

HOUSE BILL NO. 200

INTRODUCED BY ELLISON

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

IN THE HOUSE

January 14, 1981	Introduced and referred to Committee on Taxation.
January 16, 1981	Fiscal note requested. Rereferred to Committee on Fish and Game.
January 21, 1981	Fiscal note returned.
February 21, 1981	Committee recommend bill do pass as amended. Report adopted.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading, do pass as amended.
February 25, 1981	On motion rules suspended and bill placed on third reading this day. Third reading, passed. Ayes, 80; Noes, 17. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Fish and Game.
March 26, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Motion pass consideration.

March 30, 1981

Second reading, concurred in as amended.

March 31, 1981

On motion rules suspended. Bill allowed to be transmitted on 71st legislative day. Motion adopted.

Third reading, concurred in as amended. Ayes, 34; Noes, 16.

#### IN THE HOUSE

April 1, 1981

Returned from Senate with amendments

April 8, 1981

Second reading, amendments not concurred in.

On motion Free Conference Committee requested.

April 9, 1981

Free Conference Committee appointed.

April 14, 1981

Free Conference Committee reported and dissolved.

April 17, 1981

Second reading, Free Conference Committee report adopted.

On motion rules suspended and Free Conference Committee report placed on third reading this day.

Third reading, Free Conference Committee report adopted. Ayes, 83; Noes, 12. Transmitted to Senate.

#### IN THE SENATE

April 20, 1980

Free Conference Committee report adopted.

#### IN THE HOUSE

April 20, 1981

Returned from Senate. Sent to enrolling.

Reported correctly enrolled.



1 resident, as defined by 87-2-102, upon payment of a fee of  
 2 ~~\$5 \$7.50 or, after April 30, 1983, a fee of \$10,~~ shall  
 3 receive a Class A license which shall entitle the holder  
 4 thereof to fish with hook and line or rod as authorized by  
 5 regulations of the department."

6 Section 4. Section 87-2-302, MCA, is amended to read:  
 7 "87-2-302. Class B--nonresident fishing license. Any  
 8 person not a resident, as defined in 87-2-102, upon payment  
 9 of the sum of ~~\$20 \$40~~ to any agent of the department  
 10 authorized to issue fishing and hunting licenses, shall be  
 11 entitled to a Class B license which shall entitle the holder  
 12 thereof to fish with hook and line as authorized by the  
 13 rules and regulations of the department."

14 Section 5. Section 87-2-304, MCA, is amended to read:  
 15 "87-2-304. Class B-4--~~one-day two-day~~ nonresident  
 16 fishing license. Any person not a resident, as defined in  
 17 87-2-102, who is a holder of a valid wildlife conservation  
 18 license, upon payment of the sum of ~~\$2 \$4~~ to any agent of  
 19 the department authorized to issue fishing and hunting  
 20 licenses, shall be entitled to a ~~1-day 2-day~~ nonresident  
 21 fishing license which shall authorize the holder to fish  
 22 with hook and line as prescribed by rules and regulations of  
 23 the department for ~~1 2~~ calendar ~~day days~~ as indicated on the  
 24 license."

25 NEW SECTION. Section 6. Paddlefish tags. The

1 department may issue paddlefish tags to holders of valid  
 2 Class A, Class B, and Class B-4 fishing licenses for a fee  
 3 of \$5. Each tag authorizes the holder to fish with hook and  
 4 line for paddlefish as prescribed by rules of the  
 5 department.

6 Section 7. Section 87-2-401, MCA, is amended to read:  
 7 "87-2-401. Class A-1--resident game bird license.  
 8 Except as otherwise provided, a resident, as defined by  
 9 87-2-102, who is 12 years of age or older may, upon payment  
 10 of a fee of ~~\$4 \$5 or, after April 30, 1983, a fee of \$6,~~  
 11 receive a Class A-1 license which will entitle the holder to  
 12 pursue, hunt, shoot, and kill game birds and possess the  
 13 carcasses of game birds as authorized by department rules."

14 Section 8. Section 87-2-402, MCA, is amended to read:  
 15 "87-2-402. Class B-1--nonresident game bird license.  
 16 Except as otherwise provided in this chapter, a person not a  
 17 resident, as defined in 87-2-102, but who is 12 years of age  
 18 or older, upon payment of a fee of ~~\$30 \$40~~ may receive a  
 19 Class B-1 license which shall entitle the holder thereof to  
 20 pursue, hunt, shoot, and kill game birds and possess the  
 21 carcasses of game birds as authorized by department rules."

22 Section 9. Section 87-2-403, MCA, is amended to read:  
 23 "87-2-403. Wild turkey tags and fee. (1) The  
 24 department may issue wild turkey tags to the holder of a  
 25 valid Class A-1 or Class B-1 license. Each tag shall entitle

1 the holder to pursue, hunt, shoot, and kill one wild turkey  
2 and possess the carcass thereof, during such times and such  
3 places as the department shall authorize an open season on  
4 wild turkey.

5 (2) The fee for a wild turkey tag shall be ~~\$2~~ \$5.  
6 Turkey tags shall be issued either by a drawing system or in  
7 unlimited number as authorized by department rules."

8 Section 10. Section 87-2-501, MCA, is amended to read:

9 "87-2-501. Class A-3, A-4, A-5, A-6--resident deer,  
10 elk, and bear licenses. Except as otherwise provided in this  
11 chapter, a resident, as defined by 87-2-102, who will be 12  
12 years of age or older prior to September 15 of the season  
13 for which the license is issued may, upon payment of the  
14 proper fee or fees, be entitled to purchase one each of the  
15 following licenses which will entitle the holder to pursue,  
16 hunt, shoot, and kill the game animal or animals authorized  
17 by the license held and to possess the carcasses of those  
18 game animals as authorized by department rules:

19 (1) Class A-3, deer A tag, ~~\$7~~ \$8 until April 30, 1983,  
20 then \$10;

21 (2) Class A-4, deer B tag, \$5;

22 (3) Class A-5, elk tag, ~~\$8~~ \$10 until April 30, 1983,  
23 then \$12;

24 (4) Class A-6, black or brown bear tag, ~~\$6~~ \$10."

25 Section 11. Section 87-2-505, MCA, is amended to read:

1 "87-2-505. Class B-10--nonresident big game  
2 combination license. Except as otherwise provided in this  
3 chapter, a person not a resident, as defined in 87-2-102,  
4 but who will be 12 years of age or older prior to September  
5 15 of the season for which the license is issued may, upon  
6 payment of the fee of ~~\$225~~ \$300 or, after April 30, 1983, a  
7 fee of \$325, and subject to the limitations prescribed by  
8 law and department regulation, apply to the fish and game  
9 office, Helena, Montana, to purchase a B-10 nonresident big  
10 game combination license which shall entitle the holder to  
11 all the privileges of Class B, Class B-1, Class B-7, and  
12 black bear licenses, and an elk tag. This license includes  
13 the nonresident conservation license as prescribed in  
14 87-2-202. Not more than 17,000 Class B-10 licenses may be  
15 sold in any one license year."

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

17 "87-2-507. Class D-1--nonresident mountain lion  
18 license. Except as otherwise provided in this chapter, 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 a fee of ~~\$100~~ \$250  
21 may receive a Class D-1 license which shall entitle the  
22 holder thereof to pursue, hunt, shoot, and kill mountain  
23 lion and possess the carcass thereof as authorized by  
24 department rules."

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

1 "87-2-508. Class D-2--resident mountain lion license.  
 2 Except as otherwise provided in this chapter, a person who  
 3 is a resident, as defined in 87-2-102, and who is 12 years  
 4 of age or older, upon payment of a fee of \$5 ~~\$25~~ may receive  
 5 a Class D-2 license which shall entitle the holder thereof  
 6 to pursue, hunt, shoot, and kill mountain lion and possess  
 7 the carcass thereof as authorized by department rules."

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

9 "87-2-601. Class C--trapper's license. Except as  
 10 otherwise provided in this chapter, a resident, as defined  
 11 in 87-2-102, upon making application and payment of a fee of  
 12 ~~\$10 \$25~~ to the department, may receive a Class C license  
 13 which shall authorize the holder thereof to trap fur-bearing  
 14 animals and hunt bobcat, wolverine, and Canada lynx within  
 15 the state of Montana at such times and in such manner as may  
 16 be lawful so to do under the laws of the state and the  
 17 regulations of the department and at such places as may be  
 18 designated in said license."

19 Section 15. Section 87-2-701, MCA, is amended to read:

20 "87-2-701. Special licenses. (1) Any applicant who  
 21 will be 12 years of age or older prior to September 15 of  
 22 the season for which the license is issued and is the holder  
 23 of a resident wildlife conservation license or a nonresident  
 24 wildlife conservation license may apply for a special  
 25 license which, in the judgment of the department, is to be

1 issued and shall pay the following fees therefor:

- 2 (a) moose--resident, \$25 ~~\$50~~; nonresident, ~~\$150 \$250~~;  
 3 (b) mountain goat--resident, \$15 ~~\$50~~; nonresident,  
 4 ~~\$150 \$250~~;  
 5 (c) mountain sheep--resident, \$25 ~~\$50~~; nonresident,  
 6 ~~\$150 \$250~~;  
 7 (d) antelope--resident, \$5 ~~\$10~~; nonresident, \$100;  
 8 (e) grizzly bear--resident, \$25 ~~\$50~~; nonresident, ~~\$150~~  
 9 ~~\$250~~;  
 10 (f) black or brown bear--nonresident, \$100.

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) Special licenses shall be issued in a manner  
 17 prescribed by the department."

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

19 "87-2-702. Restrictions on special licenses. ~~{1}--A~~  
 20 ~~person--who--has--obtained--a--grizzly-bear--moose--mountain~~  
 21 ~~goat--or--mountain-sheep--license--is--not--eligible--to--apply--for~~  
 22 ~~another--such--license--for--the--next--succeeding--7--years--if--such~~  
 23 ~~person--has--killed--or--taken--an--animal--of--the--species--for~~  
 24 ~~which--the--special--license--was--issued--A--person--who--has~~  
 25 ~~obtained--a--grizzly-bear--moose--mountain-goat--or--mountain~~

1 ~~sheep--license--but--did--not--kill--or--take--an--animal--of--the~~  
 2 ~~species--for--which--the--special--license--was--issued--is--eligible~~  
 3 ~~to--apply--for--another--such--license--in--any--succeeding--year--if~~  
 4 ~~he--returns--his--unused--special--license--to--the--department~~  
 5 ~~before--or--at--the--time--application--is--made.~~

6 ~~(2)(1)~~ A person who has received a special permit for  
 7 elk is not eligible to receive a second special permit for  
 8 this species of game animal during any license year.  
 9 However, in the event the number of applications received is  
 10 not equal to the number of game animals desired to be killed  
 11 by the department, reapplication may be made by those valid  
 12 license holders of the current year who may fall within  
 13 these limitations.

14 ~~(3)(2)~~ A person who has killed or taken any game  
 15 animal, except a deer or an antelope, during the current  
 16 license year is not permitted to receive a special license  
 17 under this chapter to hunt or kill a second game animal of  
 18 the same species."

19 Section 17. Section 87-2-705, MCA, is amended to read:  
 20 "87-2-705. Drawing for special elk permits. In the  
 21 event the number of valid applications for special elk  
 22 permits for a hunting district exceeds the quota set by the  
 23 department for the district, these permits shall be awarded  
 24 by a drawing. ~~Persons--making--valid--application--who--did--not~~  
 25 ~~receive--a--special--elk--permit--during--the--season--immediately~~

1 ~~preceding--the--drawing--shall--receive--first--preference--in--this~~  
 2 ~~drawing--for--firsty--secondy--and--third--choice--hunting~~  
 3 ~~districts. The department shall provide for those persons~~  
 4 ~~making valid application for special elk permits a method of~~  
 5 ~~selecting first, second, and third choice hunting districts~~  
 6 ~~for any drawing held pursuant to this section. The~~  
 7 ~~department may promulgate the rules necessary to implement~~  
 8 ~~this section."~~

9 Section 18. Section 87-2-706, MCA, is amended to read:  
 10 "87-2-706. Drawing for special antelope licenses. In  
 11 the event the number of valid applications for special  
 12 antelope licenses for a hunting district exceeds the quota  
 13 set by the department for the district, such licenses shall  
 14 be awarded by a drawing. ~~Persons--making--valid--application~~  
 15 ~~who--did--not--receive--an--antelope--license--during--the--season~~  
 16 ~~immediately--preceding--the--drawing--shall--be--given--first~~  
 17 ~~preference--in--such--drawing--for--firsty--secondy--and--third~~  
 18 ~~choice--hunting--districts. The department shall provide for~~  
 19 ~~those persons making valid application for special antelope~~  
 20 ~~licenses a method of selecting first, second, and third~~  
 21 ~~choice hunting districts for any drawing held pursuant to~~  
 22 ~~this section. The department shall have the authority to~~  
 23 ~~promulgate such rules and regulations as are necessary to~~  
 24 ~~implement this section."~~

25 NEW SECTION. Section 19. Drawing fee. (1) When the

1 department determines a drawing is necessary prior to  
2 issuance of hunting licenses for any game species during a  
3 hunting season, it shall collect a \$5 drawing fee with each  
4 application submitted.

5 (2) This fee must be deposited in the earmarked  
6 revenue fund to the credit of the department as set forth in  
7 87-1-601.

8 (3) The payment of a drawing fee confers no hunting  
9 rights or privileges.

10 (4) The commission may waive the provisions of  
11 subsection (1) when a drawing is required for a special  
12 season under 87-1-304.

13 Section 20. Section 87-2-711, MCA, is amended to read:

14 "87-2-711. Class AAA--sportsman's license. Any  
15 resident, as defined by 87-2-102, who will be 12 years of  
16 age or older prior to September 15 of the season for which  
17 the license is issued, upon payment of the sum of \$35 ~~\$40~~,  
18 shall be entitled to a sportsman's license which shall  
19 permit the holder to exercise all rights granted to holders  
20 of Class A, A-1, A-3, A-5, A-6, and resident conservation  
21 licenses as prescribed in 87-2-202. The department shall  
22 furnish each holder of a sportsman's license an appropriate  
23 decal."

24 Section 21. Section 87-2-805, MCA, is amended to read:

25 "87-2-805. Persons under fifteen years of age. (1)

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

11 (2) Residents, as defined by 87-2-102, under the age  
12 of 15 years may purchase Class A-1, A-3, and A-5 licenses at  
13 ~~\$2 \$3~~ per license."

14 Section 22. Section 87-2-903, MCA, is amended to read:

15 "87-2-903. Compensation and duties of agents. (1)  
16 License agents, except salaried employees of the department,  
17 shall receive for all services rendered the sum of \$5 ~~30~~  
18 cents for each license, permit, or certificate issued. On or  
19 before the 10th day of each month each license agent shall  
20 submit to the department all duplicates of each class of  
21 licenses sold during the preceding month and shall accompany  
22 the duplicate licenses with all moneys received for the sale  
23 of the licenses less a fee of \$5 ~~30~~ cents for each license  
24 sold. Each license agent shall keep his license account open  
25 at all reasonable hours to inspection by the department, the



1 director, the wardens, or the legislative auditor.

2 (2) For purposes of this section, the term "license"

3 includes any license, permit, and certificate prescribed by

4 the department."

5 Section 23. Section 87-5-204, MCA, is amended to read:

6 "87-5-204. License and rules for falconry. (1) The

7 department may adopt specific rules for the keeping of

8 records and for the trapping, taking, possession, or

9 training of raptors used in the practice of falconry and may

10 authorize the issuance of licenses to persons for the

11 practice of falconry. It is unlawful for any person to

12 possess a raptor or to train a raptor in the practice of

13 falconry without a license.

14 (2) The fee for a falconry license is ~~\$3~~ \$25 a year or

15 any part of a year. A license expires April 30 each year.

16 (3) A license may not be issued to a person under the

17 age of 12 years.

18 (4) Licensees shall have in possession a valid

19 falconer's license when engaged in the practice of falconry.

20 In addition, falconers loosing raptors at game birds shall

21 have in possession a valid resident or nonresident game bird

22 license.

23 (5) Falconry licenses or permits are not transferable

24 and may be revoked for due cause at any time by the

25 department."

1 Section 24. Repealer. (1) Sections 87-2-703 and

2 87-2-721, MCA, are repealed effective May 1, 1981.

3 (2) Section 87-2-303, MCA, is repealed effective May

4 1, 1982.

5 Section 25. Codification instruction. (1) Section 6 is

6 intended to be codified as an integral part of Title 87,

7 chapter 2, part 3, and the provisions of Title 87 apply to

8 section 6.

9 (2) Section 19 is intended to be codified as an

10 integral part of Title 87, chapter 2, part 1, and the

11 provisions of Title 87 apply to section 19.

12 Section 26. Effective date. This act is effective as

13 follows:

14 (1) Sections 2 and 19 are effective May 1, 1981.

15 (2) Section 24 is effective as provided therein.

16 (3) Section 16 is effective July 1, 1980.

17 (4) Sections 17 and 18 are effective on passage and

18 approval of this act.

19 (5) All other sections are effective May 1, 1982.

-End-

HB 200

## STATE OF MONTANA

REQUEST NO. 116-81

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 16, 19 81, there is hereby submitted a Fiscal Note for House Bill 200 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

An act to increase funds available for management of the state's wildlife resources by increasing the fees for hunting, fishing, trapping, and related licenses and permits; removing the 7-year kill limitation on certain game animals; and removing the priority status for unsuccessful special elk and antelope license applicants.

Assumptions

It is assumed the license dealer commission fee will be increased from 15¢ to 30¢ per license. It is assumed the price of some licenses will not change (bow and arrow, nonresident antelope, nonresident bear, resident and nonresident Deer B). It is assumed the proposed fee increases will occur in three separate waves spread over the next several years: May 1, 1981, May 1, 1982, and May 1, 1983. It is assumed several licenses and fees will be eliminated (nongame certificate, nonresident 6-day fishing license, special elk drawing fee, special deer drawing fee). A 10% drop in the total sales volume of licenses sold is assumed if hunting and fishing license fees are increased. Historically after a license fee increase sales volume has dropped 8-15%. No difference was assumed between annual revenue generated in a Department of Fish, Wildlife & Parks license year (May 1 to April 30) and a state of Montana fiscal year (July 1 to June 30).

<u>Fiscal Impact</u>	<u>FY 1982</u>	<u>FY 1983</u>
Hunting & Fishing License		
Earmarked Revenue:		
Current Law	\$8,112,197	\$8,112,197
Operating Expense	<u>47,000</u>	<u>47,000</u>
	\$8,065,197	\$8,065,197
Proposed Law	9,239,446	11,534,788
Operating Expense	<u>0</u>	<u>0</u>
Estimated Revenue	\$1,174,249	\$3,469,591

Long Range Effects of Proposed Legislation

The fee increases scheduled for May 1, 1983 will have an additional annual revenue impact of \$802,231 in fiscal years subsequent to FY 1983. This revenue package was designed to carry the Department of Fish, Wildlife & Parks through the next four fiscal years without further major fee increases.

*David M Lewis*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-21-81

Technical or Mechanical Defects or Conflicts with Existing Legislation

Sec. 26, Subsec. (3) should read as follows: "(3) Section 16 is effective 7-1-81" ~~Rather than July 1, 1980). There is a typographical error in drafting the bill~~

Approved by Comm.  
on Fish and Game

1 HOUSE BILL NO. 200  
2 INTRODUCED BY ELLISON  
3 BY REQUEST OF  
4 THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS  
5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FUNDS  
7 AVAILABLE FOR MANAGEMENT OF THE STATE'S WILDLIFE RESOURCES  
8 BY INCREASING THE FEES FOR HUNTING, FISHING, TRAPPING, AND  
9 RELATED LICENSES AND PERMITS; REMOVING THE 7-YEAR KILL  
10 LIMITATION ON CERTAIN GAME ANIMALS; AND REMOVING THE  
11 PRIORITY STATUS FOR UNSUCCESSFUL SPECIAL ELK AND ANTELOPE  
12 LICENSE APPLICANTS; AMENDING SECTIONS 87-2-104, 87-2-202,  
13 87-2-301, 87-2-302, 87-2-304, ~~87-2-401~~ THROUGH 87-2-403,  
14 87-2-501, 87-2-505, ~~87-2-507, 87-2-508, 87-2-601~~, 87-2-701,  
15 87-2-702, 87-2-705, 87-2-706, ~~87-2-711~~, 87-2-805, AND  
16 87-2-903, AND ~~87-5-204~~ MCA; REPEALING SECTIONS 87-2-303,  
17 87-2-703, AND 87-2-721, MCA; AND PROVIDING SEPARATE  
18 EFFECTIVE DATES."  
19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
21 Section 1. Section 87-2-104, MCA, is amended to read:  
22 "87-2-104. Number of licenses allowed. Only one  
23 license of any one class, except Class B-3 and B-4 licenses,  
24 shall be issued to any one person. The department may  
25 prescribe rules and regulations for the issuance or sale of

1 a replacement license of the same class in the event the  
2 original license is lost, stolen, or destroyed upon payment  
3 ~~of the sum of \$3 or the cost of the original license,~~  
4 whichever is the smaller amount of the original price of the  
5 lost, stolen, or destroyed license, not to exceed \$25 \$5."  
6 Section 2. Section 87-2-202, MCA, is amended to read:  
7 "87-2-202. Application -- stamp attachment -- fee --  
8 expiration. (1) A wildlife conservation license shall be  
9 sold upon written application. The application shall contain  
10 the applicant's name, age, occupation, place of residence,  
11 post-office address, and length of time in the state of  
12 Montana; state whether the applicant is a citizen of the  
13 United States or an alien; and be subscribed by the  
14 applicant. The applicant shall present a driver's license or  
15 other identification to substantiate the information.  
16 (2) Hunting, fishing, or trapping licenses in the form  
17 of tags or stamps issued to a holder of a wildlife  
18 conservation license must be affixed to or recorded on the  
19 wildlife conservation license according to such rules as the  
20 department may prescribe.  
21 (3) Resident and nonresident wildlife conservation  
22 licenses may be purchased for a fee of ~~\$1 \$3~~ \$2.  
23 (4) Licenses issued shall be void after April 30 next  
24 succeeding their issuance."  
25 Section 3. Section 87-2-301, MCA, is amended to read:

1 "87-2-301. Class A--resident fishing license. Any  
 2 resident, as defined by 87-2-102, upon payment of a fee of  
 3 ~~\$5 \$7-50-or-after-April-30-1983-a-fee-of--\$10~~ \$6, shall  
 4 receive a Class A license which shall entitle the holder  
 5 thereof to fish with hook and line or rod as authorized by  
 6 regulations of the department."

7 Section 4. Section 87-2-302, MCA, is amended to read:

8 "87-2-302. Class B--nonresident fishing license. Any  
 9 person not a resident, as defined in 87-2-102, upon payment  
 10 of the sum of \$20 ~~\$40~~ \$30 to any agent of the department  
 11 authorized to issue fishing and hunting licenses, shall be  
 12 entitled to a Class B license which shall entitle the holder  
 13 thereof to fish with hook and line as authorized by the  
 14 rules and regulations of the department."

15 Section 5. Section 87-2-304, MCA, is amended to read:

16 "87-2-304. Class B-4--~~one-day~~ two-day nonresident  
 17 fishing license. Any person not a resident, as defined in  
 18 87-2-102, who is a holder of a valid wildlife conservation  
 19 license, upon payment of the sum of \$2 ~~\$4~~ \$4 to any agent of  
 20 the department authorized to issue fishing and hunting  
 21 licenses, shall be entitled to a ~~1-day~~ 2-day nonresident  
 22 fishing license which shall authorize the holder to fish  
 23 with hook and line as prescribed by rules and regulations of  
 24 the department for ~~1~~ 2 calendar day days as indicated on the  
 25 license."

1 NEW SECTION. Section 6. Paddlefish tags. The  
 2 department may issue paddlefish tags to holders of valid  
 3 Class A, Class B, and Class B-4 fishing licenses for a fee  
 4 of \$5 ~~\$3~~. Each tag authorizes the holder to fish with hook  
 5 and line for paddlefish as prescribed by rules of the  
 6 department.

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

8 "87-2-401. Class A-1--resident game bird license.  
 9 Except as otherwise provided, a resident, as defined by  
 10 87-2-102, who is 12 years of age or older may, upon payment  
 11 of a fee of \$4 ~~\$5-or-after-April-30-1983-a-fee-of-\$6~~ \$4,  
 12 receive a Class A-1 license which will entitle the holder to  
 13 pursue, hunt, shoot, and kill game birds and possess the  
 14 carcasses of game birds as authorized by department rules."

15 Section 8. Section 87-2-402, MCA, is amended to read:

16 "87-2-402. Class B-1--nonresident game bird license.  
 17 Except as otherwise provided in this chapter, a person not a  
 18 resident, as defined in 87-2-102, but who is 12 years of age  
 19 or older, upon payment of a fee of \$30 ~~\$40~~ \$30 may receive a  
 20 Class B-1 license which shall entitle the holder thereof to  
 21 pursue, hunt, shoot, and kill game birds and possess the  
 22 carcasses of game birds as authorized by department rules."

23 Section 9. Section 87-2-403, MCA, is amended to read:

24 "87-2-403. Wild turkey tags and fee. (1) The  
 25 department may issue wild turkey tags to the holder of a

1 valid Class A-1 or Class B-1 license. Each tag shall entitle  
 2 the holder to pursue, hunt, shoot, and kill one wild turkey  
 3 and possess the carcass thereof, during such times and such  
 4 places as the department shall authorize an open season on  
 5 wild turkey.

6 (2) The fee for a wild turkey tag shall be \$2 ~~\$5~~ \$3.  
 7 Turkey tags shall be issued either by a drawing system or in  
 8 unlimited number as authorized by department rules."

9 Section 10. Section 87-2-501, MCA, is amended to read:

10 "87-2-501. Class A-3, A-4, A-5, A-6--resident deer,  
 11 elk, and bear licenses. Except as otherwise provided in this  
 12 chapter, a resident, as defined by 87-2-102, who will be 12  
 13 years of age or older prior to September 15 of the season  
 14 for which the license is issued may, upon payment of the  
 15 proper fee or fees, be entitled to purchase one each of the  
 16 following licenses which will entitle the holder to pursue,  
 17 hunt, shoot, and kill the game animal or animals authorized  
 18 by the license held and to possess the carcasses of those  
 19 game animals as authorized by department rules:

20 (1) Class A-3, deer A tag, \$7 ~~\$8 until-April-30, 1983,~~  
 21 ~~then-\$10;~~

22 (2) Class A-4, deer B tag, \$5;

23 (3) Class A-5, elk tag, \$8 ~~\$10-until-April-30, 1983,~~  
 24 ~~then-\$12~~ \$9;

25 (4) Class A-6, black or brown bear tag, \$6 ~~\$10~~ \$8."

1 Section 11. Section 87-2-505, MCA, is amended to read:  
 2 "87-2-505. Class B-10--nonresident big game  
 3 combination license. Except as otherwise provided in this  
 4 chapter, a person not a resident, as defined in 87-2-102,  
 5 but who will be 12 years of age or older prior to September  
 6 15 of the season for which the license is issued may, upon  
 7 payment of the fee of \$225 ~~\$300-or-after-April-30, 1983,-~~  
 8 ~~fee-of-\$225,~~ \$250 and subject to the limitations prescribed  
 9 by law and department regulation, apply to the fish and game  
 10 office, Helena, Montana, to purchase a B-10 nonresident big  
 11 game combination license which shall entitle the holder to  
 12 all the privileges of Class B, Class B-1, Class B-7, and  
 13 black bear licenses, and an elk tag. This license includes  
 14 the nonresident conservation license as prescribed in  
 15 87-2-202. Not more than ~~17,000~~ 15,000 Class B-10 licenses  
 16 may be sold in any one license year."

17 NEW SECTION. SECTION 12. CLASSES B-11 AND B-12  
 18 NONRESIDENT BIG GAME LICENSE. (1) EXCEPT AS OTHERWISE  
 19 PROVIDED IN THIS CHAPTER, A PERSON NOT A RESIDENT, AS  
 20 DEFINED IN 87-2-102, BUT WHO WILL BE 12 YEARS OF AGE OR  
 21 OLDER PRIOR TO SEPTEMBER 15 OF THE SEASON FOR WHICH THE  
 22 LICENSE IS ISSUED MAY UPON PAYMENT OF THE PROPER FEE OR  
 23 FEES, AND SUBJECT TO THE LIMITATIONS PRESCRIBED BY LAW AND  
 24 DEPARTMENT RULE, PURCHASE ONE EACH OF THE FOLLOWING  
 25 LICENSES:

- 1 (A) CLASS B-11 NONRESIDENT ELK LICENSE FOR \$150; AND
- 2 (B) CLASS B-12 NONRESIDENT DEER LICENSE FOR \$100.
- 3 (2) THE LICENSE FEES IN SUBSECTION (1) INCLUDE THE
- 4 NONRESIDENT CONSERVATION LICENSE FEES FOR THE LICENSE
- 5 PRESCRIBED IN 87-2-202.
- 6 (3) NOT MORE THAN 2,000 CLASS B-11 ELK TAGS OR MORE
- 7 THAN 2,000 CLASS B-12 DEER TAGS MAY BE SOLD IN ANY ONE
- 8 LICENSE YEAR.
- 9 (4) THE USE OF EITHER LICENSE SPECIFIED IN SUBSECTION
- 10 (1) IS NOT RESTRICTED TO ANY ONE SPECIFIC AUTHORIZED HUNTING
- 11 AREA IN MONTANA.

12 Section 13. Section 87-2-507, MCA, is amended to read:  
 13 "87-2-507. Class D-1--nonresident mountain lion  
 14 license. Except as otherwise provided in this chapter, a  
 15 person not a resident, as defined in 87-2-102, but who is 12  
 16 years of age or older, upon payment of a fee of ~~\$100~~ \$250  
 17 \$100 may receive a Class D-1 license which shall entitle the  
 18 holder thereof to pursue, hunt, shoot, and kill mountain  
 19 lion and possess the carcass thereof as authorized by  
 20 department rules."

21 Section 14. Section 87-2-508, MCA, is amended to read:  
 22 "87-2-508. Class D-2--resident mountain lion license.  
 23 Except as otherwise provided in this chapter, a person who  
 24 is a resident, as defined in 87-2-102, and who is 12 years  
 25 of age or older, upon payment of a fee of \$5 \$25 \$5 may

1 receive a Class D-2 license which shall entitle the holder  
 2 thereof to pursue, hunt, shoot, and kill mountain lion and  
 3 possess the carcass thereof as authorized by department  
 4 rules."

5 Section 15. Section 87-2-601, MCA, is amended to read:  
 6 "87-2-601. Class C--trapper's license. Except as  
 7 otherwise provided in this chapter, a resident, as defined  
 8 in 87-2-102, upon making application and payment of a fee of  
 9 ~~\$40~~ \$25 \$10 to the department, may receive a Class C license  
 10 which shall authorize the holder thereof to trap fur-bearing  
 11 animals and hunt bobcat, wolverine, and Canada lynx within  
 12 the state of Montana at such times and in such manner as may  
 13 be lawful so to do under the laws of the state and the  
 14 regulations of the department and at such places as may be  
 15 designated in said license."

16 Section 16. Section 87-2-701, MCA, is amended to read:  
 17 "87-2-701. Special licenses. (1) Any applicant who  
 18 will be 12 years of age or older prior to September 15 of  
 19 the season for which the license is issued and is the holder  
 20 of a resident wildlife conservation license or a nonresident  
 21 wildlife conservation license may apply for a special  
 22 license which, in the judgment of the department, is to be  
 23 issued and shall pay the following fees therefor:

- 24 (a) moose--resident, ~~\$25~~ \$50 \$25; nonresident, ~~\$150~~
- 25 \$250 \$175;

1 (b) mountain goat--resident, ~~\$15~~ \$50 \$15; nonresident,  
2 ~~\$150~~ \$250 \$175;

3 (c) mountain sheep--resident, \$25 \$50 \$25;  
4 nonresident, ~~\$150~~ \$250 \$175;

5 (d) antelope--resident, \$5 \$10 \$5; nonresident, \$100;

6 (e) grizzly bear--resident, \$25 \$50 \$25; nonresident,  
7 ~~\$150~~ \$250 \$175;

8 (f) black or brown bear--nonresident, \$100.

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

14 (3) Special licenses shall be issued in a manner  
15 prescribed by the department.\*

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

17 "87-2-702. Restrictions on special licenses. ~~{1}~~--A  
18 person--who--has--obtained--a--grizzly-bear, moose, mountain  
19 goat, or mountain sheep--license--is--not--eligible--to--apply--for  
20 another--such--license--for--the--next--succeeding--7--years--if--such  
21 person--has--killed--or--taken--an--animal--of--the--species--for  
22 which--the--special--license--was--issued. A person who has  
23 obtained--a--grizzly-bear, moose, mountain goat, or mountain  
24 sheep--license--but--did--not--kill--or--take--an--animal--of--the  
25 species--for--which--the--special--license--was--issued--is--eligible

1 ~~to apply for another such license in any succeeding year--if~~  
2 ~~he--returns--his--unused--special--license--to--the--department~~  
3 ~~before--or--at--the--time--application--is--made.~~

4 ~~{2}~~{1} A person who has received a special permit for  
5 elk is not eligible to receive a second special permit for  
6 this species of game animal during any license year.  
7 However, in the event the number of applications received is  
8 not equal to the number of game animals desired to be killed  
9 by the department, reapplication may be made by those valid  
10 license holders of the current year who may fall within  
11 these limitations.

12 ~~{3}~~{2} A person who has killed or taken any game  
13 animal, except a deer or an antelope, during the current  
14 license year is not permitted to receive a special license  
15 under this chapter to hunt or kill a second game animal of  
16 the same species."

17 Section 18. Section 87-2-705, MCA, is amended to read:

18 "87-2-705. Drawing for special elk permits. In the  
19 event the number of valid applications for special elk  
20 permits for a hunting district exceeds the quota set by the  
21 department for the district, these permits shall be awarded  
22 by a drawing. Persons--making--valid--application--who--did--not  
23 receive--a--special--elk--permit--during--the--season--immediately  
24 preceding--the--drawing--shall--receive--first--preference--in--this  
25 drawing--for--first, second, and third--choice--hunting

1 ~~districts. The department shall provide for those persons~~  
 2 ~~making valid application for special elk permits a method of~~  
 3 ~~selecting first, second, and third choice hunting districts~~  
 4 ~~for any drawing held pursuant to this section. The~~  
 5 department may promulgate the rules necessary to implement  
 6 this section."

7 Section 19. Section 87-2-706, MCA, is amended to read:

8 "87-2-706. Drawing for special antelope licenses. In  
 9 the event the number of valid applications for special  
 10 antelope licenses for a hunting district exceeds the quota  
 11 set by the department for the district, such licenses shall  
 12 be awarded by a drawing. ~~Persons--making--valid--application~~  
 13 ~~who--did--not--receive--an--antelope--license--during--the--season~~  
 14 ~~immediately--preceding--the--drawing--shall--be--given--first~~  
 15 ~~preference--in--such--drawing--for--first,--second,--and--third~~  
 16 ~~choice--hunting--districts. The department shall provide for~~  
 17 ~~those persons making valid application for special antelope~~  
 18 ~~licenses a method of selecting first, second, and third~~  
 19 ~~choice hunting districts for any drawing held pursuant to~~  
 20 ~~this section. The department shall have the authority to~~  
 21 ~~promulgate such rules and regulations as are necessary to~~  
 22 implement this section."

23 NEW SECTION. Section 20. Drawing fee. (i) When the  
 24 department determines a drawing is necessary prior to  
 25 issuance of hunting licenses for any game species during a

1 hunting season, it shall collect a \$5 drawing fee with each  
 2 application submitted.

3 (2) This fee must be deposited in the earmarked  
 4 revenue fund to the credit of the department as set forth in  
 5 87-1-601.

6 (3) The payment of a drawing fee confers no hunting  
 7 rights or privileges.

8 (4) The commission may waive the provisions of  
 9 subsection (1) when a drawing is required for a special  
 10 season under 87-1-304.

11 Section 21. Section 87-2-711, MCA, is amended to read:

12 "87-2-711. Class AAA--sportsman's license. Any  
 13 resident, as defined by 87-2-102, who will be 12 years of  
 14 age or older prior to September 15 of the season for which  
 15 the license is issued, upon payment of the sum of \$35 ~~\$40~~  
 16 \$35, shall be entitled to a sportsman's license which shall  
 17 permit the holder to exercise all rights granted to holders  
 18 of Class A, A-1, A-3, A-5, A-6, and resident conservation  
 19 licenses as prescribed in 87-2-202. The department shall  
 20 furnish each holder of a sportsman's license an appropriate  
 21 decal."

22 Section 22. Section 87-2-805, MCA, is amended to read:

23 "87-2-805. Persons under fifteen years of age. (1)  
 24 Minors under 15 years of age may fish for and take fish  
 25 during the open season without a license. However, no



1 nonresident person under the age of 15 years may fish in or  
 2 on any Montana waters without first having obtained a Class  
 3 B, B-3, or B-4 fishing license unless the nonresident person  
 4 under the age of 15 years is in the company of an adult in  
 5 possession of a valid Montana fishing license. The limit of  
 6 fish for the nonresident person and the accompanying adult  
 7 combined may not exceed the limit for one adult as  
 8 established by law or by rule of the department.

9 (2) Residents, as defined by 87-2-102, under the age  
 10 of 15 years may purchase Class A-1, A-3, and A-5 licenses at  
 11 ~~42~~ ~~53~~ 52 per license."

12 Section 23. Section 87-2-903, MCA, is amended to read:

13 "87-2-903. Compensation and duties of agents. (1)  
 14 License agents, except salaried employees of the department,  
 15 shall receive for all services rendered the sum of ~~45~~ 30  
 16 cents for each license, permit, or certificate issued. On or  
 17 before the 10th day of each month each license agent shall  
 18 submit to the department all duplicates of each class of  
 19 licenses sold during the preceding month and shall accompany  
 20 the duplicate licenses with all moneys received for the sale  
 21 of the licenses less a fee of ~~45~~ 30 cents for each license  
 22 sold. Each license agent shall keep his license account open  
 23 at all reasonable hours to inspection by the department, the  
 24 director, the wardens, or the legislative auditor.

25 (2) For purposes of this section, the term "license"

1 includes any license, permit, and certificate prescribed by  
 2 the department."

3 Section 24. Section 87-5-204, MCA, is amended to read:

4 "87-5-204. License and rules for falconry. (1) The  
 5 department may adopt specific rules for the keeping of  
 6 records and for the trapping, taking, possession, or  
 7 training of raptors used in the practice of falconry and may  
 8 authorize the issuance of licenses to persons for the  
 9 practice of falconry. It is unlawful for any person to  
 10 possess a raptor or to train a raptor in the practice of  
 11 falconry without a license.

12 (2) The fee for a falconry license is ~~43~~ ~~425~~ 53 a year  
 13 or any part of a year. A license expires April 30 each year.

14 (3) A license may not be issued to a person under the  
 15 age of 12 years.

16 (4) Licensees shall have in possession a valid  
 17 falconer's license when engaged in the practice of falconry.  
 18 In addition, falconers loosing raptors at game birds shall  
 19 have in possession a valid resident or nonresident game bird  
 20 license.

21 (5) Falconry licenses or permits are not transferable  
 22 and may be revoked for due cause at any time by the  
 23 department."

24 Section 25. Repealer. (1) Sections 87-2-703 and  
 25 87-2-721, MCA, are repealed effective May 1, 1981.

1           (2) Section 87-2-303, MCA, is repealed effective May  
2 1, 1982.

3           Section 26. Codification instruction. (1) Section 6 is  
4 intended to be codified as an integral part of Title 87,  
5 chapter 2, part 3, and the provisions of Title 87 apply to  
6 section 6.

7           (2) Section 19 is intended to be codified as an  
8 integral part of Title 87, chapter 2, part 1, and the  
9 provisions of Title 87 apply to section 19.

10          Section 27. Effective date. This act is effective as  
11 follows:

12          (1) Sections 2 and 19 are effective May 1, 1981.

13          (2) Section 24 is effective as provided therein.

14          (3) Section 16 is effective July 1, 1980.

15          (4) Sections 17 and 18 are effective on passage and  
16 approval of this act.

17          (5) All other sections are effective May 1, 1982.

-End-

1 HOUSE BILL NO. 200

2 INTRODUCED BY ELLISON

3 BY REQUEST OF

4 THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FUNDS  
7 AVAILABLE FOR MANAGEMENT OF THE STATE'S WILDLIFE RESOURCES  
8 BY INCREASING THE FEES FOR HUNTING, FISHING, TRAPPING, AND  
9 RELATED LICENSES AND PERMITS; REMOVING THE 7-YEAR KILL  
10 LIMITATION ON CERTAIN GAME ANIMALS; AND REMOVING THE  
11 PRIORITY STATUS FOR UNSUCCESSFUL SPECIAL ELK AND ANTELOPE  
12 LICENSE APPLICANTS; AMENDING SECTIONS 87-2-104, 87-2-202,  
13 87-2-301, 87-2-302, 87-2-304, ~~87-2-401~~ THROUGH 87-2-403,  
14 87-2-501, 87-2-505, ~~87-2-507~~, ~~87-2-508~~, ~~87-2-601~~, 87-2-701,  
15 87-2-702, 87-2-705, 87-2-706, ~~87-2-711~~, ~~87-2-805~~, AND  
16 87-2-903, AND ~~87-5-204~~, MCA; REPEALING SECTIONS 87-2-303,  
17 87-2-703, AND 87-2-721, MCA; AND PROVIDING SEPARATE  
18 EFFECTIVE DATES."

19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Section 87-2-104, MCA, is amended to read:

22 "87-2-104. Number of licenses allowed. Only one  
23 license of any one class, except Class B-3 and B-4 licenses,  
24 shall be issued to any one person. The department may  
25 prescribe rules and regulations for the issuance or sale of

1 a replacement license of the same class in the event the  
2 original license is lost, stolen, or destroyed upon payment  
3 ~~of the sum of \$3 or the cost of the original license~~  
4 whichever is the smaller amount of the original price of the  
5 lost, stolen, or destroyed license, not to exceed \$25 \$5."

6 Section 2. Section 87-2-202, MCA, is amended to read:

7 "87-2-202. Application -- stamp attachment -- fee --  
8 expiration. (1) A wildlife conservation license shall be  
9 sold upon written application. The application shall contain  
10 the applicant's name, age, occupation, place of residence,  
11 post-office address, and length of time in the state of  
12 Montana; state whether the applicant is a citizen of the  
13 United States or an alien; and be subscribed by the  
14 applicant. The applicant shall present a driver's license or  
15 other identification to substantiate the information.

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

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

23 (4) Licenses issued shall be void after April 30 next  
24 succeeding their issuance."

25 Section 3. Section 87-2-301, MCA, is amended to read:

1       "87-2-301. Class A--resident fishing license. Any  
2 resident, as defined by 87-2-102, upon payment of a fee of  
3 ~~\$5 \$7~~~~50 ory after April 30, 1983, a fee of \$10~~ \$6, shall  
4 receive a Class A license which shall entitle the holder  
5 thereof to fish with hook and line or rod as authorized by  
6 regulations of the department."

7       Section 4. Section 87-2-302, MCA, is amended to read:

8       "87-2-302. Class B--nonresident fishing license. Any  
9 person not a resident, as defined in 87-2-102, upon payment  
10 of the sum of ~~\$20 \$40~~ \$30 to any agent of the department  
11 authorized to issue fishing and hunting licenses, shall be  
12 entitled to a Class B license which shall entitle the holder  
13 thereof to fish with hook and line as authorized by the  
14 rules and regulations of the department."

15       Section 5. Section 87-2-304, MCA, is amended to read:

16       "87-2-304. Class B-4--~~one-day~~ two-day nonresident  
17 fishing license. Any person not a resident, as defined in  
18 87-2-102, who is a holder of a valid wildlife conservation  
19 license, upon payment of the sum of ~~\$2~~ \$4 to any agent of  
20 the department authorized to issue fishing and hunting  
21 licenses, shall be entitled to a ~~1-day~~ 2-day nonresident  
22 fishing license which shall authorize the holder to fish  
23 with hook and line as prescribed by rules and regulations of  
24 the department for ~~1~~ 2 calendar ~~day~~ days as indicated on the  
25 license."

1       NEW SECTION. Section 6. Paddlefish tags. The  
2 department may issue paddlefish tags to holders of valid  
3 Class A, Class B, and Class B-4 fishing licenses for a fee  
4 of \$5 ~~\$3~~. Each tag authorizes the holder to fish with hook  
5 and line for paddlefish as prescribed by rules of the  
6 department.

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

8       "87-2-401. Class A-1--resident game bird license.  
9 Except as otherwise provided, a resident, as defined by  
10 87-2-102, who is 12 years of age or older may, upon payment  
11 of a fee of ~~\$4 \$5~~ ~~ory after April 30, 1983, a fee of \$6~~ \$4,  
12 receive a Class A-1 license which will entitle the holder to  
13 pursue, hunt, shoot, and kill game birds and possess the  
14 carcasses of game birds as authorized by department rules."

15       Section 8. Section 87-2-402, MCA, is amended to read:

16       "87-2-402. Class B-1--nonresident game bird license.  
17 Except as otherwise provided in this chapter, a person not a  
18 resident, as defined in 87-2-102, but who is 12 years of age  
19 or older, upon payment of a fee of ~~\$30 \$40~~ \$30 may receive a  
20 Class B-1 license which shall entitle the holder thereof to  
21 pursue, hunt, shoot, and kill game birds and possess the  
22 carcasses of game birds as authorized by department rules."

23       Section 9. Section 87-2-403, MCA, is amended to read:

24       "87-2-403. Wild turkey tags and fee. (1) The  
25 department may issue wild turkey tags to the holder of a

1 valid Class A-1 or Class B-1 license. Each tag shall entitle  
2 the holder to pursue, hunt, shoot, and kill one wild turkey  
3 and possess the carcass thereof, during such times and such  
4 places as the department shall authorize an open season on  
5 wild turkey.

6 (2) The fee for a wild turkey tag shall be \$2 ~~\$5~~ \$3.  
7 Turkey tags shall be issued either by a drawing system or in  
8 unlimited number as authorized by department rules."

9 Section 10. Section 87-2-501, MCA, is amended to read:

10 "87-2-501. Class A-3, A-4, A-5, A-6--resident deer,  
11 elk, and bear licenses. Except as otherwise provided in this  
12 chapter, a resident, as defined by 87-2-102, who will be 12  
13 years of age or older prior to September 15 of the season  
14 for which the license is issued may, upon payment of the  
15 proper fee or fees, be entitled to purchase one each of the  
16 following licenses which will entitle the holder to pursue,  
17 hunt, shoot, and kill the game animal or animals authorized  
18 by the license held and to possess the carcasses of those  
19 game animals as authorized by department rules:

20 (1) Class A-3, deer A tag, \$7 ~~\$8~~ until April 30, 1983,  
21 then \$10;

22 (2) Class A-4, deer B tag, \$5;

23 (3) Class A-5, elk tag, \$8 ~~\$10~~ until April 30, 1983,  
24 then \$12 \$9;

25 (4) Class A-6, black or brown bear tag, \$6 ~~\$10~~ \$8."

1 Section 11. Section 87-2-505, MCA, is amended to read:  
2 "87-2-505. Class B-10--nonresident big game  
3 combination license. Except as otherwise provided in this  
4 chapter, a person not a resident, as defined in 87-2-102,  
5 but who will be 12 years of age or older prior to September  
6 15 of the season for which the license is issued may, upon  
7 payment of the fee of ~~\$225~~ ~~\$300~~ ~~or after April 30, 1983,~~  
8 ~~fee of \$325,~~ \$250 and subject to the limitations prescribed  
9 by law and department regulation, apply to the fish and game  
10 office, Helena, Montana, to purchase a B-10 nonresident big  
11 game combination license which shall entitle the holder to  
12 all the privileges of Class B, Class B-1, Class B-7, and  
13 black bear licenses, and an elk tag. This license includes  
14 the nonresident conservation license as prescribed in  
15 87-2-202. Not more than ~~17,000~~ ~~15,000~~ 17,000 Class B-10  
16 licenses may be sold in any one license year."

17 NEW SECTION--SECTION 12--CLASSES--B-11--AND--B-12  
18 NONRESIDENT-BIG-GAME-LICENSE--(1)--EXCEPT--AS--OTHERWISE  
19 PROVIDED--IN--THIS--CHAPTER--A--PERSON--NOT--A--RESIDENT--AS  
20 DEFINED--IN--87-2-102--BUT--WHO--WILL--BE--12--YEARS--OF--AGE--OR  
21 OLDER--PRIOR--TO--SEPTEMBER--15--OF--THE--SEASON--FOR--WHICH--THE  
22 LICENSE--IS--ISSUED--MAY--UPON--PAYMENT--OF--THE--PROPER--FEE--OR  
23 FEES--AND--SUBJECT--TO--THE--LIMITATIONS--PRESCRIBED--BY--LAW--AND  
24 DEPARTMENT--RULE--PURCHASE--ONE--EACH--OF--THE--FOLLOWING  
25 LICENSES:

1 ~~(A) CLASS B-11 NONRESIDENT ELK LICENSE FOR \$150 AND~~  
 2 ~~(B) CLASS B-12 NONRESIDENT BEER LICENSE FOR \$100~~  
 3 ~~(2) THE LICENSE FEES IN SUBSECTION (1) INCLUDE THE~~  
 4 ~~NONRESIDENT CONSERVATION LICENSE FEES FOR THE LICENSE~~  
 5 ~~PRESCRIBED IN 87-2-202~~  
 6 ~~(3) NOT MORE THAN 2,000 CLASS B-11 ELK TAGS OR MORE~~  
 7 ~~THAN 2,000 CLASS B-12 BEER TAGS MAY BE SOLD IN ANY ONE~~  
 8 ~~LICENSE YEAR~~  
 9 ~~(4) THE USE OF EITHER LICENSE SPECIFIED IN SUBSECTION~~  
 10 ~~(1) IS NOT RESTRICTED TO ANY ONE SPECIFIC AUTHORIZED HUNTING~~  
 11 ~~AREA IN MONTANA~~

12 Section 12. Section 87-2-507, MCA, is amended to read:  
 13 "87-2-507. Class D-1--nonresident mountain lion  
 14 license. Except as otherwise provided in this chapter, a  
 15 person not a resident, as defined in 87-2-102, but who is 12  
 16 years of age or older, upon payment of a fee of ~~\$100~~ \$250  
 17 \$100 may receive a Class D-1 license which shall entitle the  
 18 holder thereof to pursue, hunt, shoot, and kill mountain  
 19 lion and possess the carcass thereof as authorized by  
 20 department rules."

21 Section 13. Section 87-2-508, MCA, is amended to read:  
 22 "87-2-508. Class D-2--resident mountain lion license.  
 23 Except as otherwise provided in this chapter, a person who  
 24 is a resident, as defined in 87-2-102, and who is 12 years  
 25 of age or older, upon payment of a fee of ~~\$5~~ \$25 \$5 may

1 receive a Class D-2 license which shall entitle the holder  
 2 thereof to pursue, hunt, shoot, and kill mountain lion and  
 3 possess the carcass thereof as authorized by department  
 4 rules."

5 Section 14. Section 87-2-601, MCA, is amended to read:  
 6 "87-2-601. Class C--trapper's license. Except as  
 7 otherwise provided in this chapter, a resident, as defined  
 8 in 87-2-102, upon making application and payment of a fee of  
 9 ~~\$10~~ \$25 \$10 to the department, may receive a Class C license  
 10 which shall authorize the holder thereof to trap fur-bearing  
 11 animals and hunt bobcat, wolverine, and Canada lynx within  
 12 the state of Montana at such times and in such manner as may  
 13 be lawful so to do under the laws of the state and the  
 14 regulations of the department and at such places as may be  
 15 designated in said license."

16 Section 15. Section 87-2-701, MCA, is amended to read:  
 17 "87-2-701. Special licenses. (1) Any applicant who  
 18 will be 12 years of age or older prior to September 15 of  
 19 the season for which the license is issued and is the holder  
 20 of a resident wildlife conservation license or a nonresident  
 21 wildlife conservation license may apply for a special  
 22 license which, in the judgment of the department, is to be  
 23 issued and shall pay the following fees therefor:

24 (a) moose--resident, ~~\$25~~ \$50 \$25; nonresident, ~~\$150~~  
 25 \$250 \$175;

1 (b) mountain goat--resident, ~~\$15~~ \$50 \$15; nonresident,  
2 ~~\$150~~ \$250 \$175;

3 (c) mountain sheep--resident, ~~\$25~~ \$50 \$25;  
4 nonresident, ~~\$150~~ \$250 \$175;

5 (d) antelope--resident, ~~\$5~~ \$10 \$5; nonresident, \$100;

6 (e) grizzly bear--resident, ~~\$25~~ \$50 \$25; nonresident,  
7 ~~\$150~~ \$250 \$175;

8 (f) black or brown bear--nonresident, \$100.

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

14 (3) Special licenses shall be issued in a manner  
15 prescribed by the department."

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

17 "87-2-702. Restrictions on special licenses. ~~††--A~~  
18 ~~person--who--has--obtained--a--grizzly-bear--moose--mountain~~  
19 ~~goat--or--mountain-sheep--license--is--not--eligible--to--apply--for~~  
20 ~~another--such--license--for--the--next--succeeding--7--years--if--such~~  
21 ~~person--has--killed--or--taken--an--animal--of--the--species--for~~  
22 ~~which--the--special--license--was--issued--A--person--who--has~~  
23 ~~obtained--a--grizzly-bear--moose--mountain--goat--or--mountain~~  
24 ~~sheep--license--but--did--not--kill--or--take--an--animal--of--the~~  
25 ~~species--for--which--the--special--license--was--issued--is--eligible~~

1 ~~to--apply--for--another--such--license--in--any--succeeding--year--if~~  
2 ~~he--returns--his--unused--special--license--to--the--department~~  
3 ~~before--or--at--the--time--application--is--made.~~

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

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

17 Section 17. Section 87-2-705, MCA, is amended to read:

18 "87-2-705. Drawing for special elk permits. In the  
19 event the number of valid applications for special elk  
20 permits for a hunting district exceeds the quota set by the  
21 department for the district, these permits shall be awarded  
22 by a drawing. ~~Persons--making--valid--application--who--did--not~~  
23 ~~receive--a--special--elk--permit--during--the--season--immediately~~  
24 ~~preceding--the--drawing--shall--receive--first--preference--in--this~~  
25 ~~drawing--for--first--second--and--third--choice--hunting~~

1 ~~districts. The department shall provide for those persons~~  
 2 ~~making valid application for special elk permits a method of~~  
 3 ~~selecting first, second, and third choice hunting districts~~  
 4 ~~for any drawing held pursuant to this section. The~~  
 5 department may promulgate the rules necessary to implement  
 6 this section."

7 Section 18. Section 87-2-706, MCA, is amended to read:  
 8 "87-2-706. Drawing for special antelope licenses. In  
 9 the event the number of valid applications for special  
 10 antelope licenses for a hunting district exceeds the quota  
 11 set by the department for the district, such licenses shall  
 12 be awarded by a drawing. ~~Persons--making--valid--application~~  
 13 ~~who--did--not--receive--an--antelope--license--during--the--season~~  
 14 ~~immediately--preceding--the--drawing--shall--be--given--first~~  
 15 ~~preference--in--such--drawing--for--first,--second,--and--third~~  
 16 ~~choice--hunting--districts. The department shall provide for~~  
 17 ~~those persons making valid application for special antelope~~  
 18 ~~licenses a method of selecting first, second, and third~~  
 19 ~~choice hunting districts for any drawing held pursuant to~~  
 20 ~~this section. The department shall have the authority to~~  
 21 promulgate such rules and regulations as are necessary to  
 22 implement this section."

23 NEW SECTION. Section 19. Drawing fee. (1) When the  
 24 department determines a drawing is necessary prior to  
 25 issuance of hunting licenses for any game species during a

1 hunting season, it shall collect a \$5 drawing fee with each  
 2 application submitted.

3 (2) This fee must be deposited in the earmarked  
 4 revenue fund to the credit of the department as set forth in  
 5 87-1-601.

6 (3) The payment of a drawing fee confers no hunting  
 7 rights or privileges.

8 (4) The commission may waive the provisions of  
 9 subsection (1) when a drawing is required for a special  
 10 season under 87-1-304.

11 Section 20. Section 87-2-711, MCA, is amended to read:  
 12 "87-2-711. Class AAA--sportsman's license. Any  
 13 resident, as defined by 87-2-102, who will be 12 years of  
 14 age or older prior to September 15 of the season for which  
 15 the license is issued, upon payment of the sum of \$35 ~~\$40~~  
 16 ~~\$35~~, shall be entitled to a sportsman's license which shall  
 17 permit the holder to exercise all rights granted to holders  
 18 of Class A, A-1, A-3, A-5, A-6, and resident conservation  
 19 licenses as prescribed in 87-2-202. The department shall  
 20 furnish each holder of a sportsman's license an appropriate  
 21 decal."

22 Section 21. Section 87-2-805, MCA, is amended to read:  
 23 "87-2-805. Persons under fifteen years of age. (1)  
 24 Minors under 15 years of age may fish for and take fish  
 25 during the open season without a license. However, no



1 nonresident person under the age of 15 years may fish in or  
 2 on any Montana waters without first having obtained a Class  
 3 B, B-3, or B-4 fishing license unless the nonresident person  
 4 under the age of 15 years is in the company of an adult in  
 5 possession of a valid Montana fishing license. The limit of  
 6 fish for the nonresident person and the accompanying adult  
 7 combined may not exceed the limit for one adult as  
 8 established by law or by rule of the department.

9 (2) Residents, as defined by 87-2-102, under the age  
 10 of 15 years may purchase Class A-1, A-3, and A-5 licenses at  
 11 ~~\$2~~ ~~\$3~~ \$2 per license."

12 Section 22. Section 87-2-903, MCA, is amended to read:

13 "87-2-903. Compensation and duties of agents. (1)  
 14 License agents, except salaried employees of the department,  
 15 shall receive for all services rendered the sum of ~~±5~~ 30  
 16 cents for each license, permit, or certificate issued. On or  
 17 before the 10th day of each month each license agent shall  
 18 submit to the department all duplicates of each class of  
 19 licenses sold during the preceding month and shall accompany  
 20 the duplicate licenses with all moneys received for the sale  
 21 of the licenses less a fee of ~~±5~~ 30 cents for each license  
 22 sold. Each license agent shall keep his license account open  
 23 at all reasonable hours to inspection by the department, the  
 24 director, the wardens, or the legislative auditor.

25 (2) For purposes of this section, the term "license"

1 includes any license, permit, and certificate prescribed by  
 2 the department."

3 Section 23. Section 87-5-204, MCA, is amended to read:

4 "87-5-204. License and rules for falconry. (1) The  
 5 department may adopt specific rules for the keeping of  
 6 records and for the trapping, taking, possession, or  
 7 training of raptors used in the practice of falconry and may  
 8 authorize the issuance of licenses to persons for the  
 9 practice of falconry. It is unlawful for any person to  
 10 possess a raptor or to train a raptor in the practice of  
 11 falconry without a license.

12 (2) The fee for a falconry license is ~~±3~~ \$25 \$3 a year  
 13 or any part of a year. A license expires April 30 each year.

14 (3) A license may not be issued to a person under the  
 15 age of 12 years.

16 (4) Licensees shall have in possession a valid  
 17 falconer's license when engaged in the practice of falconry.  
 18 In addition, falconers loosing raptors at game birds shall  
 19 have in possession a valid resident or nonresident game bird  
 20 license.

21 (5) Falconry licenses or permits are not transferable  
 22 and may be revoked for due cause at any time by the  
 23 department."

24 Section 24. Repealer. (1) Sections 87-2-703 and  
 25 87-2-721, MCA, are repealed effective May 1, 1981.

1           (2) Section 87-2-303, MCA, is repealed effective May  
2 1, 1982.

3           Section 25. Codification instruction. (1) Section 6 is  
4 intended to be codified as an integral part of Title 87,  
5 chapter 2, part 3, and the provisions of Title 87 apply to  
6 section 6.

7           (2) Section 19 is intended to be codified as an  
8 integral part of Title 87, chapter 2, part 1, and the  
9 provisions of Title 87 apply to section 19.

10          Section 26. Effective date. This act is effective as  
11 follows:

12           (1) Sections 2 and 19 are effective May 1, 1981.

13           (2) Section 24 is effective as provided therein.

14           (3) Section 16 is effective July 1, ~~1980~~ 1981.

15           (4) Sections 17 and 18 are effective on passage and  
16 approval of this act.

17           (5) All other sections are effective May 1, 1982.

-End-

1 HOUSE BILL NO. 200  
 2 INTRODUCED BY ELLISON  
 3 BY REQUEST OF  
 4 THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS  
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FUNDS  
 7 AVAILABLE FOR MANAGEMENT OF THE STATE'S WILDLIFE RESOURCES  
 8 BY INCREASING THE FEES FOR HUNTING, FISHING, TRAPPING, AND  
 9 RELATED LICENSES AND PERMITS; REMOVING THE 7-YEAR KILL  
 10 LIMITATION ON CERTAIN GAME ANIMALS; AND REMOVING THE  
 11 PRIORITY STATUS FOR UNSUCCESSFUL SPECIAL ELK AND ANTELOPE  
 12 LICENSE APPLICANTS; AMENDING SECTIONS 87-2-104, 87-2-202,  
 13 87-2-301, 87-2-302, 87-2-304, ~~87-2-491~~ THROUGH 87-2-403,  
 14 87-2-501, 87-2-505, ~~87-2-507~~, ~~87-2-508~~, ~~87-2-601~~, 87-2-701,  
 15 87-2-702, 87-2-705, 87-2-706, ~~87-2-711~~, 87-2-805, AND  
 16 87-2-903, AND ~~87-5-204~~, MCA; REPEALING SECTIONS 87-2-303,  
 17 87-2-703, AND 87-2-721, MCA; AND PROVIDING SEPARATE  
 18 EFFECTIVE DATES."  
 19

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 21 Section 1. Section 87-2-104, MCA, is amended to read:  
 22 "87-2-104. Number of licenses allowed. Only one  
 23 license of any one class, except Class B-3 and B-4 licenses,  
 24 shall be issued to any one person. The department may  
 25 prescribe rules and regulations for the issuance or sale of

1 a replacement license of the same class in the event the  
 2 original license is lost, stolen, or destroyed upon payment  
 3 ~~of the sum of \$3 or the cost of the original license,~~  
 4 ~~whichever is the smaller amount~~ of the original price of the  
 5 lost, stolen, or destroyed license, not to exceed \$25 \$5."

6 Section 2. Section 87-2-202, MCA, is amended to read:  
 7 "87-2-202. Application -- stamp attachment -- fee --  
 8 expiration. (1) A wildlife conservation license shall be  
 9 sold upon written application. The application shall contain  
 10 the applicant's name, age, occupation, place of residence,  
 11 post-office address, and length of time in the state of  
 12 Montana; state whether the applicant is a citizen of the  
 13 United States or an alien; and be subscribed by the  
 14 applicant. The applicant shall present a driver's license or  
 15 other identification to substantiate the information.

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

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

23 (4) Licenses issued shall be void after April 30 next  
 24 succeeding their issuance."  
 25

Section 3. Section 87-2-301, MCA, is amended to read:

1 "87-2-301. Class A--resident fishing license. Any  
 2 resident, as defined by 87-2-102, upon payment of a fee of  
 3 ~~\$5 \$7.50 or, after April 30, 1983, a fee of \$10~~ ~~\$6~~ ~~\$7~~ ~~\$6~~,  
 4 shall receive a Class A license which shall entitle the  
 5 holder thereof to fish with hook and line or rod as  
 6 authorized by regulations of the department."

7 Section 4. Section 87-2-302, MCA, is amended to read:

8 "87-2-302. Class B--nonresident fishing license. Any  
 9 person not a resident, as defined in 87-2-102, upon payment  
 10 of the sum of ~~\$20~~ ~~\$40~~ ~~\$30~~ to any agent of the department  
 11 authorized to issue fishing and hunting licenses, shall be  
 12 entitled to a Class B license which shall entitle the holder  
 13 thereof to fish with hook and line as authorized by the  
 14 rules and regulations of the department."

15 Section 5. Section 87-2-304, MCA, is amended to read:

16 "87-2-304. Class B-4--~~one-day~~ two-day nonresident  
 17 fishing license. Any person not a resident, as defined in  
 18 87-2-102, who is a holder of a valid wildlife conservation  
 19 license, upon payment of the sum of ~~\$2~~ ~~\$4~~ to any agent of  
 20 the department authorized to issue fishing and hunting  
 21 licenses, shall be entitled to a ~~1-day~~ 2-day nonresident  
 22 fishing license which shall authorize the holder to fish  
 23 with hook and line as prescribed by rules and regulations of  
 24 the department for ~~1~~ 2 calendar ~~day~~ days as indicated on the  
 25 license."

1 NEW SECTION. Section 6. Paddlefish tags. The  
 2 department may issue paddlefish tags to holders of valid  
 3 Class A, Class B, and Class B-4 fishing licenses for a fee  
 4 of ~~\$5~~ ~~\$3~~. Each tag authorizes the holder to fish with hook  
 5 and line for paddlefish as prescribed by rules of the  
 6 department.

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

8 ~~"87-2-401. Class A-1--resident--game--bird--license.~~  
 9 ~~Except as otherwise provided, a resident, as defined by~~  
 10 ~~87-2-102, who is 12 years of age or older may, upon payment~~  
 11 ~~of a fee of \$4~~ ~~\$5~~ ~~or, after April 30, 1983, a fee of \$6~~ ~~\$4~~  
 12 ~~receive a Class A-1 license which will entitle the holder to~~  
 13 ~~pursue, hunt, shoot, and kill game birds and possess the~~  
 14 ~~carcasses of game birds as authorized by department rules."~~

15 ~~Section 8. Section 87-2-402, MCA, is amended to read:~~

16 ~~"87-2-402. Class B-1--nonresident--game--bird--license.~~  
 17 ~~Except as otherwise provided in this chapter, a person not a~~  
 18 ~~resident, as defined in 87-2-102, but who is 12 years of age~~  
 19 ~~or older, upon payment of a fee of \$30~~ ~~\$40~~ ~~\$38~~ ~~may receive a~~  
 20 ~~Class B-1 license which shall entitle the holder thereof to~~  
 21 ~~pursue, hunt, shoot, and kill game birds and possess the~~  
 22 ~~carcasses of game birds as authorized by department rules."~~

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

24 "87-2-403. Wild turkey tags and fee. (1) The  
 25 department may issue wild turkey tags to the holder of a

1 valid Class A-1 or Class B-1 license. Each tag shall entitle  
 2 the holder to pursue, hunt, shoot, and kill one wild turkey  
 3 and possess the carcass thereof, during such times and such  
 4 places as the department shall authorize an open season on  
 5 wild turkey.

6 (2) The fee for a wild turkey tag shall be \$2 ~~\$5~~ \$3.  
 7 Turkey tags shall be issued either by a drawing system or in  
 8 unlimited number as authorized by department rules."

9 Section B. Section 87-2-501, MCA, is amended to read:

10 "87-2-501. Class A-3, A-4, A-5, A-6--resident deer,  
 11 elk, and bear licenses. Except as otherwise provided in this  
 12 chapter, a resident, as defined by 87-2-102, who will be 12  
 13 years of age or older prior to September 15 of the season  
 14 for which the license is issued may, upon payment of the  
 15 proper fee or fees, be entitled to purchase one each of the  
 16 following licenses which will entitle the holder to pursue,  
 17 hunt, shoot, and kill the game animal or animals authorized  
 18 by the license held and to possess the carcasses of those  
 19 game animals as authorized by department rules:

20 (1) Class A-3, deer A tag, \$7 ~~\$8~~ untill-April-30,--1983,  
 21 then-\$10;

22 (2) Class A-4, deer B tag, \$5;

23 (3) Class A-5, elk tag, \$8 ~~\$10-untill-April-30,--1983,~~  
 24 then-\$12 \$9;

25 (4) Class A-6, black or brown bear tag, \$6 ~~\$10~~ \$8."

1 Section 9. Section 87-2-505, MCA, is amended to read:

2 "87-2-505. Class B-10--nonresident big game  
 3 combination license. Except as otherwise provided in this  
 4 chapter, a person not a resident, as defined in 87-2-102,  
 5 but who will be 12 years of age or older prior to September  
 6 15 of the season for which the license is issued may, upon  
 7 payment of the fee of \$225 ~~\$300-or,--after-April-30,--1983,--a~~  
 8 ~~fee-of-\$325,~~ \$250 \$275 and subject to the limitations  
 9 prescribed by law and department regulation, apply to the  
 10 fish and game office, Helena, Montana, to purchase a B-10  
 11 nonresident big game combination license which shall entitle  
 12 the holder to all the privileges of Class B, Class B-1,  
 13 Class B-7, and black bear licenses, and an elk tag. This  
 14 license includes the nonresident conservation license as  
 15 prescribed in 87-2-202. Not more than ~~17,000~~ 15,000 17,000  
 16 Class B-10 licenses may be sold in any one license year."

17 ~~NEW-SECTION--SECTION-12--CLASSES--B-11--AND--B-12~~  
 18 ~~NONRESIDENT-BIG-GAME--LICENSE--(1)--EXCEPT--AS--OTHERWISE~~  
 19 ~~PROVIDED--IN--THIS--CHAPTER,--A--PERSON--NOT--A--RESIDENT,--AS~~  
 20 ~~DEFINED--IN--87-2-102,--BUT--WHO--WILL--BE--12--YEARS--OF--AGE--OR~~  
 21 ~~OLDER--PRIOR--TO--SEPTEMBER--15--OF--THE--SEASON--FOR--WHICH--THE~~  
 22 ~~LICENSE--IS--ISSUED--MAY--UPON--PAYMENT--OF--THE--PROPER--FEE--OR~~  
 23 ~~FEES,--AND--SUBJECT--TO--THE--LIMITATIONS--PRESCRIBED--BY--LAW--AND~~  
 24 ~~DEPARTMENT--RULES,--PURCHASE--ONE--EACH--OF--THE--FOLLOWING~~  
 25 ~~LICENSES:~~

1 ~~(A) CLASS-B-11-NONRESIDENT-ELK-LICENSE-FOR-\$150; AND~~  
 2 ~~(B) CLASS-B-12-NONRESIDENT-BEER-LICENSE-FOR-\$100;~~  
 3 ~~(2) THE LICENSE FEES IN SUBSECTION (1) INCLUDE THE~~  
 4 ~~NONRESIDENT CONSERVATION LICENSE FEES FOR THE LICENSE~~  
 5 ~~PRESCRIBED IN 87-2-202;~~  
 6 ~~(3) NOT MORE THAN 2,000 CLASS-B-11-ELK TAGS OR MORE~~  
 7 ~~THAN 2,000 CLASS-B-12-BEER TAGS MAY BE SOLD IN ANY ONE~~  
 8 ~~LICENSE YEAR;~~  
 9 ~~(4) THE USE OF EITHER LICENSE SPECIFIED IN SUBSECTION~~  
 10 ~~(1) IS NOT RESTRICTED TO ANY ONE SPECIFIC AUTHORIZED HUNTING~~  
 11 ~~AREA IN MONTANA;~~  
 12 Section 12. Section 87-2-507, MCA, is amended to read:  
 13 "87-2-507. Class--B-1--nonresident--mountain--tion  
 14 license. Except as otherwise provided in this chapter, a  
 15 person not a resident, as defined in 87-2-102, but who is 12  
 16 years of age or older, upon payment of a fee of \$100 ~~\$250~~  
 17 ~~\$100~~ may receive a class-B-1 license which shall entitle the  
 18 holder thereof to pursue, hunt, shoot, and kill mountain  
 19 lion and possess the carcass thereof as authorized by  
 20 department rules."  
 21 Section 13. Section 87-2-508, MCA, is amended to read:  
 22 "87-2-508. Class-B-2--resident--mountain--tion--license.  
 23 Except as otherwise provided in this chapter, a person who  
 24 is a resident, as defined in 87-2-102, and who is 12 years  
 25 of age or older, upon payment of a fee of \$5 ~~\$25~~ ~~\$5~~ may

1 receive a class-B-2 license which shall entitle the holder  
 2 thereof to pursue, hunt, shoot, and kill mountain lion and  
 3 possess the carcass thereof as authorized by department  
 4 rules."  
 5 Section 14. Section 87-2-601, MCA, is amended to read:  
 6 "87-2-601. Class--C--trapper's--license. Except as  
 7 otherwise provided in this chapter, a resident, as defined  
 8 in 87-2-102, upon making application and payment of a fee of  
 9 \$10 ~~\$25~~ ~~\$10~~ to the department, may receive a class-C license  
 10 which shall authorize the holder thereof to trap fur-bearing  
 11 animals and hunt bobcat, wolverine, and Canada lynx within  
 12 the state of Montana at such times and in such manner as may  
 13 be lawful so to do under the laws of the state and the  
 14 regulations of the department and at such places as may be  
 15 designated in said license."  
 16 Section 10. Section 87-2-701, MCA, is amended to read:  
 17 "87-2-701. Special licenses. (1) Any applicant who  
 18 will be 12 years of age or older prior to September 15 of  
 19 the season for which the license is issued and is the holder  
 20 of a resident wildlife conservation license or a nonresident  
 21 wildlife conservation license may apply for a special  
 22 license which, in the judgment of the department, is to be  
 23 issued and shall pay the following fees therefor:  
 24 (a) moose--resident, \$25 ~~\$50~~ ~~\$25~~; nonresident, \$150  
 25 ~~\$250~~ ~~\$175~~;

1 (b) mountain goat--resident, ~~\$15~~ ~~\$50~~ \$15; nonresident,  
2 ~~\$150~~ ~~\$250~~ \$175;

3 (c) mountain sheep--resident, ~~\$25~~ ~~\$50~~ \$25;  
4 nonresident, ~~\$150~~ ~~\$250~~ \$175;

5 (d) antelope--resident, ~~\$5~~ ~~\$10~~ \$5; nonresident, \$100;

6 (e) grizzly bear--resident, ~~\$25~~ ~~\$50~~ \$25; nonresident,  
7 ~~\$150~~ ~~\$250~~ \$175;

8 (f) black or brown bear--nonresident, \$100.

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

14 (3) Special licenses shall be issued in a manner  
15 prescribed by the department."

16 Section 11. Section 87-2-702, MCA, is amended to read:

17 "87-2-702. Restrictions on special licenses. ~~{1}~~--A  
18 person--who--has--obtained--a--grizzly-bear--moose--mountain  
19 goat--or--mountain-sheep--license--is--not--eligible--to--apply--for  
20 another--such--license--for--the--next--succeeding--7--years--if--such  
21 person--has--killed--or--taken--an--animal--of--the--species--for  
22 which--the--special--license--was--issued--A--person--who--has  
23 obtained--a--grizzly-bear--moose--mountain-goat--or--mountain  
24 sheep--license--but--did--not--kill--or--take--an--animal--of--the  
25 species--for--which--the--special--license--was--issued--is--eligible

1 to--apply--for--another--such--license--in--any--succeeding--year--if  
2 he--returns--his--unused--special--license--to--the--department  
3 before--or--at--the--time--application--is--made

4 ~~{2}~~{1} A person who has received a special permit for  
5 elk is not eligible to receive a second special permit for  
6 this species of game animal during any license year.  
7 However, in the event the number of applications received is  
8 not equal to the number of game animals desired to be killed  
9 by the department, reapplication may be made by those valid  
10 license holders of the current year who may fall within  
11 these limitations.

12 ~~{3}~~{2} A person who has killed or taken any game  
13 animal, except a deer or an antelope, during the current  
14 license year is not permitted to receive a special license  
15 under this chapter to hunt or kill a second game animal of  
16 the same species."

17 Section 12. Section 87-2-705, MCA, is amended to read:

18 "87-2-705. Drawing for special elk permits. In the  
19 event the number of valid applications for special elk  
20 permits for a hunting district exceeds the quota set by the  
21 department for the district, these permits shall be awarded  
22 by a drawing. Persons-making-valid-application-who-did-not  
23 receive-a-special-elk-permit-during-the-season--immediately  
24 preceding-the-drawing-shall-receive-first-preference-in-this  
25 drawing--for--first--second--and--third--choice--hunting

1 districts. The department shall provide for those persons  
 2 making valid application for special elk permits a method of  
 3 selecting first, second, and third choice hunting districts  
 4 for any drawing held pursuant to this section. The  
 5 department may promulgate the rules necessary to implement  
 6 this section."

7 Section 13. Section 87-2-706, MCA, is amended to read:

8 "87-2-706. Drawing for special antelope licenses. In  
 9 the event the number of valid applications for special  
 10 antelope licenses for a hunting district exceeds the quota  
 11 set by the department for the district, such licenses shall  
 12 be awarded by a drawing. Persons--making--valid--application  
 13 who--did--not--receive--an--antelope--license--during--the--season  
 14 immediately--preceding--the--drawing--shall--be--given--first  
 15 preference--in--such--drawing--for--first,--second,--and--third  
 16 choice--hunting--districts. The department shall provide for  
 17 those persons making valid application for special antelope  
 18 licenses a method of selecting first, second, and third  
 19 choice hunting districts for any drawing held pursuant to  
 20 this section. The department shall have the authority to  
 21 promulgate such rules and regulations as are necessary to  
 22 implement this section."

23 NEW SECTION. Section 14. Drawing fee. (1) When the  
 24 department determines a drawing is necessary prior to  
 25 issuance of hunting licenses for any game species during a

1 hunting season, it shall collect a \$5 drawing fee with each  
 2 application submitted.

3 (2) This fee must be deposited in the earmarked  
 4 revenue fund to the credit of the department as set forth in  
 5 87-1-601.

6 (3) The payment of a drawing fee confers no hunting  
 7 rights or privileges.

8 (4) The commission may waive the provisions of  
 9 subsection (1) when a drawing is required for a special  
 10 season under 87-1-304.

11 ~~Section 20. Section 87-2-711, MCA, is amended to read:~~  
 12 ~~"87-2-711. Class--AAA--sportsman's--license. Any~~  
 13 ~~resident, as defined by 87-2-102, who will be 12 years of~~  
 14 ~~age or older prior to September 15 of the season for which~~  
 15 ~~the license is issued, upon payment of the sum of \$35 \$40~~  
 16 ~~\$35, shall be entitled to a sportsman's license which shall~~  
 17 ~~permit the holder to exercise all rights granted to holders~~  
 18 ~~of Class A, A-1, A-3, A-5, A-6, and resident conservation~~  
 19 ~~licenses as prescribed in 87-2-202. The department shall~~  
 20 ~~furnish each holder of a sportsman's license on appropriate~~  
 21 ~~dates."~~

22 ~~Section 21. Section 87-2-805, MCA, is amended to read:~~  
 23 ~~"87-2-805. Persons--under--fifteen--years--of--age--(1)~~  
 24 ~~Minors under 15 years of age may fish for and take fish~~  
 25 ~~during the open season without a license. However, no~~



1 nonresident person under the age of 15 years may fish in or  
 2 on any Montana waters without first having obtained a Class  
 3 B-3 or B-4 fishing license unless the nonresident person  
 4 under the age of 15 years is in the company of an adult in  
 5 possession of a valid Montana fishing license. The limit of  
 6 fish for the nonresident person and the accompanying adult  
 7 combined may not exceed the limit for one adult as  
 8 established by law or by rule of the department.

9 {2} Residents, as defined by 87-2-102, under the age  
 10 of 15 years may purchase Class A-1, A-3, and A-5 licenses at  
 11 \$2 ~~\$3~~ ~~\$2~~ per license.

12 Section 15. Section 87-2-903, MCA, is amended to read:

13 "87-2-903. Compensation and duties of agents. (1)  
 14 License agents, except salaried employees of the department,  
 15 shall receive for all services rendered the sum of ~~15~~ 30  
 16 cents for each license, permit, or certificate issued. On or  
 17 before the 10th day of each month each license agent shall  
 18 submit to the department all duplicates of each class of  
 19 licenses sold during the preceding month and shall accompany  
 20 the duplicate licenses with all moneys received for the sale  
 21 of the licenses less a fee of ~~15~~ 30 cents for each license  
 22 sold. Each license agent shall keep his license account open  
 23 at all reasonable hours to inspection by the department, the  
 24 director, the wardens, or the legislative auditor.

25 {2} For purposes of this section, the term "license"

1 includes any license, permit, and certificate prescribed by  
 2 the department."

3 Section 23. Section 87-5-204, MCA, is amended to read:  
 4 "87-5-204. License and rules for falconry. (1) The  
 5 department may adopt specific rules for the keeping of  
 6 records and for the trapping, taking, possession, or  
 7 training of raptors used in the practice of falconry and may  
 8 authorize the issuance of licenses to persons for the  
 9 practice of falconry. It is unlawful for any person to  
 10 possess a raptor or to train a raptor in the practice of  
 11 falconry without a license.

12 {2} The fee for a falconry license is \$3 ~~\$25~~ ~~\$3~~ a year  
 13 or any part of a year. A license expires April 30 each year.

14 {3} A license may not be issued to a person under the  
 15 age of 12 years.

16 {4} Licensees shall have in possession a valid  
 17 falconer's license when engaged in the practice of falconry.  
 18 In addition, falconers loosing raptors at game birds shall  
 19 have in possession a valid resident or nonresident game bird  
 20 license.

21 {5} Falconry licenses or permits are not transferable  
 22 and may be revoked for due cause at any time by the  
 23 department."

24 Section 16. Repealer. (1) Sections 87-2-703 and  
 25 87-2-721, MCA, are repealed effective May 1, 1981.

1           (2) Section 87-2-303, MCA, is repealed effective May  
2 1, 1982.

3           Section 17. Codification instruction. (1) Section 6 is  
4 intended to be codified as an integral part of Title 87,  
5 chapter 2, part 3, and the provisions of Title 87 apply to  
6 section 6.

7           (2) Section ~~19~~ 14 is intended to be codified as an  
8 integral part of Title 87, chapter 2, part 1, and the  
9 provisions of Title 87 apply to section ~~19~~ 14.

10          Section 18. Effective date. This act is effective as  
11 follows:

12          (1) Sections 2 and ~~19~~ 14 are effective May 1, 1981.

13          (2) Section ~~24~~ 16 is effective as provided therein.

14          (3) Section ~~16~~ 11 is effective July 1, ~~1980~~ 1981.

15          (4) Sections ~~17-and-18~~ 12 AND 13 are effective on  
16 passage and approval of this act.

17          (5) All other sections are effective May 1, 1982.

-End-

~~nonresident person under the age of 15 years may fish in or on any Montana waters without first having obtained a Class Bv-B-3, or B-4 fishing license unless the nonresident person under the age of 15 years is in the company of an adult in possession of a valid Montana fishing license. The limit of fish for the nonresident person and the accompanying adult combined may not exceed the limit for one adult as established by law or by rule of the department.~~

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

Section 15. Section 87-2-903, MCA, is amended to read:  
 "87-2-903. Compensation and duties of agents. (1) License agents, except salaried employees of the department, shall receive for all services rendered the sum of 15 30 cents for each license, permit, or certificate issued. On or before the 10th day of each month each license agent shall submit to the department all duplicates of each class of licenses sold during the preceding month and shall accompany the duplicate licenses with all moneys received for the sale of the licenses less a fee of 15 30 cents for each license sold. Each license agent shall keep his license account open at all reasonable hours to inspection by the department, the director, the wardens, or the legislative auditor.

(2) For purposes of this section, the term "license"

includes any license, permit, and certificate prescribed by the department."

~~Section 23. Section 87-5-204, MCA, is amended to read: "87-5-204. License and rates for falconry. (1) The department may adopt specific rules for the keeping of records and for the trapping, taking, possession, or training of raptors used in the practice of falconry and may authorize the issuance of licenses to persons for the practice of falconry. It is unlawful for any person to possess a raptor or to train a raptor in the practice of falconry without a license.~~

~~(2) The fee for a falconry license is \$3 \$25 \$3 a year or any part of a year. A license expires April 30 each year.~~

~~(3) A license may not be issued to a person under the age of 12 years.~~

~~(4) Licensees shall have in possession a valid falconer's license when engaged in the practice of falconry. In addition, falconers losing raptors at game-birds shall have in possession a valid resident or nonresident game-bird license.~~

~~(5) Falconry licenses or permits are not transferable and may be revoked for due cause at any time by the department."~~

Section 16. Repealer. (1) Sections 87-2-703 and 87-2-721, MCA, are repealed effective May 1, 1981.

1           (2) Section 87-2-303, MCA, is repealed effective May  
2 1, 1982.

3           Section 17. Codification instruction. (1) Section 6 is  
4 intended to be codified as an integral part of Title 87,  
5 chapter 2, part 3, and the provisions of Title 87 apply to  
6 section 6.

7           (2) Section ~~19~~ 14 is intended to be codified as an  
8 integral part of Title 87, chapter 2, part 1, and the  
9 provisions of Title 87 apply to section ~~19~~ 14.

10          Section 18. Effective date. This act is effective as  
11 follows:

12          (1) Sections 2 and ~~19~~ 14 are effective May 1, 1981.

13          (2) Section 24 16 is effective as provided therein.

14          (3) Section ~~16~~ 11 is effective July 1, ~~1980~~ 1981.

15          (4) Sections ~~17-and-18~~ 12 AND 13 are effective on  
16 passage and approval of this act.

17          (5) All other sections are effective May 1, 1982.

-End-

HOUSE BILL NO. 200  
INTRODUCED BY ELLISON  
BY REQUEST OF

THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FUNDS AVAILABLE FOR MANAGEMENT OF THE STATE'S WILDLIFE RESOURCES BY INCREASING THE FEES FOR HUNTING, FISHING, TRAPPING, AND RELATED LICENSES AND PERMITS; REMOVING THE 7-YEAR KILL LIMITATION ON CERTAIN GAME ANIMALS; AND REMOVING THE PRIORITY STATUS FOR UNSUCCESSFUL SPECIAL ELK AND ANTELOPE LICENSE APPLICANTS; AMENDING SECTIONS 87-2-104, 87-2-202, 87-2-301, 87-2-302, 87-2-304, ~~87-2-401~~ THROUGH 87-2-403, 87-2-501, 87-2-505, ~~87-2-507~~, ~~87-2-508~~, ~~87-2-601~~, 87-2-701, 87-2-702, 87-2-705, 87-2-706, ~~87-2-711~~, 87-2-805, AND 87-2-903, ~~AND 87-5-204~~, MCA; REPEALING SECTIONS 87-2-303, 87-2-703, AND 87-2-721, MCA; AND PROVIDING SEPARATE EFFECTIVE DATES."

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

Section 1. Section 87-2-104, MCA, is amended to read:

"87-2-104. Number of licenses allowed. Only one license of any one class, except Class B-3 and B-4 licenses, shall be issued to any one person. The department may prescribe rules and regulations for the issuance or sale of

a replacement license of the same class in the event the original license is lost, stolen, or destroyed upon payment of the sum of \$3--or--the--cost--of--the--original--license, whichever is the smaller amount of the original price of the lost, stolen, or destroyed license, not to exceed \$25 \$5."

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

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

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

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

(4) Licenses issued shall be void after April 30 next succeeding their issuance."

Section 3. Section 87-2-301, MCA, is amended to read:

1 "87-2-301. Class A--resident fishing license. Any  
 2 resident, as defined by 87-2-102, upon payment of a fee of  
 3 ~~\$5 \$7.50 or, after April 30, 1983, a fee of \$10~~ ~~\$6~~ ~~\$7~~ ~~\$6~~ ~~\$7~~,  
 shall receive a Class A license which shall entitle the  
 5 holder thereof to fish with hook and line or rod as  
 6 authorized by regulations of the department."

7 Section 4. Section 87-2-302, MCA, is amended to read:

8 "87-2-302. Class B--nonresident fishing license. Any  
 9 person not a resident, as defined in 87-2-102, upon payment  
 10 of the sum of ~~\$20~~ ~~\$40~~ ~~\$30~~ to any agent of the department  
 11 authorized to issue fishing and hunting licenses, shall be  
 12 entitled to a Class B license which shall entitle the holder  
 13 thereof to fish with hook and line as authorized by the  
 14 rules and regulations of the department."

15 Section 5. Section 87-2-304, MCA, is amended to read:

16 "87-2-304. Class B-4--~~one-day~~ two-day nonresident  
 17 fishing license. Any person not a resident, as defined in  
 18 87-2-102, who is a holder of a valid wildlife conservation  
 19 license, upon payment of the sum of ~~\$2~~ ~~\$4~~ to any agent of  
 20 the department authorized to issue fishing and hunting  
 21 licenses, shall be entitled to a ~~1-day~~ 2-day nonresident  
 22 fishing license which shall authorize the holder to fish  
 23 with hook and line as prescribed by rules and regulations of  
 24 the department for ~~1~~ 2 calendar ~~day~~ days as indicated on the  
 25 license."

1 NEW SECTION. Section 6. Paddlefish tags. The  
 2 department may issue paddlefish tags to holders of valid  
 3 Class A, Class B, and Class B-4 fishing licenses for a fee  
 4 of ~~\$5~~ \$3. Each tag authorizes the holder to fish with hook  
 5 and line for paddlefish as prescribed by rules of the  
 6 department.

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

8 "87-2-401. Class A-1--resident--game--bird--license.  
 9 Except--as--otherwise--provided,--a--resident,--as--defined--by  
 10 87-2-102,--who--is--12--years--of--age--or--older--may,--upon--payment  
 11 of--a--fee--of--~~\$4~~ ~~\$5~~ ~~or, after April 30, 1983, a fee of \$6~~ ~~\$4~~  
 12 receive--a--Class--A-1--license--which--will--entitle--the--holder--to  
 13 pursue,--hunt,--shoot,--and--kill--game--birds--and--possess--the  
 14 carcasses--of--game--birds--as--authorized--by--department--rules."

15 Section 8. Section 87-2-402, MCA, is amended to read:

16 "87-2-402. Class B-1--nonresident--game--bird--license.  
 17 Except--as--otherwise--provided--in--this--chapter,--a--person--not--a  
 18 resident,--as--defined--in--87-2-102,--but--who--is--12--years--of--age  
 19 or--older,--upon--payment--of--a--fee--of--~~\$30~~ ~~\$40~~ ~~\$30~~ may--receive--a  
 20 Class--B-1--license--which--shall--entitle--the--holder--thereof--to  
 21 pursue,--hunt,--shoot,--and--kill--game--birds--and--possess--the  
 22 carcasses--of--game--birds--as--authorized--by--department--rules."

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

24 "87-2-403. Wild turkey tags and fee. (1) The  
 25 department may issue wild turkey tags to the holder of a

1 valid Class A-1 or Class B-1 license. Each tag shall entitle  
2 the holder to pursue, hunt, shoot, and kill one wild turkey  
3 and possess the carcass thereof, during such times and such  
4 places as the department shall authorize an open season on  
5 wild turkey.

6 (2) The fee for a wild turkey tag shall be ~~\$2~~ \$5 ~~\$3~~.  
7 Turkey tags shall be issued either by a drawing system or in  
8 unlimited number as authorized by department rules."

9 Section 8. Section 87-2-501, MCA, is amended to read:  
10 "87-2-501. Class A-3, A-4, A-5, A-6--resident deer,  
11 elk, and bear licenses. Except as otherwise provided in this  
12 chapter, a resident, as defined by 87-2-102, who will be 12  
13 years of age or older prior to September 15 of the season  
14 for which the license is issued may, upon payment of the  
15 proper fee or fees, be entitled to purchase one each of the  
16 following licenses which will entitle the holder to pursue,  
17 hunt, shoot, and kill the game animal or animals authorized  
18 by the license held and to possess the carcasses of those  
19 game animals as authorized by department rules:

- 20 (1) Class A-3, deer A tag, ~~\$7~~ \$8 ~~until April 30, 1983,~~  
21 ~~then \$10;~~
- 22 (2) Class A-4, deer B tag, \$5;
- 23 (3) Class A-5, elk tag, ~~\$8~~ \$10 ~~until April 30, 1983,~~  
24 ~~then \$12~~ \$9;
- 25 (4) Class A-6, black or brown bear tag, ~~\$6~~ \$10 ~~\$3~~."

1 Section 9. Section 87-2-505, MCA, is amended to read:  
2 "87-2-505. Class B-10--nonresident big game  
3 combination license. Except as otherwise provided in this  
4 chapter, a person not a resident, as defined in 87-2-102,  
5 but who will be 12 years of age or older prior to September  
6 15 of the season for which the license is issued may, upon  
7 payment of the fee of ~~\$225~~ ~~\$300~~ ~~or after April 30, 1983,~~ ~~a~~  
8 ~~fee of--\$325,~~ \$250 \$275 and subject to the limitations  
9 prescribed by law and department regulation, apply to the  
10 fish and game office, Helena, Montana, to purchase a J-10  
11 nonresident big game combination license which shall entitle  
12 the holder to all the privileges of Class B, Class B-1,  
13 Class B-7, and black bear licenses, and an elk tag. This  
14 license includes the nonresident conservation license as  
15 prescribed in 87-2-202. Not more than ~~17,000~~ 15,000 17,000  
16 Class B-10 licenses may be sold in any one license year."

17 ~~NEW SECTION--SECTION 12--CLASSES--B-11--AND--B-12~~  
18 ~~NONRESIDENT--BIG--GAME--LICENSE--11--EXCEPT--AS--OTHERWISE~~  
19 ~~PROVIDED--IN--THIS--CHAPTER--A--PERSON--NOT--A--RESIDENT--AS~~  
20 ~~DEFINED--IN--87-2-102--BUT--WHO--WILL--BE--12--YEARS--OF--AGE--OR~~  
21 ~~OLDER--PRIOR--TO--SEPTEMBER--15--OF--THE--SEASON--FOR--WHICH--THE~~  
22 ~~LICENSE--IS--ISSUED--MAY--UPON--PAYMENT--OF--THE--PROPER--FEE--OR~~  
23 ~~FEES--AND--SUBJECT--TO--THE--LIMITATIONS--PRESCRIBED--BY--LAW--AND~~  
24 ~~DEPARTMENT--RULES--PURCHASE--ONE--EACH--OF--THE--FOLLOWING~~  
25 ~~LICENSES:~~

1 (A)--CLASS-B-11-NONRESIDENT-ELK-LICENSE-FOR--\$150--AND  
 2 (B)--CLASS-B-12-NONRESIDENT-BEER-LICENSE-FOR-\$100.  
 3 (2)--THE--LICENSE--FEES--IN--SUBSECTION--(1)--INCLUDE--THE  
 4 NONRESIDENT--CONSERVATION--LICENSE--FEES--FOR--THE--LICENSE  
 5 PRESCRIBED--IN--87-2-202.  
 6 (3)--NOT--MORE--THAN--2,000--CLASS-B-11-ELK-TAGS--OR--MORE  
 7 THAN--2,000--CLASS-B-12-BEER-TAGS--MAY--BE--SELD--IN--ANY--ONE  
 8 LICENSE-YEAR.  
 9 (4)--THE--USE--OF--EITHER--LICENSE--SPECIFIED--IN--SUBSECTION  
 10 (1)--IS--NOT--RESTRICTED--TO--ANY--ONE--SPECIFIC--AUTHORIZED--HUNTING  
 11 AREA--IN--MONTANA.  
 12 Section 12--Section 87-2-507--MCA--is--amended--to--read:  
 13 "87-2-507. Class--B-1--nonresident--mountain--tion  
 14 license--Except--as--otherwise--provided--in--this--chapter--a  
 15 person--not--a--resident--as--defined--in--87-2-102--but--who--is--12  
 16 years--of--age--or--older--upon--payment--of--a--fee--of--\$100 ~~\$250~~  
 17 ~~\$100~~ may receive a Class-B-1 license which shall entitle the  
 18 holder--thereof--to--pursue--hunt--shoot--and--kill--mountain  
 19 tion--and--possess--the--carcass--thereof--as--authorized--by  
 20 department--rules."  
 21 Section 13--Section 87-2-508--MCA--is--amended--to--read:  
 22 "87-2-508. Class--B-2--resident--mountain--tion--license.  
 23 Except--as--otherwise--provided--in--this--chapter--a--person--who  
 24 is--a--resident--as--defined--in--87-2-102--and--who--is--12--years  
 of--age--or--older--upon--payment--of--a--fee--of--\$5 ~~\$25~~ ~~\$5~~ may

1 receive--a--Class-B-2--license--which--shall--entitle--the--holder  
 2 thereof--to--pursue--hunt--shoot--and--kill--mountain--tion--and  
 3 possess--the--carcass--thereof--as--authorized--by--department  
 4 rules."  
 5 Section 14--Section 87-2-601--MCA--is--amended--to--read:  
 6 "87-2-601. Class--C--trapper--license--Except--as  
 7 otherwise--provided--in--this--chapter--a--resident--as--defined  
 8 in--87-2-102--upon--making--application--and--payment--of--a--fee--of  
 9 \$10 ~~\$25~~ ~~\$10~~ to the department--may receive a Class-C license  
 10 which--shall--authorize--the--holder--thereof--to--trap--fur--bearing  
 11 animals--and--nont--bobcat--wolverine--and--Canada--lynx--within  
 12 the--state--of--Montana--at--such--times--and--in--such--manner--as--may  
 13 be--lawful--so--to--do--under--the--laws--of--the--state--and--the  
 14 regulations--of--the--department--and--at--such--places--as--may--be  
 15 designated--in--said--license."  
 16 Section 10. Section 87-2-701, MCA, is amended to read:  
 17 "87-2-701. Special licenses. (1) Any applicant who  
 18 will be 12 years of age or older prior to September 15 of  
 19 the season for which the license is issued and is the holder  
 20 of a resident wildlife conservation license or a nonresident  
 21 wildlife conservation license may apply for a special  
 22 license which, in the judgment of the department, is to be  
 23 issued and shall pay the following fees therefor:  
 24 (a) moose--resident, \$25 ~~\$50~~ ~~\$25~~; nonresident, \$150  
 25 ~~\$250~~ ~~\$175~~;



1 (b) mountain goat--resident, ~~\$15~~ ~~\$50~~ \$15; nonresident,  
2 ~~\$150~~ ~~\$250~~ \$175;

3 (c) mountain sheep--resident, \$25 ~~\$50~~ \$25;  
4 nonresident, ~~\$150~~ ~~\$250~~ \$175;

5 (d) antelope--resident, ~~\$5~~ ~~\$10~~ \$5; nonresident, \$100;

6 (e) grizzly bear--resident, ~~\$25~~ ~~\$50~~ \$25; nonresident,  
7 ~~\$150~~ ~~\$250~~ \$175;

8 (f) black or brown bear--nonresident, \$100.

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

14 (3) Special licenses shall be issued in a manner  
15 prescribed by the department."

16 Section 11. Section 87-2-702, MCA, is amended to read:

17 "87-2-702. Restrictions on special licenses. ~~{1}-A~~  
18 ~~person-who-has-obtained--a--grizzly--bear--moose--mountain~~  
19 ~~goat--or--mountain-sheep--license-is-not-eligible-to-apply-for~~  
20 ~~another-such--license-for-the-next-succeeding-7-years-if-such~~  
21 ~~person--has--killed--or--taken--an-animal-of-the-species-for~~  
22 ~~which-the-special--license--was--issued--A--person--who--has~~  
23 ~~obtained--a--grizzly--bear--moose--mountain--goat--or--mountain~~  
24 ~~sheep--license-but-did-not-kill--or--take--an--animal--of--the~~  
25 ~~species-for-which-the-special--license-was-issued-is-eligible~~

1 to--apply-for-another-such--license-in-any-succeeding-year-if  
2 he-returns-his-unused--special--license--to--the--department  
3 before-or-at-the-time-application-is-made

4 ~~{2}{1}~~ A person who has received a special permit for  
5 elk is not eligible to receive a second special permit for  
6 this species of game animal during any license year.  
7 However, in the event the number of applications received is  
8 not equal to the number of game animals desired to be killed  
9 by the department, reapplication may be made by those valid  
10 license holders of the current year who may fall within  
11 these limitations.

12 ~~{3}{2}~~ A person who has killed or taken any game  
13 animal, except a deer or an antelope, during the current  
14 license year is not permitted to receive a special license  
15 under this chapter to hunt or kill a second game animal of  
16 the same species."

17 Section 12. Section 87-2-705, MCA, is amended to read:

18 "87-2-705. Drawing for special elk permits. In the  
19 event the number of valid applications for special elk  
20 permits for a hunting district exceeds the quota set by the  
21 department for the district, these permits shall be awarded  
22 by a drawing. ~~Persons-making-valid-application-who-did-not~~  
23 ~~receive--a--special--elk--permit-during-the-season-immediately~~  
24 ~~preceding-the-drawing-shall-receive-first-preference-in-this~~  
25 ~~drawing--for--first--second--and--third--choice--hunting~~

1 ~~districts. The department shall provide for those persons~~  
 2 ~~making valid application for special elk permits a method of~~  
 3 ~~selecting first, second, and third choice hunting districts~~  
 4 ~~for any drawing held pursuant to this section. The~~  
 5 department may promulgate the rules necessary to implement  
 6 this section."

7 Section 13. Section 87-2-706, MCA, is amended to read:

8 "87-2-706. Drawing for special antelope licenses. In  
 9 the event the number of valid applications for special  
 10 antelope licenses for a hunting district exceeds the quota  
 11 set by the department for the district, such licenses shall  
 12 be awarded by a drawing. ~~Persons making valid application~~  
 13 ~~who did not receive an antelope license during the season~~  
 14 ~~immediately preceding the drawing shall be given first~~  
 15 ~~preference in such drawing for first, second, and third~~  
 16 ~~choice hunting districts. The department shall provide for~~  
 17 ~~those persons making valid application for special antelope~~  
 18 ~~licenses a method of selecting first, second, and third~~  
 19 ~~choice hunting districts for any drawing held pursuant to~~  
 20 ~~this section. The department shall have the authority to~~  
 21 promulgate such rules and regulations as are necessary to  
 22 implement this section."

23 NEW SECTION. Section 14. Drawing fee. (1) When the  
 24 department determines a drawing is necessary prior to  
 issuance of hunting licenses for any game species during a

1 hunting season, it shall collect a \$5 \$2 PER SPECIES drawing  
 2 fee with each application submitted.

3 (2) This fee must be deposited in the earmarked  
 4 revenue fund to the credit of the department as set forth in  
 5 87-1-601.

6 (3) The payment of a drawing fee confers no hunting  
 7 rights or privileges.

8 (4) The commission may waive the provisions of  
 9 subsection (1) when a drawing is required for a special  
 10 season under 87-1-304.

11 ~~Section 29. Section 87-2-711, MCA, is amended to read:~~  
 12 ~~"87-2-711. Class AAA sportsman's license. Any~~  
 13 ~~resident as defined by 87-2-102 who will be 12 years of~~  
 14 ~~age or older prior to September 15 of the season for which~~  
 15 ~~the license is issued upon payment of the sum of \$45 \$48~~  
 16 ~~\$35 shall be entitled to a sportsman's license which shall~~  
 17 ~~permit the holder to exercise all rights granted to holders~~  
 18 ~~of Class A, A-1, A-3, A-5, A-6, and resident conservation~~  
 19 ~~licenses as prescribed in 87-2-202. The department shall~~  
 20 ~~furnish each holder of a sportsman's license an appropriate~~  
 21 ~~decals."~~

22 ~~Section 21. Section 87-2-805, MCA, is amended to read:~~  
 23 ~~"87-2-805. Persons under fifteen years of age (1)~~  
 24 ~~Minors under 15 years of age may fish for and take fish~~  
 25 ~~during the open season without a license. However, no~~

1 nonresident person under the age of 15 years may fish in or  
 2 on any Montana waters without first having obtained a Class  
 3 B-3 or B-4 fishing license unless the nonresident person  
 4 under the age of 15 years is in the company of an adult in  
 5 possession of a valid Montana fishing license. The limit of  
 6 fish for the nonresident person and the accompanying adult  
 7 combined may not exceed the limit for one adult as  
 8 established by law or by rule of the department.

9 (2) Residents as defined by 87-2-102 under the age  
 10 of 15 years may purchase Class A-1, A-3, and A-5 licenses at  
 11 \$2 ~~\$3~~ \$2 per license.

12 Section 15. Section 87-2-903, MCA, is amended to read:

13 "87-2-903. Compensation and duties of agents. (1)  
 14 License agents, except salaried employees of the department,  
 15 shall receive for all services rendered the sum of ~~\$5~~ \$30  
 16 cents for each license, permit, or certificate issued. On or  
 17 before the 10th day of each month each license agent shall  
 18 submit to the department all duplicates of each class of  
 19 licenses sold during the preceding month and shall accompany  
 20 the duplicate licenses with all moneys received for the sale  
 21 of the licenses less a fee of ~~\$5~~ \$30 cents for each license  
 22 sold. Each license agent shall keep his license account open  
 23 at all reasonable hours to inspection by the department, the  
 24 director, the warden, or the legislative auditor.

25 (2) For purposes of this section, the term "license"

1 includes any license, permit, and certificate prescribed by  
 2 the department."

3 Section 23. Section 87-5-204, MCA, is amended to read:  
 4 "87-5-204. License and rules for falconry. (1) The  
 5 department may adopt specific rules for the keeping of  
 6 records and for the trapping, taking, possession, or  
 7 training of raptors used in the practice of falconry and may  
 8 authorize the issuance of licenses to persons for the  
 9 practice of falconry. It is unlawful for any person to  
 10 possess a raptor or to train a raptor in the practice of  
 11 falconry without a license.

12 (2) The fee for a falconry license is \$3 ~~\$25~~ \$3 a year  
 13 or any part of a year. A license expires April 30 each year.

14 (3) A license may not be issued to a person under the  
 15 age of 12 years.

16 (4) Licensees shall have in possession a valid  
 17 falconer's license when engaged in the practice of falconry.  
 18 In addition, falconers toosing raptors at game birds shall  
 19 have in possession a valid resident or nonresident game bird  
 20 license.

21 (5) Falconry licenses or permits are not transferable  
 22 and may be revoked for due cause at any time by the  
 23 department."

24 Section 16. Repealer. (1) Sections 87-2-703 and  
 25 87-2-721, MCA, are repealed effective May 1, 1981.

1           (2) Section 87-2-303, MCA, is repealed effective May  
2 1, 1982.

3           Section 17. Codification instruction. (1) Section 6 is  
4 intended to be codified as an integral part of Title 87,  
5 chapter 2, part 3, and the provisions of Title 87 apply to  
6 section 6.

7           (2) Section ~~19~~ 14 is intended to be codified as an  
8 integral part of Title 87, chapter 2, part 1, and the  
9 provisions of Title 87 apply to section ~~19~~ 14.

10          Section 18. Effective date. This act is effective as  
11 follows:

12          (1) Sections ~~21~~ 31 and ~~19~~ 14 are effective May 1,  
13 1981.

14          (2) Section ~~24~~ 16 is effective as provided therein.

15          (3) Section ~~16~~ 11 is effective July 1, ~~1980~~ 1981.

16          (4) Sections ~~17--and--18~~ 12 AND 13 are effective on  
17 passage and approval of this act.

18          (5) All other sections are effective May 1, 1982.

-End-

April 13, 1981

FREE CONFERENCE COMMITTEE REPORT NO. 1  
ON HOUSE BILL NO. 200

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 200, met April 13, 1981, and considered:

Senate Fish and Game Committee Amendments to the third reading copy, dated March 26, 1981, and

Senate Committee of the Whole Amendments to the third reading copy, dated March 30, 1981, and recommend as follows:

That the House accede to Committee amendments 1 and 4 through 14;

That the Senate recede from Committee amendment 2;

That the Senate recede from Committee of the Whole amendment number 3;

That House Bill No. 200 be further amended as indicated in CLERICAL INSTRUCTIONS number 3 and number 4;

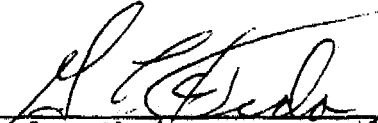
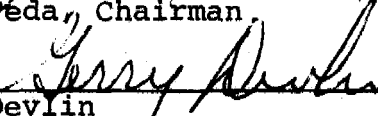
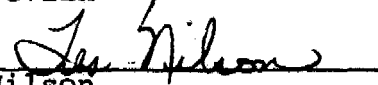
And, that the Conference Report to House Bill No. 200 be adopted.

CLERICAL INSTRUCTION:


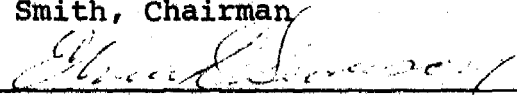
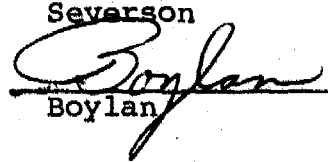
1. Page 2, line 22.  
Following: "\$2"  
Strike: "\$3"  
Insert: "\$2"
2. Page 3, line 3.  
Following: "\$7"  
Strike: "\$6"  
Insert: "\$7"
3. Page 12, line 1.  
Following: "a"  
Strike: "\$5"  
Insert: "\$2"
4. Page 15, line 12.  
Following: "2"  
Insert: ",3,"

Free Conference Committee  
on House Bill No. 200  
Page -2-

FOR THE HOUSE:

  
Peda, Chairman  
  
Devlin  
  
Nilson

FOR THE SENATE:

  
Smith, Chairman  
  
Severson  
  
Boylan

March 30, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendment to House Bill 200, third reading copy, as follows:

That the following amendment of the Senate Standing Committee on Fish and Game of March 26, 1981, be stricken:

3. Page 3, line 3.  
Strike: "\$6"  
Insert: "\$7"

March 26, 1981

SENATE STANDING COMMITTEE REPORT  
(Fish and Game)

That House Bill No. 200 be amended as follows:

1. Title, line 8.  
Strike: "TRAPPING,"
2. Page 2, line 22.  
Strike: "\$2"  
Insert: "\$3"
3. Page 3, line 3.  
Strike: "\$6"  
Insert: "\$7"
4. Page 4, lines 7 through 22.  
Strike: sections 7 and 8 in their entirety  
Re-number: subsequent sections
5. Page 6, line 8.  
Strike: "\$250"  
Insert: "\$275"
6. Page 7, line 12 through line 15 on page 8.  
Strike: sections 12 through 14 in their entirety  
Re-number: subsequent sections
7. Page 12, line 11 through line 11 on page 13.  
Strike: sections 20 and 21 in their entirety  
Re-number: subsequent sections
8. Page 14, lines 3 through 23.  
Strike: section 23 in its entirety  
Re-number: subsequent sections
9. Page 15, line 7.  
Following: "Section"  
Strike: "19"  
Insert: "14"
10. Page 15, line 9.  
Following: "section"  
Strike: "19"  
Insert: "14"
11. Page 15, line 12.  
Following: "Sections 2 and"  
Strike: "19"  
Insert: "14"
12. Page 15, line 13.  
Following: "Section"  
Strike: "24"  
Insert: "16"



13. Page 15, line 14.  
Following: "Section"  
Strike: "16"  
Insert: "11"
  
14. Page 15, line 15.  
Following: "Sections"  
Strike: "17 and 18"  
Insert: "12 and 13"