

1 H BILL NO. 568
2 INTRODUCED BY Waldron

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A \$3
5 MONTANA MIGRATORY GAME BIRD LICENSE; DIRECTING ALL FUNDS
6 COLLECTED FROM THIS LICENSE TO BE USED FOR THE ACQUISITION,
7 DEVELOPMENT, AND MAINTENANCE OF WETLANDS; AMENDING SECTION
8 26-202.1, R.C.M. 1947."

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

11 Section 1. Section 26-202.1, R.C.M. 1947, is amended
12 to read as follows:

13 "26-202.1. Licenses -- fees -- classifications of
14 licenses -- fees and powers under licenses. (1) Class A
15 License--Resident Fishing License. Any resident as defined
16 by section 26-202.3, upon payment of a fee of five dollars
17 (\$5) shall receive a Class A license which shall entitle the
18 holder thereof to fish with hook and line or rod as
19 authorized by regulations of the commission.

20 (2) Class A-1 license--Resident Upland Game Bird
21 License. Except as herein provided, any resident as defined
22 by section 26-202.3, who is twelve (12) years of age or
23 older, may, upon payment of a fee of four dollars (\$4)
24 receive a Class A-1 license, which will entitle the holder
25 to pursue, hunt, shoot and kill upland game birds and

1 possess the dead bodies of upland game birds which are so
2 authorized by regulations of the commission.

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

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

18 (3) Class A-2 License--Special Bow and Arrow License.
19 A holder of any one of the following: a Class A-3, A-4, A-5,
20 B-2, B-5, B-6, B-7, B-8, or B-10 license, may upon payment
21 of an additional sum of six dollars (\$6) to any agent of the
22 fish and game commission authorized to issue fishing and
23 hunting licenses be entitled to a Class A-2 license, which
24 shall authorize the holder thereof to pursue, hunt, shoot,
25 and kill the game animals authorized by the licenses held

1 with bow and arrow and to possess these carcasses during
2 special seasons, and in special areas, as may be designated
3 by the fish and game commission.

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

17 (5) Class B License--Nonresident Fishing License. Any
18 person not a resident as defined in section 26-202.3, upon
19 payment of the sum of twenty dollars (\$20) to any agent of
20 the fish and game commission authorized to issue fishing and
21 hunting licenses, shall be entitled to a Class B license,
22 which shall entitle the holder thereof to fish with hook and
23 line as authorized by the rules and regulations of the
24 commission.

25 (6) Class B-1 License--Nonresident Upland Game Bird

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

10 No hunting licenses shall be issued to any nonresident
11 person under the age of eighteen (18) years unless he
12 presents to the person authorized to issue such license a
13 certificate of competency as provided in section
14 26-202.1(2)(a) or a certificate verifying that he has
15 successfully completed a course in the safe handling of
16 firearms in any state or province.

17 (7) Class B-2 License--Nonresident Combination
18 License. Within the limitations of this section or any
19 commission rule, any person not a resident as defined in
20 section 26-202.3, but who is twelve (12) years of age or
21 older, upon the payment of fifty dollars (\$50) may apply to
22 the fish and game office, Helena, Montana for a Class B-2
23 license, and nonresident conservation license as prescribed
24 in section 26-230, which shall authorize the holder to
25 pursue, hunt, shoot, kill and possess game birds, and to

1 fish with hook and line as authorized by the rules and
2 regulations of the commission, and to purchase additional
3 and special licenses and tags as provided by law or
4 commission regulation.

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

15 (9) Class B-5 License--Nonresident Deer License. Any
16 person not a resident as defined in section 26-202.3, but
17 who is twelve (12) years of age or older and a holder of a
18 nonresident conservation license, upon the payment of the
19 sum of fifty dollars (\$50) shall be entitled to a Class B-5
20 license which shall authorize the holder to pursue, hunt,
21 shoot, and kill one (1) deer in the area or areas designated
22 in the license, as determined by the commission, and to
23 possess the carcass of same.

24 (10) Class B-6 License--Nonresident Antelope License.
25 Any person not a resident as defined in section 26-202.3,

1 but who is twelve (12) years of age or older and a holder of
2 a Class B-2 nonresident combination license, upon the
3 payment of the sum of fifty dollars (\$50) shall be entitled
4 to a Class B-6 license which shall authorize the holder to
5 pursue, hunt, shoot, and kill one (1) antelope in the area
6 designated in the license, as determined by the commission,
7 and to possess the carcass of same.

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

22 (12) B-10 nonresident big game combination license.
23 Any person not a resident as defined in section 26-202.3,
24 R.C.M. 1947, but who is twelve (12) years of age or older
25 may, upon payment of the proper fee or fees and subject to

1 the limitations prescribed by law and commission regulation,
 2 be entitled to apply to the fish and game office, Helena,
 3 Montana, to purchase a B-10 nonresident big game combination
 4 license for two hundred twenty-five dollars (\$225) which
 5 shall entitle the holder to all the privileges of a B-2
 6 nonresident combination license, a deer A tag, and elk tag
 7 and a black bear license. This license includes the
 8 nonresident conservation license as prescribed in section
 9 26-230, R.C.M. 1947.

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

17 Moose, resident twenty-five dollars (\$25), nonresident
 18 one hundred twenty-five dollars (\$125);

19 Mountain Goat, resident fifteen dollars (\$15),
 20 nonresident seventy-five dollars (\$75);

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

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

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

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

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

7 In the event that the number of valid resident
 8 applications for licenses exceeds the number of licenses
 9 which the fish and game commission desires to issue in any
 10 hunting district, then the number of licenses issued to
 11 nonresident license holders in that hunting district shall
 12 not exceed ten per cent (10%) of the total issued.

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

22 (15) Class C-1 License--Landowner's Trapping License.
 23 Any owner or tenant, or member of the immediate family of
 24 said owner or tenant, upon making application to the fish
 25 and game commission, and upon payment of the sum of one

1 dollar (\$1) shall be entitled to a landowner's trapping
 2 license which shall entitle the holder thereof to trap any
 3 fur-bearing animal on land owned or leased by him, or his
 4 immediate family, at such times and in such manner as may be
 5 lawful so to do under the laws of the state and the
 6 regulations of the fish and game commission and at such
 7 places as may be designated in said licenses.

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

14 (b) Any veteran who is a patient residing at a
 15 hospital operated by the veterans administration, within or
 16 outside the state, and residents of all institutions under
 17 the jurisdiction of the state board of institutions, except
 18 the Montana state prison at Deer Lodge, will be entitled to
 19 fish without a license. Such residents shall carry a permit
 20 on a form prescribed by the commission and signed by the
 21 superintendent of the institution in lieu of a license.

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

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

4 Such disabled persons shall carry a permit on a form
 5 prescribed by the commission.

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

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

13 (f) The commission, by rule or regulation, may
 14 prescribe the number of Class B-5 and B-6, B-7, B-8, or B-10
 15 licenses to be issued in each of the hunting districts
 16 designated by it. Any license sold may be restricted to a
 17 specific hunting area and may specify the species, age, and
 18 sex to be taken in order to insure the proper management and
 19 propagation of game animals in these areas, provided,
 20 however, that no number limit shall be placed on B-7, B-8
 21 and B-10 license by area except in major hunter
 22 concentration areas as determined by the commission. Not
 23 more than seventeen thousand (17,000) nonresident big game
 24 combination licenses (B-10) may be sold in any one license
 25 year.

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

12 (h) Special elk permits. In the event the number of
 13 valid applications for special elk permits for a hunting
 14 district exceeds the quota set by the commission for the
 15 district, these permits shall be awarded by a drawing.
 16 Persons making valid application who did not receive a
 17 special elk permit during the season immediately preceding
 18 the drawing shall receive first preference in this drawing
 19 for first, second, and third choice hunting districts. The
 20 commission may promulgate the rules necessary to implement
 21 this subsection.

22 (17) Only one (1) license of any one (1) class, except
 23 Class B-3 and B-4 licenses, shall be issued to any one (1)
 24 person, provided, however, that the commission may prescribe
 25 rules and regulations for the issuance or sale of a

1 replacement license of the same class in the event the
 2 original license is lost, stolen or destroyed upon payment
 3 of the sum of one dollar (\$1).

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

13 (19) Class D-1 License--Nonresident Mountain Lion
 14 License. Any person not a resident as defined in section
 15 26-202.3, but who is twelve (12) years of age or older and a
 16 holder of a nonresident Class B-2 combination license, upon
 17 payment of the sum of twenty-five dollars (\$25) to any agent
 18 of the fish and game commission authorized to issue fishing
 19 and hunting licenses shall be entitled to a Class D-1
 20 license, which shall entitle the holder thereof to pursue,
 21 hunt, shoot, kill and possess mountain lion as authorized by
 22 the rules and regulations of the commission.

23 (20) Class D-2 License--Resident Mountain Lion License.
 24 Any person who is a resident as defined in section 26-202.3,
 25 and who is twelve (12) years of age or older, upon payment

1 of the sum of five dollars (\$5) to any agent of the fish and
 2 game commission authorized to issue fishing and hunting
 3 licenses shall be entitled to a Class D-2 license, which
 4 shall entitle the holder thereof to pursue, hunt, shoot,
 5 kill and possess mountain lion as authorized by the rules
 6 and regulations of the commission.

7 (21) Special elk or deer licenses. (a) Any person who
 8 is the holder of a valid resident elk license or a Class
 9 B-10 nonresident big game combination license may apply for
 10 a special elk license upon payment of a fee of one dollar
 11 (\$1).

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

16 (c) The commission shall have the authority to
 17 promulgate such rules and regulations as are necessary to
 18 implement this subsection.

19 ~~(22) A holder of a resident or nonresident game bird~~
 20 ~~hunting license, upon payment of a fee of \$3, is entitled to~~
 21 ~~a migratory game bird hunting license. This license entitles~~
 22 ~~the holder to pursue, hunt, shoot, kill, and possess~~
 23 ~~migratory game birds as authorized by law and commission~~
 24 ~~rule."~~

25 Section 2. There is a new R.C.M. section that reads as

1 follows:

2 Fees used to purchase wetlands for migratory game birds
 3 and other wildlife habitat. All Montana migratory game bird
 4 license fees shall be used for the acquisition, development,
 5 operation, and maintenance of wetlands for the preservation
 6 of waterfowl and other wildlife habitat, and for access to
 7 wetlands for hunting and other recreational purposes.

-End-

STATE OF MONTANA

REQUEST NO. 422-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 8, 19 77, there is hereby submitted a Fiscal Note for House Bill 568 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 568 allows the Department of Fish and Game to establish a special \$3 resident and nonresident migratory game bird license in addition to the existing game bird licenses. It also redefines the current Class A-I resident game bird license and Class B-I nonresident game bird license as upland game bird licenses.

The proposed legislation also earmarks future migratory game bird license fee collections to be used for the acquisition, development, operation and maintenance of wetlands for the preservation of waterfowl and other wildlife habitat, and for access to wetlands for hunting and other recreational purposes.

ASSUMPTIONS:

1. Resident and nonresident game bird license sales are assumed to remain constant throughout the biennium.
2. Estimated number of resident migratory game bird hunters per year: 25,000.
3. Estimated number of nonresident migratory game bird hunters per year: 1,500.
4. It is assumed that migratory game bird hunters would also have to purchase a Federal Duck Stamp for \$5 before they could hunt ducks.

REVENUE IMPACT:

| | <u>FY 78</u> | <u>FY 79</u> |
|--|-----------------|-----------------|
| Migratory bird license fee collections | | |
| Under proposed law | \$79,500 | \$79,500 |
| Under current law | <u>0</u> | <u>0</u> |
| Increase in bird license fee collections | <u>\$79,500</u> | <u>\$79,500</u> |

EXPENDITURE IMPACT:

Approximately \$79,500 of new funds would be made available annually for the acquisition, development, operation, and maintenance of wetlands for the preservation of waterfowl habitat areas. No dollar estimates are available for the current amount spent on such projects.

Richard L. Ziegler
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-16-77