

1 H BILL NO. 510  
 2 INTRODUCED BY Ellie Angila Barrett Ellison Sargent

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
 5 HUNTING OF ALL GAME ANIMALS BY HOLDERS OF SPECIAL BOW AND  
 6 ARROW LICENSES WHEN THEY ALSO HOLD PREREQUISITE LICENSES;  
 7 AMENDING SECTIONS 26-104.3 AND 26-202.1, R.C.M. 1947."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 26-104.3, R.C.M. 1947, is amended  
 11 to read as follows:

12 "26-104.3. Fixing of general and special seasons and  
 13 bag and possession limits. (1) The commission may fix  
 14 seasons, bag limits, possession limits, and season limits;  
 15 open or close, shorten or lengthen seasons on any species of  
 16 game, bird, fish, or fur-bearing animal as defined by  
 17 section 26-201, and declare areas open to the hunting of  
 18 ~~deer, antelope, and elk~~ all game animals by bow and arrow  
 19 permit holders, and designate times when only bow and arrows  
 20 may be used to hunt ~~deer, antelope, and elk~~ all game animals  
 21 in those areas. It may declare areas open to deer hunting  
 22 where shotguns only may be used to hunt or kill deer. It may  
 23 declare areas open to special license holders only, and  
 24 issue special licenses in a limited number when it  
 25 determines, after proper investigation, that such a season

1 is necessary to assure the maintenance of an adequate supply  
 2 of game birds, fish, animals, or fur-bearing animals. It may  
 3 declare a special season and issue special licenses when  
 4 game birds or animals or fur-bearing animals are causing  
 5 damage to private property, or when written complaint of  
 6 such damage has been filed with the state fish and game  
 7 commission by the owner of that property. In determining to  
 8 whom those licenses shall be issued, it may, when more  
 9 applications are received than the number of animals to be  
 10 killed, award permits to those chosen under a drawing  
 11 system. The procedures used for awarding the permits from  
 12 the drawing system shall be determined by the commission.

13 (2) The commission may adopt rules governing the use  
 14 of livestock and vehicles, by archers, during special  
 15 archery seasons.

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

22 (4) It may declare a closed season on any species of  
 23 game, fish, game birds, or fur-bearing animals threatened  
 24 with undue depletion from any cause. It may close any area  
 25 or district of any stream, public lake, or public water, or

INTRODUCED BILL

HB 510

1 portions thereof, to hunting, trapping, or fishing for  
 2 limited periods of time, when necessary to protect a  
 3 recently stocked area, district, water, spawning waters,  
 4 spawn-taking waters, or spawn-taking stations, or to prevent  
 5 the undue depletion of fish, game and fur-bearing animals,  
 6 and game and nongame birds. It later may open the area or  
 7 district upon consent of a majority of the property owners  
 8 affected.

9 (5) It may declare certain fishing waters closed to  
 10 fishing except by persons under thirteen (13) years of age.  
 11 The purpose of this subsection is to provide suitable  
 12 fishing waters for the exclusive use and enjoyment of  
 13 juveniles under thirteen (13) years of age, at times and in  
 14 areas the commission in its discretion considers advisable  
 15 and consistent with its policies relating to fishing."

16 Section 2. Section 26-202.1, R.C.M. 1947, is amended  
 17 to read as follows:

18 \*26-202.1. Licenses -- fees -- classifications of  
 19 licenses -- fees and powers under licenses. (1) Class A  
 20 License--Resident Fishing License. Any resident as defined  
 21 by section 26-202.3, upon payment of a fee of five dollars  
 22 (\$5) shall receive a Class A license which shall entitle the  
 23 holder thereof to fish with hook and line or rod as  
 24 authorized by regulations of the commission.

25 (2) Class A-1 license -- Resident Game Bird License.

1 Except as herein provided, any resident as defined by  
 2 section 26-202.3, who is twelve (12) years of age or older,  
 3 may, upon payment of a fee of four dollars (\$4) receive a  
 4 Class A-1 license, which will entitle the holder to pursue,  
 5 hunt, shoot and kill game birds and possess the dead bodies  
 6 of game birds which are so authorized by regulations of the  
 7 commission.

8 (a) No hunting licenses shall be issued to any  
 9 resident person under the age of eighteen (18) years unless  
 10 he presents to the person authorized to issue such license a  
 11 certificate of competency as provided by this section.

12 The department of fish and game shall provide for a  
 13 course of instruction in the safe handling of firearms and  
 14 for the purpose may cooperate with any reputable association  
 15 or organization having as one of its objectives the  
 16 promotion of safety in the handling of firearms. The  
 17 department may designate any person found by it to be  
 18 competent to give instructions in the handling of firearms.  
 19 A person so appointed shall give such course of instruction  
 20 and upon the successful completion thereof shall issue to  
 21 the person instructed a certificate of competency in the  
 22 safe handling of firearms.

23 (3) Class A-2 License -- Special Bow and Arrow  
 24 License. A holder of any one of the following: a Class A-3,  
 25 A-4, A-5, B-2, B-5, B-6, B-7, B-8, or B-10 license, or any

1 ~~special license~~, may upon payment of an additional sum of  
 2 six dollars (\$6) to any agent of the fish and game  
 3 commission authorized to issue fishing and hunting licenses  
 4 be entitled to a Class A-2 license, which shall authorize  
 5 the holder thereof to pursue, hunt, shoot, and kill the game  
 6 animals authorized by the licenses held with bow and arrow  
 7 and to possess these carcasses during special seasons, and  
 8 in special areas, as may be designated by the fish and game  
 9 commission.

10 (4) Class A-3, A-4, A-5, A-6 Licenses. Any resident as  
 11 defined by section 26-202.3 who is twelve (12) years of age  
 12 or older, may upon payment of the proper fee or fees be  
 13 entitled to purchase one each of the following licenses:  
 14 Class A-3, Deer A Tag, six dollars (\$6) for the license year  
 15 beginning May 1, 1976, and seven dollars (\$7) for each  
 16 license year thereafter; Class A-4, Deer B Tag, twelve  
 17 dollars (\$12); Class A-5 Elk Tag, eight dollars (\$8); Class  
 18 A-6, Black or Brown Bear Tag, six dollars (\$6); which will  
 19 entitle the holder to pursue, hunt, shoot, and kill the game  
 20 animal or animals authorized by the license held and to  
 21 possess the dead bodies of game animals of the state which  
 22 are so authorized by the regulation of the commission.

23 (5) Class B License -- Nonresident Fishing License.  
 24 Any person not a resident as defined in section 26-202.3,  
 25 upon payment of the sum of twenty dollars (\$20) to any agent

1 of the fish and game commission authorized to issue fishing  
 2 and hunting licenses, shall be entitled to a Class B  
 3 license, which shall entitle the holder thereof to fish with  
 4 hook and line as authorized by the rules and regulations of  
 5 the commission.

6 (6) Class B-1 License -- Nonresident Game Bird  
 7 License. Except as herein provided, any person not a  
 8 resident as defined in section 26-202.3, but who is twelve  
 9 (12) years of age or older, upon payment of the sum of  
 10 thirty dollars (\$30) to any agent of the fish and game  
 11 commission authorized to issue fishing and hunting licenses  
 12 shall be entitled to a Class B-1 license, which shall  
 13 entitle the holder thereof to pursue, hunt, shoot, kill and  
 14 possess game birds as authorized by the rules and  
 15 regulations of the commission.

16 No hunting licenses shall be issued to any nonresident  
 17 person under the age of eighteen (18) years unless he  
 18 presents to the person authorized to issue such license a  
 19 certificate of competency as provided in section  
 20 26-202.1(2)(a) or a certificate verifying that he has  
 21 successfully completed a course in the safe handling of  
 22 firearms in any state or province.

23 (7) Class B-2 License -- Nonresident Combination  
 24 License. Within the limitations of this section or any  
 25 commission rule, any person not a resident as defined in

1 section 26-202.3, but who is twelve (12) years of age or  
 2 older, upon the payment of fifty dollars (\$50) may apply to  
 3 the fish and game office, Helena, Montana for a Class B-2  
 4 license, and nonresident conservation license as prescribed  
 5 in section 26-230, which shall authorize the holder to  
 6 pursue, hunt, shoot, kill and possess game birds, and to  
 7 fish with hook and line as authorized by the rules and  
 8 regulations of the commission, and to purchase additional  
 9 and special licenses and tags as provided by law or  
 10 commission regulation.

11 (8) Class B-3 License -- Temporary Nonresident or  
 12 Tourist Fishing License. Any person not a resident as  
 13 defined in section 26-202.3, upon payment of the sum of ten  
 14 dollars (\$10) to any agent of the fish and game commission  
 15 authorized to issue fishing and hunting licenses, shall be  
 16 entitled to a temporary nonresident fishing license, which  
 17 shall authorize the holder to fish with hook and line as  
 18 authorized by the rules and regulations of the fish and game  
 19 commission for a period of six (6) days inclusive of the  
 20 dates indicated on the license.

21 (9) Class B-5 License -- Nonresident Deer License. Any  
 22 person not a resident as defined in section 26-202.3, but  
 23 who is twelve (12) years of age or older and a holder of a  
 24 nonresident conservation license, upon the payment of the  
 25 sum of fifty dollars (\$50) shall be entitled to a Class B-5

1 license which shall authorize the holder to pursue, hunt,  
 2 shoot, and kill one (1) deer in the area or areas designated  
 3 in the license, as determined by the commission, and to  
 4 possess the carcass of same.

5 (10) Class B-6 License -- Nonresident Antelope License.  
 6 Any person not a resident as defined in section 26-202.3,  
 7 but who is twelve (12) years of age or older and a holder of  
 8 a Class B-2 nonresident combination license, upon the  
 9 payment of the sum of fifty dollars (\$50) shall be entitled  
 10 to a Class B-6 license which shall authorize the holder to  
 11 pursue, hunt, shoot, and kill one (1) antelope in the area  
 12 designated in the license, as determined by the commission,  
 13 and to possess the carcass of same.

14 (11) Class B-7 and B-8 Licenses. Any person not a  
 15 resident as defined in section 26-202.3, but who is twelve  
 16 (12) years of age or older, and is a holder of a B-2  
 17 nonresident combination license, may upon payment of the  
 18 proper fee or fees and subject to the limitations prescribed  
 19 by law and commission regulation be entitled to apply to the  
 20 Fish and Game Office, Helena, Montana, to purchase one each  
 21 of the following licenses: Class B-7, Deer A Tag, fifty  
 22 dollars (\$50); Class B-8, Deer B Tag, fifty dollars (\$50);  
 23 and will entitle the holder to pursue, hunt, shoot, and kill  
 24 the game animal or animals authorized by the license held  
 25 and to possess the dead bodies of game animals of the state

1 which are so authorized by the regulations of the  
2 commission.

3 (12) B-10 nonresident big game combination license.  
4 Any person not a resident as defined in section 26-202.3,  
5 R.C.M. 1947, but who is twelve (12) years of age or older  
6 may, upon payment of the proper fee or fees and subject to  
7 the limitations prescribed by law and commission regulation,  
8 be entitled to apply to the fish and game office, Helena,  
9 Montana, to purchase a B-10 nonresident big game combination  
10 license for two hundred twenty-five dollars (\$225) which  
11 shall entitle the holder to all the privileges of a B-2  
12 nonresident combination license, a deer A tag, and elk tag  
13 and a black bear license. This license includes the  
14 nonresident conservation license as prescribed in section  
15 26-230, R.C.M. 1947.

16 (13) Special licenses. Any applicant who is twelve (12)  
17 years of age or older and is a resident as defined by  
18 section 26-202.3, or any applicant who is the holder of a  
19 Class B-2 nonresident combination license may apply for a  
20 special license, which in the judgment of the fish and game  
21 commission, is to be issued and shall pay the following fees  
22 therefor:

23 Moose, resident twenty-five dollars (\$25), nonresident  
24 one hundred twenty-five dollars (\$125);  
25 Mountain Goat, resident fifteen dollars (\$15),

1 nonresident seventy-five dollars (\$75);

2 Mountain Sheep, resident twenty-five dollars (\$25),  
3 nonresident one hundred twenty-five dollars (\$125);

4 Antelope, resident five dollars (\$5);

5 Grizzly Bear, resident twenty-five dollars (\$25),  
6 nonresident one hundred twenty-five dollars (\$125);

7 Black or brown bear, nonresident fifty dollars (\$50).

8 In the event a holder of a valid special grizzly bear  
9 license kills a grizzly bear, he must purchase a trophy  
10 license for a fee of twenty-five dollars (\$25) within ten  
11 (10) days after date of kill. Such trophy license shall  
12 authorize the holder to possess and transport said trophy.

13 In the event that the number of valid resident  
14 applications for licenses exceeds the number of licenses  
15 which the fish and game commission desires to issue in any  
16 hunting district, then the number of licenses issued to  
17 nonresident license holders in that hunting district shall  
18 not exceed ten per cent (10%) of the total issued.

19 (14) Class C License -- Trapper's License. Any resident  
20 as defined in section 26-202.3, upon making application and  
21 paying the sum of ten dollars (\$10) to the fish and game  
22 commission, shall be entitled to a trapper's license, which  
23 shall authorize the holder thereof to trap fur-bearing  
24 animals, within the state of Montana at such times and in  
25 such manner as may be lawful so to do under the laws of the

1 state and the regulations of the fish and game commission,  
2 and at such places as may be designated in said license.

3 (15) Class C-1 License -- Landowner's Trapping License.  
4 Any owner or tenant, or member of the immediate family of  
5 said owner or tenant, upon making application to the fish  
6 and game commission, and upon payment of the sum of one  
7 dollar (\$1) shall be entitled to a landowner's trapping  
8 license which shall entitle the holder thereof to trap any  
9 fur-bearing animal on land owned or leased by him, or his  
10 immediate family, at such times and in such manner as may be  
11 lawful so to do under the laws of the state and the  
12 regulations of the fish and game commission and at such  
13 places as may be designated in said licenses.

14 (16) Exception. (a) A resident under the definition of  
15 section 26-202.3, who is sixty-two (62) years or older shall  
16 be entitled to fish and hunt game birds with a conservation  
17 license issued by the state fish and game commission for a  
18 fee of one dollar (\$1). The form of such license shall be  
19 prescribed by the fish and game commission.

20 (b) Any veteran who is a patient residing at a  
21 hospital operated by the veterans administration, within or  
22 outside the state, and residents of all institutions under  
23 the jurisdiction of the state board of institutions, except  
24 the Montana state prison at Deer Lodge, will be entitled to  
25 fish without a license. Such residents shall carry a permit

1 on a form prescribed by the commission and signed by the  
2 superintendent of the institution in lieu of a license.

3 (c) Disabled persons are entitled to fish without a  
4 license, if they are residents of Montana not residing in an  
5 institution and are certified as disabled by a licensed  
6 medical doctor, licensed to practice medicine in Montana.

7 Disability is defined as a physical or mental condition  
8 that prevents a person from doing any substantial gainful  
9 work that is expected to last for the rest of their life.

10 Such disabled persons shall carry a permit on a form  
11 prescribed by the commission.

12 (d) If a person is convicted of a violation of the  
13 fish and game laws or regulations of Montana, the privilege  
14 conferred by this subsection shall be revoked for not less  
15 than six (6) months.

16 (e) Residents, as defined by section 26-202.3, under  
17 the age of fifteen (15) years may purchase Class A-1, A-3,  
18 and A-5 licenses at two dollars (\$2) per license.

19 (f) The commission, by rule or regulation, may  
20 prescribe the number of Class B-5 and B-6, B-7, B-8, or B-10  
21 licenses to be issued in each of the hunting districts  
22 designated by it. Any license sold may be restricted to a  
23 specific hunting area and may specify the species, age, and  
24 sex to be taken in order to insure the proper management and  
25 propagation of game animals in these areas, provided,

1 however, that no number limit shall be placed on B-7, B-8  
 2 and B-10 license by area except in major hunter  
 3 concentration areas as determined by the commission. Not  
 4 more than seventeen thousand (17,000) nonresident big game  
 5 combination licenses (B-10) may be sold in any one license  
 6 year.

7 (g) Special antelope licenses. In the event the number  
 8 of valid applications for special antelope licenses for a  
 9 hunting district exceeds the quota set by the commission for  
 10 the district, such licenses shall be awarded by a drawing.  
 11 Persons making valid application who did not receive an  
 12 antelope license during the season immediately preceding the  
 13 drawing shall be given first preference in such drawing for  
 14 first, second and third choice hunting districts. The  
 15 commission shall have the authority to promulgate such rules  
 16 and regulations as are necessary to implement this  
 17 subsection.

18 (h) Special elk permits. In the event the number of  
 19 valid applications for special elk permits for a hunting  
 20 district exceeds the quota set by the commission for the  
 21 district, these permits shall be awarded by a drawing.  
 22 Persons making valid application who did not receive a  
 23 special elk permit during the season immediately preceding  
 24 the drawing shall receive first preference in this drawing  
 25 for first, second, and third choice hunting districts. The

1 commission may promulgate the rules necessary to implement  
 2 this subsection.

3 (17) Only one (1) license of any one (1) class, except  
 4 Class B-3 and B-4 licenses, shall be issued to any one (1)  
 5 person, provided, however, that the commission may prescribe  
 6 rules and regulations for the issuance or sale of a  
 7 replacement license of the same class in the event the  
 8 original license is lost, stolen or destroyed upon payment  
 9 of the sum of one dollar (\$1).

10 (18) Class AAA License -- Sportsman's License. Any  
 11 resident, as defined by section 26-202.3, who is twelve (12)  
 12 years of age or older, upon payment of the sum of  
 13 thirty-five dollars (\$35) shall be entitled to a sportsman's  
 14 license which shall permit the holder to exercise all rights  
 15 granted to holders of Class A, A-1, A-3, A-5, A-6 and  
 16 resident conservation licenses as prescribed in section  
 17 26-230. The commission shall furnish each holder of a  
 18 sportsman's license an appropriate decal.

19 (19) Class D-1 License -- Nonresident Mountain Lion  
 20 License. Any person not a resident as defined in section  
 21 26-202.3, but who is twelve (12) years of age or older and a  
 22 holder of a nonresident Class B-2 combination license, upon  
 23 payment of the sum of twenty-five dollars (\$25) to any agent  
 24 of the fish and game commission authorized to issue fishing  
 25 and hunting licenses shall be entitled to a Class D-1

1 license, which shall entitle the holder thereof to pursue,  
2 hunt, shoot, kill and possess mountain lion as authorized by  
3 the rules and regulations of the commission.

4 (20) Class D-2 License -- Resident Mountain Lion  
5 License. Any person who is a resident as defined in section  
6 26-202.3, and who is twelve (12) years of age or older, upon  
7 payment of the sum of five dollars (\$5) to any agent of the  
8 fish and game commission authorized to issue fishing and  
9 hunting licenses shall be entitled to a Class D-2 license,  
10 which shall entitle the holder thereof to pursue, hunt,  
11 shoot, kill and possess mountain lion as authorized by the  
12 rules and regulations of the commission.

13 (21) Special elk or deer licenses. (a) Any person who  
14 is the holder of a valid resident elk license or a Class  
15 B-10 nonresident big game combination license may apply for  
16 a special elk license upon payment of a fee of one dollar  
17 (\$1).

18 (b) Any person who is the holder of a valid resident  
19 deer license or any nonresident who holds a Class B-2  
20 license and a valid deer tag may apply for a special deer  
21 license upon payment of a fee of one dollar (\$1).

22 (c) The commission shall have the authority to  
23 promulgate such rules and regulations as are necessary to  
24 implement this subsection."

-End-



Committee on Fish and Game

Objection Raised to  
Adverse Committee Report

1 H BILL NO. 510  
2 INTRODUCED BY Ellis Orville Barrett Ellison

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There are no changes in HB 510, & will not be re-run.

Please refer to white copy for complete text.

READING

HB 510

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 2 limited periods of time, when necessary to protect a  
 3 recently stocked area, district, water, spawning waters,  
 4 spawn-taking waters, or spawn-taking stations, or to prevent  
 5 the undue depletion of fish, game and fur-bearing animals,  
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 18 competent to give instructions in the handling of firearms.  
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 21 the person instructed a certificate of competency in the  
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 24 License. A holder of any one of the following: a Class A-3,  
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