

HOUSE BILL NO. 402

INTRODUCED BY EUDAILY

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

IN THE HOUSE

January 19, 1983	Introduced and referred to Committee on Fish and Game.
February 15, 1983	Committee recommend bill do pass as amended. Report adopted.  Statement of Intent attached.
February 16, 1983	Bill printed and placed on members' desks.
February 17, 1983	Second reading, do pass as amended.
February 19, 1983	Correctly engrossed.
February 21, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Fish and Game.
March 5, 1983	Committee recommend bill be concurred in. Report adopted.
March 8, 1983	Second reading, concurred in.
March 10, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 10, 1983

Returned to House.

March 11, 1983

Sent to enrolling.

Reported correctly  
enrolled.

1 House BILL NO. 402  
2 INTRODUCED BY Cidaly  
3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT RAISING THE EXCEPTION  
6 AGE FOR FISHING AND FOR HUNTING GAME BIRDS; ELIMINATING THE  
7 REQUIREMENT FOR DISABLED PERSONS TO HAVE A DISABILITY  
8 CERTIFICATE FROM A MEDICAL DOCTOR TO QUALIFY FOR LICENSE  
9 EXCEPTION; AUTHORIZING THE DEPARTMENT OF FISH, WILDLIFE, AND  
10 PARKS TO DETERMINE DISABILITY REQUIREMENTS BY RULE;  
11 ESTABLISHING HALF-PRICE LICENSE FEES FOR YOUTHS 12 YEARS  
12 THROUGH 14 YEARS OF AGE; AND LOWERING THE AGE AT WHICH A  
13 YOUTH MUST PURCHASE A LICENSE; AMENDING SECTIONS 87-2-801,  
14 87-2-803, AND 87-2-805, MCA."  
15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
17 Section 1. Section 87-2-801, MCA, is amended to read:  
18 "87-2-801. Residents over ~~sixty-two~~ sixty-five years  
19 of age. (1) A resident, under the definition of 87-2-102,  
20 who is ~~62~~ 65 years of age or older ~~shall be~~ is entitled to  
21 fish and hunt game birds with a conservation license issued  
22 by the department. The form of such license shall be  
23 prescribed by the department.  
24 (2) A resident who is 65 years of age or older is also  
25 entitled to purchase regular resident deer and elk tags at a

1 price that is ~~no more than~~ one-half of the fee paid by a  
2 resident who is 15 years old or older and who is under 65  
3 years of age."

4 Section 2. Section 87-2-803, MCA, is amended to read:  
5 "87-2-803. Disabled persons. (1) Disabled persons are  
6 entitled to fish ~~without and to hunt game birds with only~~ a  
7 conservation license if they are residents of Montana not  
8 residing in an institution and are certified as disabled by  
9 ~~a medical doctor licensed to practice medicine in Montana as~~  
10 prescribed by departmental rule.

11 ~~(2) Disability is defined as a physical or mental~~  
12 ~~condition that prevents a person from doing any substantial~~  
13 ~~gainful work that is expected to last for the rest of his~~  
14 ~~life.~~

15 ~~(3)(2)~~ Such disabled persons shall carry a permit on a  
16 form prescribed by the department."

17 Section 3. Section 87-2-805, MCA, is amended to read:  
18 "87-2-805. Persons under fifteen years of age. (1)  
19 Minors under 15 from 12 years through 14 years of age may  
20 fish for and take fish and may hunt upland and migratory  
21 birds during the open season ~~without~~ with only a  
22 conservation license. Resident minors under 12 years of age  
23 may fish without a license. However, no nonresident person  
24 under the age of 15 years may fish in or on any Montana  
25 waters without first having obtained a Class B, B-3, or B-4

1 fishing license unless the nonresident person under the age  
2 of 15 years is in the company of an adult in possession of a  
3 valid Montana fishing license. The limit of fish for the  
4 nonresident person and the accompanying adult combined may  
5 not exceed the limit for one adult as established by law or  
6 by rule of the department.

7 (2) Residents, as defined by 87-2-102, under the age  
8 of 15 years may purchase Class A-1, A-3, and A-5 licenses at  
9 ~~\$2-per-license a price equal to one-half the fee paid by a~~  
10 ~~resident who is 15 years of age or older and under 65 years~~  
11 ~~of age."~~

-End-

## STATE OF MONTANA

REQUEST NO. 193-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 21, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 402 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:

House Bill 402 would standardize and simplify the license structure by having only two categories of discounted licenses. For the price of a yearly conservation license, persons age 65 and over, youth to age 14 and the disabled can fish and hunt birds. The second category would have persons age 65 and older and youth age 14 and under eligible for half-price deer and elk licenses.

ASSUMPTIONS:

- 1) 25% of all resident hunters are bird hunters.
- 2) Revenues generated by the sale of conservation licenses to youth for fishing offset revenues lost from free bird hunting.
- 3) Revenues generated by the sale of conservation licenses to disabled for fishing offsets revenues lost from free bird hunting.
- 4) The present fee structure was used in the revenue calculations.
- 5) Effective date will be March 1, 1984.

FISCAL IMPACT:

Approximately \$41,000 in FY85 would be generated from license sales to individuals ages 62, 63, and 64 who fish and hunt birds.

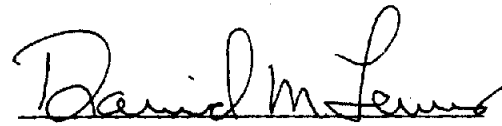
Approximately \$29,000 in FY85 would be generated from license sales to youth between the ages of 12 and 14 who hunt deer and elk.

TECHNICAL NOTE:

There is no effective date on the bill.

The department will request an effective date of March 1, 1984 which is the beginning of a license year.

FISCAL NOTE 6:S/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-26-83

## STATE OF MONTANA

REQUEST NO. 312-83

## FISCAL NOTE

Form BD-15

in compliance with a written request received February 3, 19 83, there is hereby submitted a Fiscal Note for House Bill 402 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 402, amended, changes the qualifying age for resident senior citizen deer and elk tags from 65 to 62 years of age or older. The amendment also proposes to change the qualifying age for resident senior citizen fish and game bird license exceptions from 65 to 62 years of age, which agrees with the current law. The bill also proposes to allow youth to the age of 14 to hunt and fish only with a conservation license and to hunt deer and elk for half the adult license price.

ASSUMPTIONS:

- 1) All hunters between the ages of 62 and 65 will buy deer licenses.
- 2) 35% of those hunters will purchase elk licenses.
- 3) Revenues generated by the sale of conservation licenses to youth for fishing offsets lost revenue from free bird hunting.
- 4) Revenues generated by the sale of conservation licenses to disabled persons for fishing offsets revenues lost from free bird hunting.

FISCAL IMPACT:

Total revenue from deer and elk licenses purchased by hunters 62, 62 and 64 years of age:

	<u>FY84</u>	<u>FY85</u>
Under Current Law	\$51,290	\$51,290
Under Proposed Law	<u>51,290</u>	<u>25,645</u>
Decrease in Revenue	<u>-0-</u>	<u>(\$25,645)</u>

Revenue from youth deer and elk license sales:

	<u>FY84</u>	<u>FY85</u>
Under Current Law	\$25,300	\$25,300
Under Proposed Law	<u>25,300</u>	<u>54,550</u>
Increase in Revenue	<u>-0-</u>	<u>\$29,250</u>

FISCAL NOTE 11/Q/1

  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2 - 8 - 83

1                   STATEMENT OF INTENT

2                   HOUSE BILL 402

3                   House Fish and Game Committee

4  
5           A statement of intent is required for this bill because  
6 it delegates rulemaking authority to the Department of Fish,  
7 Wildlife, and Parks. Section 2 of the bill authorized the  
8 department to make rules concerning disabled persons and  
9 exemptions to fishing and game bird license requirements.

10          The legislature contemplates that the rules should  
11 address the following subjects as well as others:

12          (1) A definition of "disabled" as it applies to  
13 persons meeting license requirements for fishing and hunting  
14 game birds;

15          (2) Documents that would, of themselves, be adequate  
16 certification of disability.

SECOND READING

HB402

Approved by Comm.  
on Fish and Game

1 HOUSE BILL NO. 402  
2 INTRODUCED BY EUDAILY  
3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT RAISING ~~LOWERING~~ THE  
6 EXCEPTION AGE FOR FISHING--AND--FOR--HUNTING--GAME--BIRDS  
7 ~~PURCHASE OF DEER AND ELK TAGS AT HALF PRICE; ESTABLISHING~~  
8 ~~HALF-PRICE LICENSE FEES FOR DISABLED PERSONS;~~ ELIMINATING  
9 THE REQUIREMENT FOR DISABLED PERSONS TO HAVE A DISABILITY  
10 CERTIFICATE FROM A MEDICAL DOCTOR TO QUALIFY FOR LICENSE  
11 EXCEPTION; AUTHORIZING THE DEPARTMENT OF FISH, WILDLIFE, AND  
12 PARKS TO DETERMINE DISABILITY REQUIREMENTS BY RULE;  
13 ESTABLISHING HALF-PRICE LICENSE FEES FOR YOUTHS 12 YEARS  
14 THROUGH 14 YEARS OF AGE; AND LOWERING THE AGE AT WHICH A  
15 YOUTH MUST PURCHASE A LICENSE; AMENDING SECTIONS 87-2-801,  
16 87-2-803, AND 87-2-805, MCA; ~~AND PROVIDING A DELAYED~~  
17 ~~EFFECTIVE DATE."~~  
18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
20 Section 1. Section 87-2-801, MCA, is amended to read:  
21 "87-2-801. Residents over ~~sixty-two~~ sixty-five  
22 ~~SIXTY-TWO~~ years of age. (1) A resident, under the definition  
23 of 87-2-102, who is ~~62~~ 65 62 years of age or older ~~shall be~~  
24 ~~is~~ entitled to fish and hunt game birds with a conservation  
25 license issued by the department. The form of such license

1 shall be prescribed by the department.  
2 (2) A resident who is ~~65~~ 62 years of age or older is  
3 also entitled to purchase regular resident deer and elk tags  
4 at a price that is ~~no more than~~ one-half of the fee paid by  
5 a resident who is 15 years old or older and who is under 65  
6 62 years of age."  
7 Section 2. Section 87-2-803, MCA, is amended to read:  
8 "87-2-803. Disabled persons. (1) Disabled persons are  
9 entitled to fish ~~without and to hunt game birds with only a~~  
10 ~~conservation~~ license if they are residents of Montana not  
11 residing in an institution and are certified as disabled by  
12 ~~a medical doctor licensed to practice medicine in Montana as~~  
13 ~~prescribed by departmental rule.~~  
14 (2) ~~A RESIDENT OF MONTANA WHO IS CERTIFIED AS DISABLED~~  
15 ~~BY THE DEPARTMENT AND WHO IS NOT RESIDING IN AN INSTITUTION~~  
16 ~~MAY PURCHASE REGULAR RESIDENT DEER AND ELK LICENSES AT~~  
17 ~~ONE-HALF THE FEE PAID BY A RESIDENT WHO IS 15 YEARS OLD OR~~  
18 ~~OLDER AND WHO IS UNDER 62 YEARS OF AGE.~~  
19 (3) ~~Disability is defined as a physical or mental~~  
20 ~~condition that prevents a person from doing any substantial~~  
21 ~~gainful work that is expected to last for the rest of his~~  
22 ~~life.~~  
23 (4) ~~(3)~~ Such disabled persons shall carry a permit  
24 on a form prescribed by the department."  
25 Section 3. Section 87-2-805, MCA, is amended to read:



1       \*87-2-805. Persons under fifteen years of age. (1)  
 2       Minors ~~under 15~~ from 12 years through 14 years of age may  
 3       fish ~~for-and-take-fish and may hunt upland and migratory~~  
 4       birds during the open season ~~without~~ with only a  
 5       conservation license. Resident minors under 12 years of age  
 6       may fish without a license. However, no nonresident person  
 7       under the age of 15 years may fish in or on any Montana  
 8       waters without first having obtained a Class B, B-3, or B-4  
 9       fishing license unless the nonresident person under the age  
 10      of 15 years is in the company of an adult in possession of a  
 11      valid Montana fishing license. The limit of fish for the  
 12      nonresident person and the accompanying adult combined may  
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15      (2) Residents, as defined by 87-2-102, under the age  
 16      of 15 years may purchase Class A-1, A-3, and A-5 licenses at  
 17      ~~\$2--per--license a price equal to one-half the fee paid by a~~  
 18      resident who is 15 years of age or older and under 65 62  
 19      years of age."

20      SECTION 4. EFFECTIVE DATE. THIS ACT IS EFFECTIVE  
 21      MARCH 1, 1984.

-End-

1                   STATEMENT OF INTENT

2                   HOUSE BILL 402

3                   House Fish and Game Committee

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5           A statement of intent is required for this bill because  
6 it delegates rulemaking authority to the Department of Fish,  
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14 game birds AND QUALIFYING FOR THE ONE-HALF FEE DEER AND ELK  
15 LICENSES;

16          (2) Documents that would, of themselves, be adequate  
17 certification of disability.

*Corrected*  
THIRD READING  
HB 402

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

Section 1. Section 87-2-801, MCA, is amended to read:

"87-2-801. Residents over ~~sixty-two~~ sixty-five ~~SIXTY-TWO~~ years of age. (1) A resident, under the definition of 87-2-102, who is ~~62~~ 65 ~~62~~ years of age or older ~~shall be~~ is entitled to fish and hunt game birds with a conservation license issued by the department. The form of such license

shall be prescribed by the department.

(2) A resident who is ~~65~~ 62 years of age or older is also entitled to purchase regular resident deer and elk tags at a price that is ~~no-more-than~~ one-half of the fee paid by a resident who is 15 years old or older and who is under ~~65~~ 62 years of age."

Section 2. Section 87-2-803, MCA, is amended to read:

"87-2-803. Disabled persons. (1) Disabled persons are entitled to fish ~~without and to hunt game birds with only a~~ conservation license if they are residents of Montana not residing in an institution and are certified as disabled by ~~a medical doctor licensed to practice medicine in Montana as~~ prescribed by departmental rule.

~~(2) A RESIDENT OF MONTANA WHO IS CERTIFIED AS DISABLED BY THE DEPARTMENT AND WHO IS NOT RESIDING IN AN INSTITUTION MAY PURCHASE REGULAR RESIDENT DEER AND ELK LICENSES AT ONE-HALF THE FEE PAID BY A RESIDENT WHO IS 15 YEARS OLD OR OLDER AND WHO IS UNDER 62 YEARS OF AGE.~~

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

~~(3) Such disabled persons shall carry a permit on a form prescribed by the department."~~

Section 3. Section 87-2-805, MCA, is amended to read:

1       \*87-2-805. Persons under fifteen years of age. (1)  
2       Minors under--~~15~~ from 12 years through 14 years of age may  
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20      SECTION 4. EFFECTIVE DATE. THIS ACT IS EFFECTIVE  
21      MARCH 1, 1984.

-End-

STATEMENT OF INTENT

HOUSE BILL 402

House Fish and Game Committee

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Fish, Wildlife, and Parks. Section 2 of the bill authorizes the department to make rules concerning disabled persons and exemptions to fishing and game bird license requirements.

The legislature contemplates that the rules should address the following subjects as well as others:

(1) A definition of "disabled" as it applies to persons meeting license requirements for fishing and hunting game birds AND QUALIFYING FOR THE ONE-HALF FEE DEER AND ELK LICENSES;

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REFERENCE BILL

HB 402

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shall be prescribed by the department.

(2) A resident who is ~~65~~ 62 years of age or older is also entitled to purchase regular resident deer and elk tags at a price that is ~~no more than~~ one-half of the fee paid by a resident who is 15 years old or older and who is under ~~65~~ 62 years of age."

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

~~(3) (3) Such disabled persons shall carry a permit on a form prescribed by the department."~~

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-End-