

CHAPTER NO. 478

HOUSE BILL NO. 420

INTRODUCED BY HIRSCH

BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

IN THE HOUSE

January 26, 1979	Introduced and referred to Committee on Fish and Game.
February 20, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass as amended. Correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 22, 1979	Introduced and referred to Committee on Fish and Game.
March 21, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1979	Second reading, concurred in.
March 26, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 27, 1979	Returned from second house. Concurred in as amended.
March 29, 1979	Second reading, amendments adopted.
March 30, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 HOUSE BILL NO. 420
 2 INTRODUCED BY Hiscock
 3 BY REQUEST OF THE DEPARTMENT OF FISH AND GAME
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE STATUTES
 6 RELATED TO HUNTING AND TRAPPING LICENSES TO MODIFY CERTAIN
 7 DEFINITIONS, MAKE PERMISSIVE THE INFORMATION INCLUDED ON BIG
 8 GAME LICENSES, MAKE CONSISTENT WORDING OF AUTHORITY UNDER A
 9 LICENSE, DELETE CERTAIN LICENSES, PROVIDE INDIVIDUAL GAME
 10 SPECIES LICENSES FOR NONRESIDENTS, MAKE RESTRICTIONS NOW
 11 APPLICABLE TO NONRESIDENT GAME ANIMAL LICENSES APPLICABLE TO
 12 ALL HUNTING LICENSES, ESTABLISH A WILD BISON LICENSE AND
 13 FEES THEREFOR, PERMIT THE DEPARTMENT TO DETERMINE GAME
 14 ANIMAL SEASONS FOR WHICH THE BOW AND ARROW LICENSE IS
 15 APPLICABLE, INCREASE FEES FOR CERTAIN NONRESIDENT HUNTING
 16 LICENSES, DECREASE THE FEE FOR RESIDENT B-TAG DEER LICENSE,
 17 AND MAKE SUCH OTHER MODIFICATIONS TO THE STATUTES NECESSARY
 18 TO CARRY OUT THIS REVISION; AMENDING SECTIONS 87-2-101,
 19 87-2-102, 87-2-111, 87-2-202, 87-2-401 THROUGH 87-2-403,
 20 87-2-501, 87-2-504 THROUGH 87-2-508, 87-2-601, 87-2-602,
 21 87-2-701 THROUGH 87-2-703, 87-2-708, AND 87-2-805, MCA;
 22 REPEALING SECTIONS 87-2-108, 87-2-502, 87-2-503, 87-2-707,
 23 AND 87-2-712, MCA; AND PROVIDING AN EFFECTIVE DATE."
 24
 25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 Section 1. Section 87-2-101, MCA, is amended to read:
 2 "87-2-101. Definitions. For the purpose of this [act],
 3 the following shall be construed, respectively to mean:
 4 (1) angling or fishing--the taking of or attempting to
 5 take fish by hook and single line or single rod, in hand or
 6 within immediate control;
 7 (2) closed season--the time during which game birds,
 8 fish, game and fur-bearing animals may not be lawfully
 9 taken;
 10 (3) commission--the state fish and game commission;
 11 (4) fur-bearing animals--marten or sable, otter,
 12 muskrat, fisher, mink, bobcat, Canada lynx, wolverine, and
 13 beaver;
 14 (5) game animals--deer, elk, moose, antelope, caribou,
 15 mountain sheep, mountain goat, mountain lion, and bear and
 16 wild bison which have not been reduced to captivity;
 17 (6) game fish--all species of the family salmonidae
 18 (charr, trout, salmon, grayling, and whitefish); all species
 19 of the genus stizostedion (sandpike or sauger and walleyed
 20 pike or yellowpike perch); all species of the genus esox
 21 (northern pike, pickerel, and muskellunge); all species of
 22 the genus micropterus (bass); all species of the genus
 23 polyodon (paddlefish); all species of the family
 24 acipenseridae (sturgeon); all species of the genus Iota
 25 (burbot or ling); and the species ictalurus punctatus

1 (channel catfish);

2 (7) migratory game birds--waterfowl, including wild
3 ducks, wild geese, brant, and swans; cranes, including
4 little brown and sandhill, and--whooping-cranes; rails,
5 including coots; ~~gallinules, sore, or other rails; shore~~
6 ~~birds including avocets, curlews, dowitchers, godwits, knots,~~
7 ~~upland plovers, killdeers, sandpipers, wilson's snipes or~~
8 ~~jacksnipes, snipes, stilts, plovers, willetts, and~~
9 ~~yellowlegs;~~

10 ~~(8) nongame birds--all wild birds not defined herein~~
11 ~~as upland game birds or migratory game birds;~~

12 ~~(9)(a) nongame wildlife--any wild mammal, bird,~~
13 ~~amphibian, reptile, fish, mollusk, crustacean, or other wild~~
14 ~~animal not otherwise legally classified by statute or~~
15 ~~regulation of this state;~~

16 ~~(10)(a) open season--the time during which game birds,~~
17 ~~fish, game and fur-bearing animals may be lawfully taken;~~

18 ~~(11)(a) person--the plural or singular, male or~~
19 ~~female, as the case demands, including individuals,~~
20 ~~associations, partnerships, and corporations, unless the~~
21 ~~context requires otherwise;~~

22 ~~(12) predatory animals--coyote, weasel, skunk, and~~
23 ~~civet cat;~~

24 ~~(13)(a) upland game birds--sharp-tailed grouse, blue~~
25 ~~grouse, spruce (franklin) grouse, prairie chicken, sage hen~~

1 or sage grouse, ~~foot-hen~~ ruffed grouse, commonly-called
2 ~~native-pheasant-or-native-partridge,~~ quail, Chinese-pheasant
3 ~~and--Mongolian--pheasant,---commonly---called---ring-necked~~
4 ~~pheasant, Hungarian partridge, ptarmigan, wild turkey, and~~
5 ~~chukar partridge;~~

6 ~~(14) wild-buffalo--buffalo-or-bison-which-have-not-been~~
7 ~~reduced-to-captivity;"~~

8 Section 2. Section 87-2-102, MCA, is amended to read:

9 "87-2-102. Resident defined. In determining a resident
10 for the purpose of issuing resident fishing₁ and hunting₁
11 and trapping licenses, the following provisions shall apply:

12 (1) Members of the armed forces of the United States
13 or members of the armed forces of foreign governments
14 attached to the armed forces of the United States who are
15 assigned to duty in Montana and members of their immediate
16 families after a period of 30 days within Montana, upon
17 presenting assignment orders emanating from the proper unit
18 commander, shall be considered residents for the purpose of
19 this chapter. The 30-day residence requirement is waived in
20 time of war.

21 (2) Any person who has been a resident of the state of
22 Montana, as defined in 1-1-215, for a period of 6 months
23 immediately prior to making application for said license
24 shall be eligible to receive a resident hunting₁-or fishing₁
25 or trapping license.

1 (3) Any enrollee of a job corps camp located within
2 the state of Montana shall, after a period of 30 days within
3 Montana, be considered a resident for the purpose of making
4 application for a fishing license as long as he remains an
5 enrollee in a Montana camp."

6 Section 3. Section 87-2-111, MCA, is amended to read:
7 "87-2-111. Termination of license. Such Except as
8 provided in 87-2-202, such licenses shall be void after
9 April 30 next succeeding their issuance."

10 Section 4. Section 87-2-202, MCA, is amended to read:
11 "87-2-202. Application -- stamp attachment -- fee --
12 expiration. (1) A wildlife conservation license shall be
13 sold upon written application. The application shall contain
14 the applicant's name, age, occupation, place of residence,
15 post-office address, and length of time in the state of
16 Montana; state whether the applicant is a citizen of the
17 United States or an alien; and be subscribed by the
18 applicant. The applicant shall present a driver's license or
19 other identification to substantiate the information.

20 (2) Hunting, fishing, or trapping licenses in the form
21 of tags or stamps issued to a holder of a wildlife
22 conservation license must be affixed to or recorded on the
23 wildlife conservation license according to such rules as the
24 department may prescribe.

25 (3) Resident and nonresident wildlife conservation

1 licenses may be purchased for a fee of \$1.

2 (4) Licenses issued shall be void after ~~April 30 next~~
3 ~~succeeding their issuance~~ the applicable date placed
4 thereon."

5 Section 5. Section 87-2-401, MCA, is amended to read:
6 "87-2-401. Class A-1--resident game bird license.
7 Except as herein otherwise provided, any a resident, as
8 defined by 87-2-102, who is 12 years of age or older may,
9 upon payment of a fee of \$4, receive a Class A-1 license
10 which will entitle the holder to pursue, hunt, shoot, and
11 kill game birds and possess the ~~dead--bodies~~ carcasses of
12 game birds ~~which--are--so~~ as authorized by department rules
13 ~~regulations--of--the--department."~~

14 Section 6. Section 87-2-402, MCA, is amended to read:
15 "87-2-402. Class B-1--nonresident game bird license.
16 Except as herein otherwise provided in this chapter, any a
17 person not a resident, as defined in 87-2-102, but who is 12
18 years of age or older, upon payment of ~~the sum a fee~~ a fee of \$30
19 ~~to any agent of the department authorized to issue fishing~~
20 ~~and hunting licenses, shall be entitled to a~~ may receive a
21 Class B-1 license which shall entitle the holder thereof to
22 pursue, hunt, shoot, and ~~kill, and possess~~ game birds and
23 possess the carcasses of game birds as authorized by the
24 department rules ~~and regulations--of--the--department."~~

25 Section 7. Section 87-2-403, MCA, is amended to read:

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1 "87-2-403. Wild turkey tags and fee. (1) The
2 department may issue wild turkey tags to the holder of a
3 valid Class A-1v or Class B-1v or ~~Class B-2~~ license. Each
4 tag shall ~~entitle~~ authorize the holder to ~~pursue~~ hunt,
5 shoot, capture ~~or~~ and kill one wild turkey ~~and possess the~~
6 ~~carcass thereof~~ during such times and such places as the
7 department shall authorize an open season on wild turkey.

8 (2) The fee for a wild turkey tag shall be \$2. Turkey
9 tags shall be issued either by a drawing system or in
10 unlimited number ~~as authorized by department rules according~~
11 ~~to such rules and regulations as the department shall~~
12 ~~prescribe.~~"

13 Section 8. Section 87-2-501, MCA, is amended to read:

14 "87-2-501. Class A-3, A-4, A-5, A-6--resident deer,
15 elk, and bear licenses. ~~Except as otherwise provided in this~~
16 ~~chapter, Any~~ a resident, as defined by 87-2-102, who will be
17 12 years of age or older prior to September 15 of the season
18 for which the license is issued may, upon payment of the
19 proper fee or fees, be entitled to purchase one each of the
20 following licenses which will entitle the holder to pursue,
21 hunt, shoot, and kill the game animal or animals authorized
22 by the license held and to possess the ~~dead-bodies~~ carcasses
23 of ~~those~~ game animals ~~of the state which are so authorized~~
24 ~~by the regulation of the department as authorized by~~
25 ~~department rules:~~

1 (1) Class A-3, deer A tag, \$7;

2 (2) Class A-4, deer B tag, ~~\$12.50~~;

3 (3) Class A-5, elk tag, \$8;

4 (4) Class A-6, black or brown bear tag, \$6."

5 Section 9. Section 87-2-504, MCA, is amended to read:

6 "87-2-504. Class B-7 and B-8--nonresident deer
7 licenses. ~~Except as otherwise provided in this chapter, Any~~
8 a person not a resident, as defined in 87-2-102, but who
9 will be 12 years of age or older prior to September 15 of
10 the season for which the license is issued and is a holder
11 of a B-2 nonresident ~~combination~~ conservation license may,
12 upon payment of the proper fee or fees and subject to the
13 limitations prescribed by law and department regulation, be
14 entitled to apply to the fish and game office, Helena,
15 Montana, to purchase one each of the following licenses:
16 Class B-7, deer A tag, \$50; Class B-8, deer B tag, \$50; and
17 will entitle the holder to pursue, hunt, shoot, and kill the
18 game animal or animals authorized by the license held and to
19 possess the ~~dead-bodies~~ carcasses of ~~those~~ game animals as
20 ~~authorized by department rules of the state which are so~~
21 ~~authorized by the regulations of the department."~~

22 Section 10. Section 87-2-505, MCA, is amended to read:

23 "87-2-505. Class B-10--nonresident big game
24 combination license. ~~Except as otherwise provided in this~~
25 ~~chapter, Any~~ a person not a resident, as defined in

1 87-2-102, but who will be 12 years of age or older prior to
 2 September 15 of the season for which the license is issued
 3 may, upon payment of the proper fee of \$225 or fees and
 4 subject to the limitations prescribed by law and department
 5 regulation, be entitled to apply to the fish and game
 6 office, Helena, Montana, to purchase a B-10 nonresident big
 7 game combination license for \$225 which shall entitle the
 8 holder to all the privileges of a B-2 nonresident
 9 combination license, a deer tag, Class B, Class B-1, Class
 10 B-7, and black bear licenses, and an elk tag, and a black
 11 bear license. This license includes the nonresident
 12 conservation license as prescribed in 87-2-202. Not more
 13 than 17,000 Class B-10 licenses may be sold in any one
 14 license year."

15 Section 11. Section 87-2-506, MCA, is amended to read:

16 "87-2-506. Restrictions allowed on nonresident game
 17 animal hunting licenses. (1) The department may prescribe by
 18 rule or regulation the number of ~~Class B-5 and B-6 and B-7~~
 19 ~~B-8 or B-10~~ hunting licenses to be issued, in each of the
 20 hunting districts designated by it. Any license sold may be
 21 restricted to a specific administrative region, hunting
 22 district, or other designated area and may specify the
 23 species, age, and sex to be taken and the time period for
 24 which the license is valid, in order to insure the proper
 25 management and propagation of game animals in these areas

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

6 (2) When the number of valid resident applications for
 7 licenses or permits of a single class or type exceeds the
 8 number of licenses or permits the department desires to
 9 issue in an administrative region, hunting district, or
 10 other designated area, then the number of licenses or
 11 permits issued to nonresident license or permit holders in
 12 the region, district, or area may not exceed 10% of the
 13 total issued."

14 Section 12. Section 87-2-507, MCA, is amended to read:

15 "87-2-507. Class D-1 nonresident mountain lion
 16 license. Except as otherwise provided in this chapter, any a
 17 person not a resident, as defined in 87-2-102, but who is 12
 18 years of age or older and a holder of a nonresident Class
 19 B-2 combination license, upon payment of the sum a fee of
 20 \$25 to any agent of the department authorized to issue
 21 fishing and hunting licenses, shall be entitled to \$100 may
 22 receive a Class D-1 license which shall entitle the holder
 23 thereof to pursue, hunt, shoot, and kill, mountain lion and
 24 possess mountain lion the carcass thereof as authorized by
 25 the department rules and regulations of the department."

1 Section 13. Section 87-2-508, MCA, is amended to read:

2 "87-2-508. Class D-2--resident mountain lion license.
3 ~~Except as otherwise provided in this chapter, any~~ a person
4 who is a resident, as defined in 87-2-102, and who is 12
5 years of age or older, upon payment of the ~~sum a fee~~ of \$5
6 ~~to any agent of the department authorized to issue fishing~~
7 ~~and hunting licenses, shall be entitled to~~ may receive a
8 Class D-2 license which shall entitle the holder thereof to
9 pursue, hunt, shoot, and kill, mountain lion and possess
10 mountain lion the carcass thereof as authorized by the
11 department rules and regulations of the department."

12 Section 14. Section 87-2-601, MCA, is amended to read:

13 "87-2-601. Class C--trapper's license. ~~Except as~~
14 ~~otherwise provided in this chapter, a~~ Any resident, as
15 defined in 87-2-102, upon making application and payment
16 ~~paying the sum of a fee of \$10 to the department, may~~
17 ~~receive shall be entitled to~~ a Class C trapper's license
18 which shall authorize the holder thereof to trap fur-bearing
19 animals and hunt bobcat, wolverine, and Canada lynx within
20 the state of Montana at such times and in such manner as may
21 be lawful so to do under the laws of the state and the
22 regulations of the department and at such places as may be
23 designated in said license."

24 Section 15. Section 87-2-602, MCA, is amended to read:

25 "87-2-602. Class C-1--landowner's trapping license.

1 ~~Except as otherwise provided in this chapter, any~~ Any owner
2 individual who owns land in this state or any tenant or
3 member of the immediate family of said owner or tenant, upon
4 making application to the department and upon payment of the
5 ~~sum the fee~~ of \$1, ~~shall be entitled to~~ a ~~landowner's~~
6 trapping license may receive a Class C-1 license which shall
7 entitle the holder thereof to trap any fur-bearing animal
8 and to hunt bobcat, wolverine, and lynx on land owned or
9 leased by him or his immediate family at such times and in
10 such manner as may be lawful so to do under the laws of the
11 state and the regulations of the department and at such
12 places as may be designated in said license."

13 Section 16. Section 87-2-701, MCA, is amended to read:

14 "87-2-701. Special licenses. (1) Any applicant who is
15 12 years of age or older and is ~~a resident as defined by~~
16 ~~87-2-102, or any applicant who is~~ the holder of a resident
17 wildlife conservation license or a Class B-2 nonresident
18 combination wildlife conservation license may apply for a
19 special license which, in the judgment of the department, is
20 to be issued and shall pay the following fees therefor:

21 (a) moose--resident, \$25; nonresident, ~~\$25~~ \$150;

22 (b) mountain goat--resident, \$15; nonresident, \$75
23 \$150;

24 (c) mountain sheep--resident, \$25; nonresident, ~~\$25~~
25 \$150;

(d) antelope--resident, \$5; ~~nonresident, \$50;~~

(e) grizzly bear--resident, \$25; nonresident, ~~\$25~~
\$150;

(f) black or brown bear--nonresident, \$50 ~~\$100;~~

~~(g) wild bison--resident, \$50; nonresident, \$200.~~

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

(3) ~~In the event that the number of valid resident applications for licenses exceeds the number of licenses which the department desires to issue in any hunting district, then the number of licenses issued to nonresident license holders in that hunting district shall not exceed 10% of the total issued. Special licenses shall be issued in a manner prescribed by the department.~~

~~(4) A person who will be 12 years of age or older prior to September 15 of the season for which the license is issued may apply for a special antelope license."~~

Section 17. Section 87-2-702, MCA, is amended to read:

"87-2-702. Restrictions on special licenses. (1) ~~Special licenses authorized to be issued under the general powers of the department may be issued only to persons holding valid big game licenses for the current year, which~~

~~have been obtained by the applicant prior to the time of filing of application for a special license.~~

(2)(1) A person who has obtained a grizzly bear, moose, mountain goat, or mountain sheep license is not eligible to apply for another such license for the next succeeding 7 years if such person has killed or taken an animal of the species for which the special license was issued. A person who has obtained a grizzly bear, moose, mountain goat, or mountain sheep license but did not kill or take an animal of the species for which the special license was issued is eligible to apply for another such license in any succeeding year if he returns his unused special license to the department before or at the time application is made.

(3)(2) A person who has received a special license ~~permit~~ for elk is not eligible to receive a second special license ~~permit~~ for this species of game animal during any license year. However, in the event the number of applications received is not equal to the number of game species animals desired to be killed by the department, reapplication may be made by those valid license holders of the current year who may fall within these limitations.

(4)(3) A person who has killed or taken a ~~any~~ game animal, except a deer ~~or an antelope~~, during the current license year is not permitted to receive a special license under this chapter to hunt or kill a second game animal of

1 the same species."

2 Section 18. Section 87-2-703, MCA, is amended to read:

3 "87-2-703. Special elk or deer licenses permits. (1)
4 Any person who is the holder of a valid resident elk license
5 or a Class B-10 nonresident big game combination license may
6 apply for a special elk license permit upon payment of a fee
7 of \$1.

8 (2) Any person who is the holder of a valid resident
9 deer license or any nonresident who holds a ~~Class B-2~~ valid
10 nonresident deer license and a valid deer tag may apply for
11 a special deer license permit upon payment of a fee of \$1.

12 (3) The department shall have the authority to
13 promulgate such rules and regulations as are necessary to
14 implement this section."

15 Section 19. Section 87-2-708, MCA, is amended to read:

16 "87-2-708. Class A-2--special bow and arrow license.
17 A holder of a valid hunting license for which a special
18 archery season is set by the department any one of the
19 followings: a Class A-3, A-4, A-5, B-2, B-5, B-6, B-7, B-8,
20 or B-10 license may receive, upon payment of an additional
21 sum fee of \$6, to any agent of the department authorized to
22 issue fishing and hunting licenses, be entitled to a Class
23 A-2 license which shall authorize the holder thereof to
24 pursue, hunt, shoot, and kill with bow and arrow the game
25 animals so authorized by the licenses held with bow and

1 arrow and to possess these carcasses the carcass thereof
2 during species seasons and in species areas, as may be
3 designated by the department."

4 Section 20. Section 87-2-805, MCA, is amended to read:

5 "87-2-805. Persons under fifteen years of age. (1)
6 Minors under 15 years of age may fish for and take fish
7 during the open season without a license. However, no
8 nonresident person under the age of 15 years may fish in or
9 on any Montana waters without first having obtained a Class
10 B, B-2, or B-3, or B-4 fishing license unless the
11 nonresident person under the age of 15 years is in the
12 company of an adult in possession of a valid Montana fishing
13 license. The limit of fish for the nonresident person and
14 the accompanying adult combined may not exceed the limit for
15 one adult as established by law or by rule of the
16 department.

17 (2) Residents, as defined by 87-2-102, under the age
18 of 15 years may purchase Class A-1, A-3, and A-5 licenses at
19 \$2 per license."

20 Section 21. Severability. If a part of this act is
21 invalid, all valid parts that are severable from the invalid
22 part remain in effect. If a part of this act is invalid in
23 one or more of its applications, the part remains in effect
24 in all valid applications that are severable from the
25 invalid applications.

LC 0231/01

1 Section 22. Repealer. Sections 87-2-108, 87-2-502,
2 87-2-503, 87-2-707, and 87-2-712, MCA, are repealed.
3 Section 23. Effective date. This act is effective on
4 its passage and approval.

-End-

STATE OF MONTANA

Request No. 316-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 1979, there is hereby submitted a Fiscal Note for House Bill 420 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 420 is proposed legislation designed to generally revise various Fish and Game laws relating to both resident and nonresident hunting and trapping licenses and establishes a wild bison license.

ASSUMPTIONS:

1. Estimated license sales are based upon the past 3-year average, the anticipated effect of the proposed fee increase or decrease, and the proposed elimination of the nonresident nonrefundable prerequisite license (class B-2).
2. The 1980 hunting season will include 4,200 "second deer" permits in the eastern half of the state, the same number as proposed for 1979. It is also assumed that 1,000 will be issued to nonresidents holding B-5 or B-10 licenses under current law or B-7 or B-10 licenses under this proposal. Since the cost of all nonresident licenses is \$50, this proposal would not cause a change in revenue.
3. The effective date of this bill is assumed to be May 1, 1980, per a proposed amendment.

FISCAL IMPACT:

FISCAL YEAR 1981 ONLY

	Revenue under Current Law	Revenue Under Proposed Law	Estimated Increase (Decrease)
Nonresident fish (B), bird (B-1) bird/fish (B-2) licenses	\$ 51,250	\$ 16,750	\$ (34,500)
Special moose - nonresident license (\$150)	2,000	2,700	700
Special mountain goat - nonresident license (\$75)	2,325	5,100	2,775
Special sheep - nonresident (\$150)	25,500	30,600	5,100
Special antelope - nonresident (\$50)	100,000	125,000	25,000
Special grizzly bear - nonresident (\$150)	14,375	17,250	2,875
Special blackbear - nonresident (\$25)	15,225	0	(15,225)
Seasonal blackbear - nonresident (\$100)	3,000	40,000	37,000
Special bison - resident (\$50) and nonresident (\$200)	0	100	100
D-1 - nonresident mountain lion (\$100)	2,500	10,000	7,500
A-4 - resident deer B tag (\$5)	38,400	16,000	(22,400)
Nonresident conservation license (\$1)	102,572	133,835	31,263
	<u>\$357,147</u>	<u>\$397,335</u>	<u>\$40,188</u>

The additional revenue will accrue to
the Fish and Game Earmarked Revenue Account.

Richard L. Young
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/14/79

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 20 87-2-501, 87-2-504 THROUGH 87-2-508, 87-2-601, 87-2-602,
 21 87-2-701 THROUGH 87-2-703, 87-2-708, AND 87-2-805, MCA;
 22 REPEALING SECTIONS 87-2-108, 87-2-502, 87-2-503, 87-2-707,
 23 AND 87-2-712, MCA; AND PROVIDING AN EFFECTIVE DATE."
 24
 25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 Section 1. Section 87-2-101, MCA, is amended to read:
 2 "87-2-101. Definitions. For the purpose of this [act],
 3 the following shall be construed, respectively to mean:
 4 (1) angling or fishing--the taking of or attempting to
 5 take fish by hook and single line or single rod, in hand or
 6 within immediate control;
 7 (2) closed season--the time during which game birds,
 8 fish, game and fur-bearing animals may not be lawfully
 9 taken;
 10 (3) commission--the state fish and game commission;
 11 (4) fur-bearing animals--marten or sable, otter,
 12 muskrat, fisher, mink, bobcat, Canada lynx, wolverine, and
 13 beaver;
 14 (5) game animals--deer, elk, moose, antelope, caribou,
 15 mountain sheep, mountain goat, ~~mountain lion~~, and bear ~~and~~
 16 ~~wild-bison-which-have-not-been-reduced-to-captivity~~;
 17 (6) game fish--all species of the family salmonidae
 18 (chara, trout, salmon, grayling, and whitefish); all species
 19 of the genus stizostedion (sandpike or sauger and walleyed
 20 pike or yellowpike perch); all species of the genus esox
 21 (northern pike, pickerel, and muskellunge); all species of
 22 the genus micropterus (bass); all species of the genus
 23 polyodon (paddlefish); all species of the family
 24 acipenseridae (sturgeon); all species of the genus lota
 25 (burbot or ling); and the species ictalurus punctatus

1 (channel catfish);
 2 (7) migratory game birds--waterfowl, including wild
 3 ducks, wild geese, brant, and swans; cranes, including
 4 little brown and sandhill, and--whooping-cranes; rails,
 5 including coots; ~~gallinules, grebes, or--other--rails;--shore~~
 6 ~~birds--including-avocets, curlews, dowitchers, godwits, knots,~~
 7 ~~upland-ptovers,--kittideers,--sandpipers,~~ Wilson's snipes or
 8 jacksnipes, ~~snipes,--stilts,--ptovers,--wittets,--and~~
 9 yellowlegs;
 10 ~~(8)--nongame--birds--all--wild-birds-not-defined-herein~~
 11 ~~as-upland-game-birds-or-migratory-game-birds;~~
 12 ~~(9)(8) nongame wildlife--any wild mammal, bird,~~
 13 ~~amphibian, reptile, fish, mollusk, crustacean, or other wild~~
 14 ~~animal not otherwise legally classified by statute or~~
 15 ~~regulation of this state;~~
 16 ~~(10)(9) open season--the time during which game birds,~~
 17 ~~fish, game and fur-bearing animals may be lawfully taken;~~
 18 ~~(11)(10) person--the plural or singular, male or~~
 19 ~~female, as the case demands, including individuals,~~
 20 ~~associations, partnerships, and corporations, unless the~~
 21 ~~context requires otherwise;~~
 22 ~~(12)--predatory--animals--coyotes--weasels--skunks--and~~
 23 ~~civet-cats;~~
 24 ~~(13)(11) upland game birds--sharp-tailed grouse, blue~~
 25 ~~grouse, spruce (Franklin) grouse, prairie chicken, sage hen~~

1 or sage grouse, foot--hen, ruffed grouse, common--called
 2 native-pheasant-or-native-partridge, quail, Chinese-pheasant
 3 and--Mongolian--pheasant,--common--called--ring-necked
 4 pheasant, Hungarian partridge, ptarmigan, wild turkey, and
 5 chukar partridge;
 6 ~~(14)--wild-buffalo--buffalo-or-bison-which-have-not-been~~
 7 ~~reduced-to-captivity;~~
 8 (12) WILD BUFFALO--BUFFALO OR BISON WHICH HAVE NOT BEEN
 9 REDUCED TO CAPTIVITY."
 10 Section 2. Section 87-2-102, MCA, is amended to read:
 11 "87-2-102. Resident defined. In determining a resident
 12 for the purpose of issuing resident fishing and hunting
 13 and trapping licenses, the following provisions shall apply:
 14 (1) Members of the armed forces of the United States
 15 or members of the armed forces of foreign governments
 16 attached to the armed forces of the United States who are
 17 assigned to duty in Montana and members of their immediate
 18 families after a period of 30 days within Montana, upon
 19 presenting assignment orders emanating from the proper unit
 20 commander, shall be considered residents for the purpose of
 21 this chapter. The 30-day residence requirement is waived in
 22 time of war.
 23 (2) Any person who has been a resident of the state of
 24 Montana, as defined in 1-1-215, for a period of 6 months
 25 immediately prior to making application for said license

1 shall be eligible to receive a resident hunting~~s~~ or fishing~~s~~
2 or trapping license.

3 (3) Any enrollee of a job corps camp located within
4 the state of Montana shall, after a period of 30 days within
5 Montana, be considered a resident for the purpose of making
6 application for a fishing license as long as he remains an
7 enrollee in a Montana camp."

8 Section 3. Section 87-2-111, MCA, is amended to read:

9 "87-2-111. Termination of license. Such Except as
10 provided in 87-2-202, such licenses shall be void after
11 April 30 next succeeding their issuance."

12 ~~Section 4. Section 87-2-202, MCA, is amended to read:~~

13 ~~"87-2-202. Application-----stamp attachment-----fee-----~~
14 ~~expiration:--(1)--A wildlife conservation--license--shall--be~~
15 ~~sold upon written application. The application shall contain~~
16 ~~the--applicant's--name, age, occupation, place of residence,~~
17 ~~post-office address, and length of--time--in--the--state--of~~
18 ~~Montana;--state--whether--the--applicant--is--a--citizen--of--the~~
19 ~~United--States--or--an--alien;--and--be--subscribed--by--the~~
20 ~~applicant. The applicant shall present a driver's license or~~
21 ~~other identification to substantiate the information.~~

22 ~~(2)--Hunting, fishing, or trapping licenses in the form~~
23 ~~of--tags--or--stamps--issued--to--a--holder--of--a--wildlife~~
24 ~~conservation license must be affixed to or recorded on the~~
25 ~~wildlife conservation license according to such rules as the~~

1 ~~department may prescribe~~

2 ~~(3)--Resident--and--nonresident--wildlife--conservation~~
3 ~~licenses may be purchased for a fee of \$1.~~

4 ~~(4)--Licenses issued shall be void after April 30 next~~
5 ~~succeeding their issuance. The applicable date placed~~
6 ~~thereon."~~

7 Section 4. Section 87-2-401, MCA, is amended to read:

8 "87-2-401. Class A-1--resident game bird license.
9 Except as herein otherwise provided, any a resident, as
10 defined by 87-2-102, who is 12 years of age or older may,
11 upon payment of a fee of \$4, receive a Class A-1 license
12 which will entitle the holder to pursue, hunt, shoot, and
13 kill game birds and possess the dead--bodies carcasses of
14 game birds which--are so as authorized by department rules
15 regulations of the department."

16 Section 5. Section 87-2-402, MCA, is amended to read:

17 "87-2-402. Class B-1--nonresident game bird license.
18 Except as herein otherwise provided in this chapter, any a
19 person not a resident, as defined in 87-2-102, but who is 12
20 years of age or older, upon payment of the sum a fee of \$30
21 to any agent of the department authorized to issue fishing
22 and hunting licenses, shall be entitled to a may receive a
23 Class B-1 license which shall entitle the holder thereof to
24 pursue, hunt, shoot, and kill, and possess game birds and
25 possess the carcasses of game birds as authorized by the

1 ~~department rules and regulations of the department.~~"

2 Section 6. Section 87-2-403, MCA, is amended to read:
 3 "87-2-403. Wild turkey tags and fee. (1) The
 4 department may issue wild turkey tags to the holder of a
 5 valid Class A-1 or Class B-1 or ~~Class B-2~~ license. Each
 6 tag shall ~~entitle~~ authorize the holder to ~~pursue~~ hunt,
 7 shoot, capture, or and kill one wild turkey ~~and possess the~~
 8 ~~carcass thereof~~, during such times and such places as the
 9 department shall authorize an open season on wild turkey.

10 (2) The fee for a wild turkey tag shall be \$2. Turkey
 11 tags shall be issued either by a drawing system or in
 12 unlimited number ~~as authorized by department rules~~ according
 13 ~~to such rules and regulations as the department shall~~
 14 ~~prescribe."~~

15 Section 7. Section 87-2-501, MCA, is amended to read:
 16 "87-2-501. Class A-3, A-4, A-5, A-6--resident deer,
 17 elk, and bear licenses. ~~Except as otherwise provided in this~~
 18 ~~chapter~~, Any a resident, as defined by 87-2-102, who will be
 19 12 years of age or older prior to September 15 of the season
 20 for which the license is issued may, upon payment of the
 21 proper fee or fees, be entitled to purchase one each of the
 22 following licenses which will entitle the holder to pursue,
 23 hunt, shoot, and kill the game animal or animals authorized
 24 by the license held and to possess the ~~dead-bodies carcasses~~
 25 ~~of those game animals of the state which are so authorized~~

1 ~~by the regulation of the department as authorized by~~
 2 ~~department rules:~~

- 3 (1) Class A-3, deer A tag, \$7;
- 4 (2) Class A-4, deer B tag, ~~\$12.5~~;
- 5 (3) Class A-5, elk tag, \$8;
- 6 (4) Class A-6, black or brown bear tag, \$6."

7 Section 8. Section 87-2-504, MCA, is amended to read:
 8 "87-2-504. Class B-7 and B-8--nonresident deer
 9 licenses. ~~Except as otherwise provided in this chapter~~, Any
 10 a person not a resident, as defined in 87-2-102, but who
 11 will be 12 years of age or older prior to September 15 of
 12 the season for which the license is issued and is a holder
 13 of a B-2 nonresident combination conservation license may,
 14 upon payment of the proper fee or fees and subject to the
 15 limitations prescribed by law and department regulation, be
 16 entitled to apply to the fish and game office, Helena,
 17 Montana, to purchase one each of the following licenses:
 18 Class B-7, deer A tag, ~~\$50~~ \$100; Class B-8, deer B tag, \$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 carcasses~~ of those game
 22 animals ~~as authorized by department rules of the state which~~
 23 ~~are so authorized by the regulations of the department.~~
 24 UNLESS PURCHASED AS PART OF A B-10 LICENSE, A CLASS B-7
 25 LICENSE MUST BE ASSIGNED FOR USE IN A SPECIFIC

1 ADMINISTRATIVE REGION OR PORTION THEREOF.

2 Section 9. Section 87-2-505, MCA, is amended to read:
 3 "87-2-505. Class B-10--nonresident big game
 4 combination license. Except as otherwise provided in this
 5 chapter, Any a person not a resident, as defined in
 6 87-2-102, but who will be 12 years of age or older prior to
 7 September 15 of the season for which the license is issued
 8 may, upon payment of the proper fee of \$225 or fees and
 9 subject to the limitations prescribed by law and department
 10 regulation, be--entitled--to apply to the fish and game
 11 office, Helena, Montana, to purchase a B-10 nonresident big
 12 game combination license for \$225 which shall entitle the
 13 holder to all the privileges of ~~a--B-2--nonresident~~
 14 ~~combination--license--a--deer--A--tag,~~ Class B, Class B-1, Class
 15 B-7, and black bear licenses, and an elk tag--and--a--black
 16 bear--license. This license includes the nonresident
 17 conservation license as prescribed in 87-2-202. Not more
 18 than 17,000 Class B-10 licenses may be sold in any one
 19 license year."

20 Section 10. Section 87-2-506, MCA, is amended to read:
 21 "87-2-506. Restrictions allowed on nonresident-game
 22 animal hunting licenses. 11 The department may prescribe by
 23 rule or--regulation the number of ~~Class--B-5--and--B-6--B-7~~
 24 ~~B-8--or--B-10~~ hunting licenses to be issued, in--each--of--the
 25 hunting--districts--designated--by--it. Any license sold may be

1 restricted to a specific administrative region, hunting
 2 district, or other designated area and may specify the
 3 species, age, and sex to be taken and the time period for
 4 which the license is valid, in--order--to--insure--the--proper
 5 management--and--propagation--of--game--animals--in--these--areas
 6 provided,--however,--that--no--number--limit--shall--be--placed--on
 7 B-7,--B-8,--and--B-10--licenses--by--area--except--in--major--hunter
 8 concentration--areas--as--determined--by--the--department. Not
 9 more--than--17,000--nonresident--big--game--combination--licenses
 10 (B-10) may be sold in any one license year.

11 (2) When the number of valid resident applications for
 12 licenses or permits of a single class or type exceeds the
 13 number of licenses or permits the department desires to
 14 issue in an administrative region, hunting district, or
 15 other designated area, then the number of licenses or
 16 permits issued to nonresident license or permit holders in
 17 the region, district, or area may not exceed 10% of the
 18 total issued."

19 Section 11. Section 87-2-507, MCA, is amended to read:
 20 "87-2-507. Class D-1--nonresident mountain lion
 21 license. Except as otherwise provided in this chapter, Any a
 22 person not a resident, as defined in 87-2-102, but who is 12
 23 years of age or older and--a--holder--of--a--nonresident--Class
 24 ~~B-2-combination--license,~~ upon payment of the--sum a fee of
 25 ~~\$25--to--any--agent--of--the--department--authorized--to--issue~~

1 ~~fishing and hunting licenses, shall be entitled to \$100 may~~
 2 ~~receive~~ a Class D-1 license which shall entitle the holder
 3 thereof to pursue, hunt, shoot, and kill, mountain lion and
 4 possess ~~mountain lion~~ the carcass thereof as authorized by
 5 ~~the department rules and regulations of the department."~~

6 Section 12. Section 87-2-508, MCA, is amended to read:
 7 "87-2-508. Class D-2--resident mountain lion license.
 8 ~~Except as otherwise provided in this chapter,~~ Any a person
 9 who is a resident, as defined in 87-2-102, and who is 12
 10 years of age or older, upon payment of the sum a fee of \$5
 11 ~~to any agent of the department authorized to issue fishing~~
 12 ~~and hunting licenses, shall be entitled to~~ may receive a
 13 Class D-2 license which shall entitle the holder thereof to
 14 pursue, hunt, shoot, and kill, mountain lion and possess
 15 ~~mountain lion~~ the carcass thereof as authorized by the
 16 ~~department rules and regulations of the department."~~

17 Section 13. Section 87-2-601, MCA, is amended to read:
 18 "87-2-601. Class C--trapper's license. ~~Except as~~
 19 ~~otherwise provided in this chapter,~~ a Any resident, as
 20 defined in 87-2-102, upon making application and payment
 21 ~~paying the sum of a fee of \$10 to the department, may~~
 22 ~~receive~~ shall be entitled to a Class C trapper's license
 23 which shall authorize the holder thereof to trap fur-bearing
 24 animals and hunt bobcats, wolverine, and Canada lynx within
 25 the state of Montana at such times and in such manner as may

1 be lawful so to do under the laws of the state and the
 2 regulations of the department and at such places as may be
 3 designated in said license."

4 Section 14. Section 87-2-602, MCA, is amended to read:
 5 "87-2-602. Class C-1--landowner's trapping license.
 6 ~~Except as otherwise provided in this chapter,~~ any Any owner
 7 ~~individual who owns land in this state~~ or any tenant or
 8 member of the immediate family of said owner or tenant, upon
 9 making application to the department and upon payment of the
 10 sum ~~the fee~~ of \$1, shall ~~be entitled to a landowner's~~
 11 ~~trapping license~~ may receive a Class C-1 license which shall
 12 entitle the holder thereof to trap any fur-bearing animal
 13 and to hunt bobcat, wolverine, and lynx on land owned or
 14 leased by him or his immediate family at such times and in
 15 such manner as may be lawful so to do under the laws of the
 16 state and the regulations of the department and at such
 17 places as may be designated in said license."

18 Section 15. Section 87-2-701, MCA, is amended to read:
 19 "87-2-701. Special licenses. (1) Any applicant who is
 20 12 years of age or older and is a resident, ~~as defined by~~
 21 ~~87-2-102, or any applicant who is~~ the holder of a resident
 22 wildlife conservation license or a Class B-2 nonresident
 23 combination wildlife conservation license may apply for a
 24 special license which, in the judgment of the department, is
 25 to be issued and shall pay the following fees therefor:

1 (a) moose--resident, \$25; nonresident, ~~\$125~~ \$150;

2 (b) mountain goat--resident, \$15; nonresident, ~~\$75~~

3 \$150;

4 (c) mountain sheep--resident, \$25; nonresident, ~~\$125~~

5 \$150;

6 (d) antelope--resident, \$5; nonresident, ~~\$50~~ \$100;

7 (e) grizzly bear--resident, \$25; nonresident, ~~\$125~~

8 \$150;

9 (f) black or brown bear--nonresident, ~~\$50~~ \$100±

10 ~~±\$100--wild-bison--resident--\$50--nonresident--\$200±~~

11 (2) In the event a holder of a valid special grizzly

12 bear license kills a grizzly bear, he must purchase a trophy

13 license for a fee of \$25 within 10 days after date of kill.

14 Such trophy license shall authorize the holder to possess

15 and transport said trophy.

16 (3) ~~In the event that the number of valid resident~~

17 ~~applications for licenses exceeds the number of licenses~~

18 ~~which the department desires to issue in any hunting~~

19 ~~district then the number of licenses issued to nonresident~~

20 ~~license holders in that hunting district shall not exceed~~

21 ~~10% of the total issued. Special licenses shall be issued in~~

22 ~~a manner prescribed by the department.~~

23 ~~{4}--A person who will be 12 years of age or older~~

24 ~~prior to September 15 of the season for which the license is~~

25 ~~issued may apply for a special antelope license"~~

1 Section 16. Section 87-2-702, MCA, is amended to read:

2 "87-2-702. Restrictions on special licenses. {1}

3 ~~Special licenses authorized to be issued under the general~~

4 ~~powers of the department may be issued only to persons~~

5 ~~holding valid big game licenses for the current year which~~

6 ~~have been obtained by the applicant prior to the time of~~

7 ~~filing of application for a special license~~

8 {2}{1} A person who has obtained a grizzly bear, moose,

9 mountain goat, or mountain sheep license is not eligible to

10 apply for another such license for the next succeeding 7

11 years if such person has killed or taken an animal of the

12 species for which the special license was issued. A person

13 who has obtained a grizzly bear, moose, mountain goat, or

14 mountain sheep license but did not kill or take an animal of

15 the species for which the special license was issued is

16 eligible to apply for another such license in any succeeding

17 year if he returns his unused special license to the

18 department before or at the time application is made.

19 {3}{2} A person who has received a special license

20 permit for elk is not eligible to receive a second special

21 license permit for this species of game animal during any

22 license year. However, in the event the number of

23 applications received is not equal to the number of game

24 species animals desired to be killed by the department,

25 reapplication may be made by those valid license holders of

1 the current year who may fall within these limitations.

2 ~~(4)(3)~~ A person who has killed or taken a any game
3 animal, except a deer or an antelope, during the current
4 license year is not permitted to receive a special license
5 under this chapter to hunt or kill a second game animal of
6 the same species."

7 Section 17. Section 87-2-703, MCA, is amended to read:

8 "87-2-703. Special elk or deer ~~licenses permits~~. (1)
9 Any person who is the holder of a valid resident elk license
10 or a Class B-10 nonresident big game combination license may
11 apply for a special elk ~~license permit~~ upon payment of a fee
12 of \$1.

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

17 (3) The department shall have the authority to
18 promulgate such rules and regulations as are necessary to
19 implement this section."

20 Section 18. Section 87-2-708, MCA, is amended to read:

21 "87-2-708. Class A-2--special bow and arrow license.
22 A holder of a valid hunting license for which a special
23 archery season is set by the department ~~any--one--of--the~~
24 ~~following--a--Class-A-3v-A-4v-A-5v-B-2v-B-5v-B-6v-B-7v-B-8v~~
25 ~~or-B-10--license may receive~~, upon payment of an additional

1 ~~sum [aa of \$61 to any agent of the department authorized to~~
2 ~~issue fishing and hunting licenses~~ ~~be entitled to~~ a Class
3 A-2 license which shall authorize the holder thereof to
4 pursue, hunt, shoot, and kill with bow and arrow the game
5 animals ~~is~~ authorized by the licenses held ~~with bow and~~
6 ~~arrow and to possess these--carcasses~~ the carcass thereof
7 during ~~special~~ seasons and in ~~special~~ areas, as may be
8 designated by the department."

9 Section 19. Section 87-2-805, MCA, is amended to read:

10 "87-2-805. Persons under fifteen years of age. (1)
11 Minors under 15 years of age may fish for and take fish
12 during the open season without a license. However, no
13 nonresident person under the age of 15 years may fish in or
14 on any Montana waters without first having obtained a Class
15 B, ~~B-2v--or B-3, or B-4~~ fishing license unless the
16 nonresident person under the age of 15 years is in the
17 company of an adult in possession of a valid Montana fishing
18 license. The limit of fish for the nonresident person and
19 the accompanying adult combined may not exceed the limit for
20 one adult as established by law or by rule of the
21 department.

22 (2) Residents, as defined by 87-2-102, under the age
23 of 15 years may purchase Class A-1, A-3, and A-5 licenses at
24 \$2 per license."

25 Section 20. Severability. If a part of this act is

1 invalid, all valid parts that are severable from the invalid
2 part remain in effect. If a part of this act is invalid in
3 one or more of its applications, the part remains in effect
4 in all valid applications that are severable from the
5 invalid applications.

6 Section 21. Repealer. Sections 87-2-108, 87-2-502,
7 87-2-503, 87-2-707, and 87-2-712, MCA, are repealed.

8 Section 22. Effective date. This act is effective on
9 ~~its passage and approval~~ MAY 1, 1980.

-End-

1 HOUSE BILL NO. 420

2 INTRODUCED BY HIRSCH

3 BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE STATUTES
 6 RELATED TO HUNTING AND TRAPPING LICENSES TO MODIFY CERTAIN
 7 DEFINITIONS, MAKE PERMISSIVE THE INFORMATION INCLUDED ON BIG
 8 GAME LICENSES, MAKE CONSISTENT WORDING OF AUTHORITY UNDER A
 9 LICENSE, DELETE CERTAIN LICENSES, PROVIDE INDIVIDUAL GAME
 10 SPECIES LICENSES FOR NONRESIDENTS, MAKE RESTRICTIONS NOW
 11 APPLICABLE TO NONRESIDENT GAME ANIMAL LICENSES APPLICABLE TO
 12 ALL HUNTING LICENSES, ESTABLISH--A WILD-BISON-LICENSE-AND
 13 FEES-THEREFOR, PERMIT THE DEPARTMENT TO DETERMINE GAME
 14 ANIMAL SEASONS FOR WHICH THE BOW AND ARROW LICENSE IS
 15 APPLICABLE, INCREASE FEES FOR CERTAIN NONRESIDENT HUNTING
 16 LICENSES, DECREASE THE FEE FOR RESIDENT B-TAG DEER LICENSE,
 17 AND MAKE SUCH OTHER MODIFICATIONS TO THE STATUTES NECESSARY
 18 TO CARRY OUT THIS REVISION; AMENDING SECTIONS 87-2-101,
 19 87-2-102, ~~87-2-111~~--87-2-202, 87-2-401 THROUGH 87-2-403,
 20 87-2-501, 87-2-504 THROUGH 87-2-508, 87-2-601, 87-2-602,
 21 87-2-701 THROUGH 87-2-703, 87-2-708, AND 87-2-805, MCA;
 22 REPEALING SECTIONS 87-2-108, 87-2-502, 87-2-503, 87-2-707,
 23 AND 87-2-712, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

1 Section 1. Section 87-2-101, MCA, is amended to read:

2 "87-2-101. Definitions. For the purpose of this [act],
3 the following shall be construed, respectively to mean:4 (1) angling or fishing--the taking of or attempting to
5 take fish by hook and single line or single rod, in hand or
6 within immediate control;7 (2) closed season--the time during which game birds,
8 fish, game and fur-bearing animals may not be lawfully
9 taken;

10 (3) commission--the state fish and game commission;

11 (4) fur-bearing animals--marten or sable, otter,
12 muskrat, fisher, mink, bobcat, canada lynx, wolverine, and
13 beaver;14 (5) game animals--deer, elk, moose, antelope, caribou,
15 mountain sheep, mountain goat, mountain lion, and bear ~~and~~
16 ~~wild-bison-which-have-not-been-reduced-to-captivity~~;17 (6) game fish--all species of the family salmonidae
18 (chars, trout, salmon, grayling, and whitefish); all species
19 of the genus stizostedion (sandpike or sauger and walleyed
20 pike or yellowpike perch); all species of the genus esox
21 (northern pike, pickerel, and muskellunge); all species of
22 the genus micropterus (bass); all species of the genus
23 polyodon (paddlefish); all species of the family
24 acipenseridae (sturgeon); all species of the genus lota
25 (burbot or ling); and the species ictalurus punctatus

1 (channel catfish);
 2 (7) migratory game birds--waterfowl, including wild
 3 ducks, wild geese, brant, and swans; cranes, including
 4 little brown and sandhill, and--whopping-cranes; rails,
 5 including coots; ~~gallinules--scaup--or--other--raits--shore~~
 6 ~~birds--including--avocets--curlews--dowitchers--godwits--knots~~
 7 ~~upland--ptover--killdeers--sandpipers~~ wilson's snipes or
 8 jacksnipes, ~~snipes, stits, ptovers, wittets, and~~
 9 yellowlegs;

10 ~~(8) nongame birds--all wild birds not defined herein~~
 11 ~~as upland game birds or migratory game birds~~

12 ~~(9)(8) nongame wildlife--any wild mammal, bird,~~
 13 ~~amphibian, reptile, fish, mollusk, crustacean, or other wild~~
 14 ~~animal not otherwise legally classified by statute or~~
 15 ~~regulation of this state;~~

16 ~~(10)(9) open season--the time during which game birds,~~
 17 ~~fish, game and fur-bearing animals may be lawfully taken;~~

18 ~~(11)(10) person--the plural or singular, male or~~
 19 ~~female, as the case demands, including individuals,~~
 20 ~~associations, partnerships, and corporations, unless the~~
 21 ~~context requires otherwise;~~

22 ~~(12) predatory animals--coyote, weasel, skunk, and~~
 23 ~~civet cat;~~

24 (11) PREDATORY ANIMALS--COYOTE, WEASEL, SKUNK, AND
 25 LIVET CAT;

1 ~~(13)(12) upland game birds--sharptailed grouse,~~
 2 ~~blue grouse, spruce (Franklin) grouse, prairie chicken, sage~~
 3 ~~hen or sage grouse, foot-hen, ruffed grouse, commonly-called~~
 4 ~~native-pheasant-or-native-partridge, quail, Chinese-pheasant~~
 5 ~~and--Mongolian--pheasant,--commonly--called--ring-necked~~
 6 ~~pheasant, Hungarian partridge, ptarmigan, wild turkey, and~~
 7 ~~chukar partridge;~~

8 ~~(14) wild buffalo--buffalo or bison which have not been~~
 9 ~~reduced to captivity;~~

10 (12)(13) WILD BUFFALO--BUFFALO OR BISON WHICH HAVE NOT
 11 BEEN REDUCED TO CAPTIVITY."

12 Section 2. Section 87-2-102, MCA, is amended to read:
 13 "87-2-102. Resident defined. In determining a resident
 14 for the purpose of issuing resident fishing and hunting
 15 and trapping licenses, the following provisions shall apply:

16 (1) Members of the armed forces of the United States
 17 or members of the armed forces of foreign governments
 18 attached to the armed forces of the United States who are
 19 assigned to duty in Montana and members of their immediate
 20 families after a period of 30 days within Montana, upon
 21 presenting assignment orders emanating from the proper unit
 22 commander, shall be considered residents for the purpose of
 23 this chapter. The 30-day residence requirement is waived in
 24 time of war.

25 (2) Any person who has been a resident of the state of

1 Montana, as defined in 1-1-215, for a period of 6 months
 2 immediately prior to making application for said license
 3 shall be eligible to receive a resident hunting~~s~~ or fishing~~s~~
 4 or trapping license.

5 (3) Any enrollee of a job corps camp located within
 6 the state of Montana shall, after a period of 30 days within
 7 Montana, be considered a resident for the purpose of making
 8 application for a fishing license as long as he remains an
 9 enrollee in a Montana camp."

10 Section 3. Section 87-2-111, MCA, is amended to read:
 11 "87-2-111. Termination of licenses. Such ~~Except as~~
 12 ~~provided in 87-2-202, such~~ licenses shall be void after
 13 April 30 next succeeding their issuance."

14 Section 4. Section 87-2-202, MCA, is amended to read:
 15 "87-2-202. Application stamp attachment fee. --
 16 expiration. (1) A wildlife conservation license shall be
 17 sold upon written application. The application shall contain
 18 the applicant's name, age, occupation, place of residence,
 19 post office address, and length of time in the state of
 20 Montana; state whether the applicant is a citizen of the
 21 United States or an alien; and be subscribed by the
 22 applicant. The applicant shall present a driver's license or
 23 other identification to substantiate the information.

24 (2) Hunting, fishing, or trapping licenses in the form
 25 of tags or stamps issued to a holder of a wildlife

1 conservation license must be affixed to or recorded on the
 2 wildlife conservation license according to such rules as the
 3 department may prescribe.

4 (3) Resident and nonresident wildlife conservation
 5 licenses may be purchased for a fee of \$1.

6 (4) Licenses issued shall be void after April 30 next
 7 succeeding their issuance, ~~the applicable date placed~~
 8 ~~thereon.~~"

9 Section 3. Section 87-2-401, MCA, is amended to read:
 10 "87-2-401. Class A-1 resident game bird license.
 11 Except as herein otherwise provided, any a resident, as
 12 defined by 87-2-102, who is 12 years of age or older may,
 13 upon payment of a fee of \$4, receive a Class A-1 license
 14 which will entitle the holder to pursue, hunt, shoot, and
 15 kill game birds and possess the dead bodies carcasses of
 16 game birds which are so as authorized by department rules
 17 regulations of the department."

18 Section 4. Section 87-2-402, MCA, is amended to read:
 19 "87-2-402. Class B-1 nonresident game bird license.
 20 Except as herein otherwise provided in this chapter, any a
 21 person not a resident, as defined in 87-2-102, but who is 12
 22 years of age or older, upon payment of the sum a fee of \$30
 23 to any agent of the department authorized to issue fishing
 24 and hunting licenses, shall be entitled to a may receive a
 25 Class B-1 license which shall entitle the holder thereof to

1 pursue, hunt, shoot, and kill, and possess game birds and
 2 ~~possess the carcasses of game birds~~ as authorized by the
 3 ~~department rules and regulations of the department.~~"

4 Section 5. Section 87-2-403, MCA, is amended to read:

5 "87-2-403. Wild turkey tags and fee. (1) The
 6 department may issue wild turkey tags to the holder of a
 7 valid Class A-1 or Class B-1 or ~~Class B-2~~ license. Each
 8 tag shall ~~entitle~~ authorize the holder to ~~pursue~~ hunt,
 9 shoot, capture or and kill one wild turkey ~~and possess the~~
 10 ~~carcass thereof~~ during such times and such places as the
 11 department shall authorize an open season on wild turkey.

12 (2) The fee for a wild turkey tag shall be \$2. Turkey
 13 tags shall be issued either by a drawing system or in
 14 unlimited number ~~as authorized by department rules according~~
 15 ~~to such rules and regulations as the department shall~~
 16 ~~prescribe.~~"

17 Section 6. Section 87-2-501, MCA, is amended to read:

18 "87-2-501. Class A-3, A-4, A-5, A-6--resident deer,
 19 elk, and bear licenses. ~~Except as otherwise provided in this~~
 20 ~~chapter.~~ Any a resident, as defined by 87-2-102, who will be
 21 12 years of age or older prior to September 15 of the season
 22 for which the license is issued may, upon payment of the
 23 proper fee or fees, be entitled to purchase one each of the
 24 following licenses which will entitle the holder to pursue,
 25 hunt, shoot, and kill the game animal or animals authorized

1 by the license held and to possess the dead-bodies carcasses
 2 of ~~those~~ game animals of the state which are so authorized
 3 ~~by the regulation of the department as authorized by~~
 4 ~~department rules:~~

- 5 (1) Class A-3, deer A tag, \$7;
- 6 (2) Class A-4, deer B tag, ~~\$12.5~~;
- 7 (3) Class A-5, elk tag, \$8;
- 8 (4) Class A-6, black or brown bear tag, \$6."

9 Section 7. Section 87-2-504, MCA, is amended to read:

10 "87-2-504. Class B-7 and B-8--nonresident deer
 11 licenses. ~~Except as otherwise provided in this chapter.~~ Any
 12 a person not a resident, as defined in 87-2-102, but who
 13 will be 12 years of age or older prior to September 15 of
 14 the season for which the license is issued and is a holder
 15 of a B-2 nonresident combination conservation license may,
 16 upon payment of the proper fee or fees and subject to the
 17 limitations prescribed by law and department regulation, be
 18 entitled to apply to the fish and game office, Helena,
 19 Montana, to purchase one each of the following licenses:
 20 Class B-7, deer A tag, ~~\$50~~ \$100; Class B-8, deer B tag, \$50;
 21 and will entitle the holder to pursue, hunt, shoot, and kill
 22 the game animal or animals authorized by the license held
 23 and to possess the ~~dead-bodies carcasses~~ of those game
 24 animals ~~as authorized by department rules of the state which~~
 25 ~~are so authorized by the regulations of the department.~~

1 UNLESS PURCHASED AS PART OF A B-10 LICENSE, A CLASS B-7
 2 LICENSE MUST BE ASSIGNED FOR USE IN A SPECIFIC
 3 ADMINISTRATIVE REGION OR PORTION THEREOF.

4 Section 8. Section 87-2-505, MCA, is amended to read:

5 "87-2-505. Class B-10--nonresident big game
 6 combination license. Except as otherwise provided in this
 7 chapter, Any a person not a resident, as defined in
 8 87-2-102, but who will be 12 years of age or older prior to
 9 September 15 of the season for which the license is issued
 10 may, upon payment of the proper fee of \$225 or fees and
 11 subject to the limitations prescribed by law and department
 12 regulation, be--entitled--to apply to the fish and game
 13 office, Helena, Montana, to purchase a B-10 nonresident big
 14 game combination license for-\$225 which shall entitle the
 15 holder to all the privileges of a---B-2---nonresident
 16 combination--license--a-deer-A-tag, Class B, Class B-1, Class
 17 B-7, and black bear licenses, and an elk tag--and-a-black
 18 bear--license. This license includes the nonresident
 19 conservation license as prescribed in 87-2-202. Not more
 20 than 17,000 Class B-10 licenses may be sold in any one
 21 license year."

22 Section 9. Section 87-2-506, MCA, is amended to read:

23 "87-2-506. Restrictions allowed on nonresident--game
 24 animal hunting licenses. (1) The department may prescribe by
 25 rule or--regulation the number of Class-B-5-and-B-6--B-7

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

13 (2) When the number of valid resident applications for
 14 licenses or permits of a single class or type exceeds the
 15 number of licenses or permits the department desires to
 16 issue in an administrative region, hunting district, or
 17 other designated area, then the number of licenses or
 18 permits issued to nonresident license or permit holders in
 19 the region, district, or area may not exceed 10% of the
 20 total issued."

21 Section 10. Section 87-2-507, MCA, is amended to read:

22 "87-2-507. Class D-1--nonresident mountain lion
 23 license. Except as otherwise provided in this chapter, Any a
 24 person not a resident, as defined in 87-2-102, but who is 12
 25 years of age or older and-a-holder-of--a--nonresident--Class

1 ~~B-2-combination-licenses~~, upon payment of the sum a fee of
 2 ~~\$25 to any agent of the department authorized to issue~~
 3 ~~fishing and hunting licenses~~, shall be entitled to \$100 may
 4 receive a Class D-1 license which shall entitle the holder
 5 thereof to pursue, hunt, shoot, and kill mountain lion and
 6 possess mountain lion the carcass thereof as authorized by
 7 the department rules and regulations of the department."

8 Section 11. Section 87-2-508, MCA, is amended to read:
 9 "87-2-508. Class D-2--resident mountain lion license.
 10 Except as otherwise provided in this chapter, Any a person
 11 who is a resident, as defined in 87-2-102, and who is 12
 12 years of age or older, upon payment of the sum a fee of \$5
 13 ~~to any agent of the department authorized to issue fishing~~
 14 ~~and hunting licenses~~, shall be entitled to may receive a
 15 Class D-2 license which shall entitle the holder thereof to
 16 pursue, hunt, shoot, and kill mountain lion and possess
 17 mountain lion the carcass thereof as authorized by the
 18 department rules and regulations of the department."

19 Section 12. Section 87-2-601, MCA, is amended to read:
 20 "87-2-601. Class C--trapper's license. Except as
 21 otherwise provided in this chapter, a Any resident, as
 22 defined in 87-2-102, upon making application and payment
 23 paying the sum of a fee of \$10 to the department, may
 24 receive shall be entitled to a Class C trapper's license
 25 which shall authorize the holder thereof to trap fur-bearing

1 animals and hunt bobcat, wolverine, and Canada lynx within
 2 the state of Montana at such times and in such manner as may
 3 be lawful so to do under the laws of the state and the
 4 regulations of the department and at such places as may be
 5 designated in said license."

6 Section 13. Section 87-2-602, MCA, is amended to read:
 7 "87-2-602. Class C-1--landowner's trapping license.
 8 Except as otherwise provided in this chapter, any Any owner
 9 individual who owns land in this state or any tenant or
 10 member of the immediate family of said owner or tenant, upon
 11 making application to the department and upon payment of the
 12 sum the fee of \$1, shall be entitled to a landowner's
 13 trapping license may receive a Class C-1 license which shall
 14 entitle the holder thereof to trap any fur-bearing animal
 15 and to hunt bobcats, wolverine, and lynx on land owned or
 16 leased by him or his immediate family at such times and in
 17 such manner as may be lawful so to do under the laws of the
 18 state and the regulations of the department and at such
 19 places as may be designated in said license."

20 Section 14. Section 87-2-701, MCA, is amended to read:
 21 "87-2-701. Special licenses. (1) Any applicant who is
 22 12 years of age or older and is a resident as defined by
 23 87-2-102, or any applicant who is the holder of a resident
 24 wildlife conservation license or a Class B-2 nonresident
 25 combination wildlife conservation license may apply for a

1 special license which, in the judgment of the department, is
 2 to be issued and shall pay the following fees therefor:

- 3 (a) moose--resident, \$25; nonresident, ~~\$125~~ \$150;
- 4 (b) mountain goat--resident, \$15; nonresident, \$75
 5 \$150;
- 6 (c) mountain sheep--resident, \$25; nonresident, ~~\$125~~
 7 \$150;
- 8 (d) antelope--resident, \$5; ~~nonresident, \$50~~ \$100;
- 9 (e) grizzly bear--resident, \$25; nonresident, ~~\$125~~
 10 \$150;
- 11 (f) black or brown bear--nonresident, ~~\$50~~ \$100 ~~is a~~
 12 ~~10% of the total issued. Special licenses shall be issued in~~
 13 (2) In the event a holder of a valid special grizzly
 14 bear license kills a grizzly bear, he must purchase a trophy
 15 license for a fee of \$25 within 10 days after date of kill.
 16 Such trophy license shall authorize the holder to possess
 17 and transport said trophy.
 18 (3) ~~In the event that the number of valid resident~~
 19 ~~applications for licenses exceeds the number of licenses~~
 20 ~~which the department desires to issue in any hunting~~
 21 ~~district then the number of licenses issued to nonresident~~
 22 ~~license holders in that hunting district shall not exceed~~
 23 ~~10% of the total issued. Special licenses shall be issued in~~
 24 ~~a manner prescribed by the department.~~
 25 (4) ~~A person who will be 12 years of age or older~~

1 ~~prior to September 15 of the season for which the license is~~
 2 ~~issued may apply for a special antelope license"~~

3 Section 15. Section 87-2-702, MCA, is amended to read:
 4 "87-2-702. Restrictions on special licenses. ~~(1)~~
 5 ~~Special licenses authorized to be issued under the general~~
 6 ~~powers of the department may be issued only to persons~~
 7 ~~holding valid big game licenses for the current year which~~
 8 ~~have been obtained by the applicant prior to the time of~~
 9 ~~filing of application for a special license"~~

10 (2)(1) A person who has obtained a grizzly bear, moose,
 11 mountain goat, or mountain sheep license is not eligible to
 12 apply for another such license for the next succeeding 7
 13 years if such person has killed or taken an animal of the
 14 species for which the special license was issued. A person
 15 who has obtained a grizzly bear, moose, mountain goat, or
 16 mountain sheep license but did not kill or take an animal of
 17 the species for which the special license was issued is
 18 eligible to apply for another such license in any succeeding
 19 year if he returns his unused special license to the
 20 department before or at the time application is made.

21 (3)(2) A person who has received a special license
 22 ~~permit~~ for elk is not eligible to receive a second special
 23 ~~license permit~~ for this species of game animal during any
 24 license year. However, in the event the number of
 25 applications received is not equal to the number of game

1 species animals desired to be killed by the department,
2 reapplication may be made by those valid license holders of
3 the current year who may fall within these limitations.

4 (4)(3) A person who has killed or taken a any game
5 animal, except a deer or an antelope, during the current
6 license year is not permitted to receive a special license
7 under this chapter to hunt or kill a second game animal of
8 the same species."

9 Section 16. Section 87-2-703, MCA, is amended to read:

10 "87-2-703. Special elk or deer licenses permits. (1)
11 Any person who is the holder of a valid resident elk license
12 or a Class B-10 nonresident big game combination license may
13 apply for a special elk license permit upon payment of a fee
14 of \$1.

15 (2) Any person who is the holder of a valid resident
16 deer license or any nonresident who holds a Class-B-2 valid
17 nonresident deer license and a valid deer tag may apply for
18 a special deer license permit upon payment of a fee of \$1.

19 (3) The department shall have the authority to
20 promulgate such rules and regulations as are necessary to
21 implement this section."

22 Section 17. Section 87-2-708, MCA, is amended to read:

23 "87-2-708. Class A-2--special bow and arrow license.
24 A holder of a valid hunting license for which a special
25 archery season is set by the department any-one-of-the

1 following--a--Class-A-3v-A-4v-A-5v-B-2v-B-5v-B-6v--B-7v--B-8v
2 or--B-10--license may receive, upon payment of an additional
3 sum fee of \$6, to any agent of the department authorized to
4 issue--fishing--and--hunting--licenses, be entitled to a Class
5 A-2 license which shall authorize the holder thereof to
6 pursue, hunt, shoot, and kill with bow and arrow the game
7 animals so authorized by the licenses held with--bow--and
8 arrow and to possess these carcasses the carcass thereof
9 during special seasons and in special areas, as may--be
10 designated by the department."

11 Section 18. Section 87-2-805, MCA, is amended to read:

12 "87-2-805. Persons under fifteen years of age. (1)
13 Minors under 15 years of age may fish for and take fish
14 during the open season without a license. However, no
15 nonresident person under the age of 15 years may fish in or
16 on any Montana waters without first having obtained a Class
17 B, B-2v--or B-3, or B-4 fishing license unless the
18 nonresident person under the age of 15 years is in the
19 company of an adult in possession of a valid Montana fishing
20 license. The limit of fish for the nonresident person and
21 the accompanying adult combined may not exceed the limit for
22 one adult as established by law or by rule of the
23 department.

24 (2) Residents, as defined by 87-2-102, under the age
25 of 15 years may purchase Class A-1, A-3, and A-5 licenses at

1 \$2 per license."

2 Section 19. Severability. If a part of this act is
3 invalid, all valid parts that are severable from the invalid
4 part remain in effect. If a part of this act is invalid in
5 one or more of its applications, the part remains in effect
6 in all valid applications that are severable from the
7 invalid applications.

8 Section 20. Repealer. Sections 87-2-108, 87-2-502,
9 87-2-503, 87-2-707, and 87-2-712, MCA, are repealed.

10 Section 21. Effective date. This act is effective on
11 ~~its passage and approval~~ MAY 1, 1980.

-End-

March 21, 1979

SENATE STANDING COMMITTEE REPORT
(Fish and Game)

That House Bill No. 420, third reading bill, be amended as follows:

1. Title, line 19.

Strike: "87-2-111,"

2. Page 3, lines 22 and 23.

Following: "cat,"

Insert: "(11) predatory animals -- coyote, weasel, skunk, and
civet cat;"

Renumber: subsequent subsections

3. Page 5, lines 8 through 11.

Strike: section 3 in its entirety

Renumber: subsequent sections