuable consideration for an opportunity to win a prize by most accurately predicting the date or time of an event resulting from a climatological or meteorological activity.

(2) Except as provided in subsection (3), all consideration paid to participate in a gambling activity authorized in subsection (1) must be paid to the winners.

(3) A nonprofit organization sponsoring a gambling activity authorized in subsection (1) may retain up to 50% of the total amount paid to participate.

(4) This section does not apply to a gambling activity conducted under chapter 4 or chapter 5, part 2 or 3, of this title."

Section 2. Section 87-3-121, MCA, is amended to read:

"87-3-121. Regulation of fishing contests. (1) ~~The~~ Except as provided in subsection (3), the commission shall adopt rules to regulate contests, ~~in accordance with the provisions of 87-6-214,~~ by a person, firm, or club that intends to offer or give a prize, gift, or anything of value in connection with or as a prize for the taking, capturing, killing, or in any manner acquiring fish that are protected under Title 87. The commission's rules must be based on the commission's duty under Title 87 to protect, preserve, and propagate fish in the state.



1 (2) Contests involving any species of concern listed in the database maintained by the Montana natural
 2 heritage program, except for contests involving lake or reservoir-stocked Yellowstone cutthroat trout
 3 (Oncorhynchus clarkii bouvieri) or westslope cutthroat trout (Oncorhynchus clarkii lewisi), including upper
 4 Missouri cutthroat trout, are prohibited.

5 (3) (a) Subject to the provisions of subsection (2), the commission may not regulate a fishing contest
 6 involving 50 or fewer persons and offering cash prizes or merchandise worth \$500 or less. Except as provided
 7 in subsection (3)(b), participants shall abide by all laws and regulations of the department in effect during the
 8 contest.

9 (b) During catch-and-release contest hours, fish caught for contest purposes and released alive do not
 10 count toward a participant's daily limit. Catch-and-release contest participants may not have more than the daily
 11 limit in their possession at any time. All fish caught during a catch-and-release contest must be released alive
 12 at the end of the day unless the fish died as a result of handling during the contest."

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14 **Section 3.** Section 87-6-214, MCA, is amended to read:

15 **"87-6-214. Unlawful contest or prize.** (1) (a) Except as provided in subsections (1)(b) and (1)(c), a
 16 person, firm, or club may not offer or give a prize, gift, or anything of value in connection with or as a bag limit
 17 prize for the taking, capturing, killing, or in any manner acquiring any game animal, fowl, or fur-bearing animal
 18 or any bird or animal protected by law.

19 (b) A prize may be awarded for any one game bird or fur-bearing animal on the basis of size, quality, or
 20 rarity.

21 (c) A person may conduct or sponsor a contest for which the monetary prize, certificate, or award does
 22 not exceed \$50 for a person who kills a game animal possessing the largest antlers or horns, carrying the
 23 greatest weight, or having the longest body or any similar contest based ~~upon~~ on the size or weight of a game
 24 animal or part of a game animal. The monetary restriction provided in this subsection (1)(c) does not apply to
 25 recognition given by a nationally established and recognized Boone and Crockett trophy institute.

26 (2) A person convicted of ~~or who forfeits bond or bail after being charged with~~ a violation of this section
 27 shall be fined not less than \$50 ~~or~~ and not more than \$1,000 or be imprisoned in the county detention center for
 28 not more than 6 months, or both. In addition, the person, ~~upon~~ on conviction or forfeiture of bond or bail, may be
 29 subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to
 30 hunt, fish, ~~or~~ and trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a

1 period of time set by the court."

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