

1 *Senate* BILL NO. *342*
 2 INTRODUCED BY *E. Smith*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A
 5 NONRESIDENT COYOTE-FOX TRAPPER'S LICENSE; AMENDING SECTIONS
 6 26-202 AND 26-202.1, R.C.M. 1947."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 26-202, R.C.M. 1947, is amended to
 10 read as follows:

11 "26-202. License required. (1) It shall be unlawful
 12 and a misdemeanor punishable as provided by section 26-324
 13 for any person to pursue, hunt, trap, take, shoot, kill or
 14 attempt to trap, take, shoot, or kill, any game animal, or
 15 any game bird, or any fur-bearing animal, or to take, kill,
 16 trap, or fish, for any fish within this state, or to have,
 17 keep or possess within this state, any game animal, game
 18 bird, fur-bearing animal, or game fish, or parts thereof,
 19 except as herein provided or shall be provided by the state
 20 fish and game commission, or for any person to pursue, hunt,
 21 trap, take, shoot or kill, or attempt to trap, take, shoot
 22 or kill, any game animal, game bird, or fur-bearing animal,
 23 or take, kill, trap, or fish for, any fish except at the
 24 places and during the periods and in the manner herein
 25 defined or shall be defined by the state fish and game

1 commission, or for any person to pursue, hunt, trap, take,
 2 shoot or kill, or attempt to trap, take, shoot or kill, any
 3 game animal, game bird, or fur-bearing animal, or take,
 4 kill, trap, or fish for, any fish within this state, or
 5 have, keep, possess, sell, purchase, ship or reship, any
 6 imported or other fur-bearing animal, or parts thereof,
 7 without first having obtained a proper license or permit
 8 from the commission so to do.

9 ~~(2) It is unlawful and a misdemeanor for any person
 10 not a resident as defined in 26-202.3 to trap or attempt to
 11 trap any fox or coyote without a license as provided in
 12 26-202.1."~~

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

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

22 (2) Class A-1 license--Resident Game Bird License.
 23 Except as herein provided, any resident as defined by
 24 section 26-202.3, who is twelve (12) years of age or older,
 25 may, upon payment of a fee of four dollars (\$4) receive a

1 Class A-1 license, which will entitle the holder to pursue,
2 hunt, shoot and kill game birds and possess the dead bodies
3 of game birds which are so authorized by regulations of the
4 commission.

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

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

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

1 shall authorize the holder thereof to pursue, hunt, shoot,
2 and kill the game animals authorized by the licenses held
3 with bow and arrow and to possess these carcasses during
4 special seasons, and in special areas, as may be designated
5 by the fish and game commission.

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

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

1 commission.

2 (6) Class B-1 License--Nonresident Game Bird License.

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

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

19 (7) Class B-2 License--Nonresident Combination

20 License. Within the limitations of this section or any
21 commission rule, any person not a resident as defined in
22 section 26-202.3, but who is twelve (12) years of age or
23 older, upon the payment of fifty dollars (\$50) may apply to
24 the fish and game office, Helena, Montana for a Class B-2
25 license, and nonresident conservation license as prescribed

1 in section 26-230, which shall authorize the holder to
2 pursue, hunt, shoot, kill and possess game birds, and to
3 fish with hook and line as authorized by the rules and
4 regulations of the commission, and to purchase additional
5 and special licenses and tags as provided by law or
6 commission regulation.

7 (8) Class B-3 License--Temporary Nonresident or

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

17 (9) Class B-5 License--Nonresident Deer License. Any

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

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

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

24 (12) B-10 nonresident big game combination license.
 25 Any person not a resident as defined in section 26-202.3,

1 R.C.M. 1947, but who is twelve (12) years of age or older
 2 may, upon payment of the proper fee or fees and subject to
 3 the limitations prescribed by law and commission regulation,
 4 be entitled to apply to the fish and game office, Helena,
 5 Montana, to purchase a B-10 nonresident big game combination
 6 license for two hundred twenty-five dollars (\$225) which
 7 shall entitle the holder to all the privileges of a B-2
 8 nonresident combination license, a deer A tag, and elk tag
 9 and a black bear license. This license includes the
 10 nonresident conservation license as prescribed in section
 11 26-230, R.C.M. 1947.

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

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

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

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

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

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

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

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

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

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

24 (15) Class C-1 License--Landowner's Trapping License.
25 Any owner or tenant, or member of the immediate family of

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

10 ~~(16) Class C-2 License--Nonresident Coyote-Fox~~
11 ~~Trapper's License. Any person not a resident as defined in~~
12 ~~26-202.3, upon making application and paying the sum of \$225~~
13 ~~to the fish and game commission, is entitled to a~~
14 ~~nonresident coyote-fox trapper's license which authorizes~~
15 ~~the holder to trap coyote and fox within Montana after~~
16 ~~November 1 and before April 1 of each year in such manner as~~
17 ~~may be lawful under the laws of the state and the rules of~~
18 ~~the commission and at such places as may be designated in~~
19 ~~the license.~~

20 ~~(16)(17) Exception.~~ (a) A resident under the definition
21 of section 26-202.3, who is sixty-two (62) years or older
22 shall be entitled to fish and hunt game birds with a
23 conservation license issued by the state fish and game
24 commission for a fee of one dollar (\$1). The form of such
25 license shall be prescribed by the fish and game commission.

1 (b) Any veteran who is a patient residing at a
 2 hospital operated by the veterans administration, within or
 3 outside the state, and residents of all institutions under
 4 the jurisdiction of the state board of institutions, except
 5 the Montana state prison at Deer Lodge, will be entitled to
 6 fish without a license. Such residents shall carry a permit
 7 on a form prescribed by the commission and signed by the
 8 superintendent of the institution in lieu of a license.

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

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

16 Such disabled persons shall carry a permit on a form
 17 prescribed by the commission.

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

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

25 (f) The commission, by rule or regulation, may

1 prescribe the number of Class B-5 and B-6, B-7, B-8, or B-10
 2 licenses to be issued in each of the hunting districts
 3 designated by it. Any license sold may be restricted to a
 4 specific hunting area and may specify the species, age, and
 5 sex to be taken in order to insure the proper management and
 6 propagation of game animals in these areas, provided,
 7 however, that no number limit shall be placed on B-7, B-8
 8 and B-10 license by area except in major hunter
 9 concentration areas as determined by the commission. Not
 10 more than seventeen thousand (17,000) nonresident big game
 11 combination licenses (B-10) may be sold in any one license
 12 year.

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

24 (h) Special elk permits. In the event the number of
 25 valid applications for special elk permits for a hunting

1 district exceeds the quota set by the commission for the
 2 district, these permits shall be awarded by a drawing.
 3 Persons making valid application who did not receive a
 4 special elk permit during the season immediately preceding
 5 the drawing shall receive first preference in this drawing
 6 for first, second, and third choice hunting districts. The
 7 commission may promulgate the rules necessary to implement
 8 this subsection.

9 ~~(17)~~(18) Only one (1) license of any one (1) class,
 10 except Class B-3 and B-4 licenses, shall be issued to any
 11 one (1) person, provided, however, that the commission may
 12 prescribe rules and regulations for the issuance or sale of
 13 a replacement license of the same class in the event the
 14 original license is lost, stolen or destroyed upon payment
 15 of the sum of one dollar (\$1).

16 ~~(18)~~(19) Class AAA License--Sportsman's License. Any
 17 resident, as defined by section 26-202.3, who is twelve (12)
 18 years of age or older, upon payment of the sum of
 19 thirty-five dollars (\$35) shall be entitled to a sportsman's
 20 license which shall permit the holder to exercise all rights
 21 granted to holders of Class A, A-1, A-3, A-5, A-6 and
 22 resident conservation licenses as prescribed in section
 23 26-230. The commission shall furnish each holder of a
 24 sportsman's license an appropriate decal.

25 ~~(19)~~(20) Class D-1 License--Nonresident Mountain Lion

1 License. Any person not a resident as defined in section
 2 26-202.3, but who is twelve (12) years of age or older and a
 3 holder of a nonresident Class B-2 combination license, upon
 4 payment of the sum of twenty-five dollars (\$25) to any agent
 5 of the fish and game commission authorized to issue fishing
 6 and hunting licenses shall be entitled to a Class D-1
 7 license, which shall entitle the holder thereof to pursue,
 8 hunt, shoot, kill and possess mountain lion as authorized by
 9 the rules and regulations of the commission.

10 ~~(20)~~(21) Class D-2 License--Resident Mountain Lion
 11 License. Any person who is a resident as defined in section
 12 26-202.3, and who is twelve (12) years of age or older, upon
 13 payment of the sum of five dollars (\$5) to any agent of the
 14 fish and game commission authorized to issue fishing and
 15 hunting licenses shall be entitled to a Class D-2 license,
 16 which shall entitle the holder thereof to pursue, hunt,
 17 shoot, kill and possess mountain lion as authorized by the
 18 rules and regulations of the commission.

19 ~~(21)~~(22) Special elk or deer licenses. (a) Any person
 20 who is the holder of a valid resident elk license or a Class
 21 B-10 nonresident big game combination license may apply for
 22 a special elk license upon payment of a fee of one dollar
 23 (\$1).

24 (b) Any person who is the holder of a valid resident
 25 deer license or any nonresident who holds a Class B-2

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1 license and a valid deer tag may apply for a special deer
2 license upon payment of a fee of one dollar (\$1).

3 (c) The commission shall have the authority to
4 promulgate such rules and regulations as are necessary to
5 implement this subsection."

-End-

STATE OF MONTANA

REQUEST NO. 293-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 342 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:

Senate Bill 342 is an act to regulate the nonresident trapping of Montana fox and coyote by requiring a \$225 nonresident coyote-fox trapper's license. Nonresident coyote-fox trapping season is established from November 1 to April 1 each year.

ASSUMPTION:

- 1. Approximately 30 such trappers' licenses would be issued each year.
- 2. No additional operating costs will be incurred.

REVENUE IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Additional receipts due to proposed legislation	<u>\$6,750</u>	<u>\$6,750</u>

Carolyn Haering for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 4, 1977