

HOUSE BILL NO. 763

INTRODUCED BY MENAHAN, PAVLOVICH, HOLLIDAY, ABRAMS

IN THE HOUSE

February 11, 1985	Introduced and referred to Committee on Fish and Game. Fiscal Note requested.
February 15, 1985	Fiscal Note returned.
February 20, 1985	Committee recommend bill do pass. Report adopted. Statement of Intent attached. Bill printed and placed on members' desks.
February 22, 1985	Second reading, do pass as amended. Correctly engrossed.
February 23, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Fish and Game.
March 27, 1985	Committee recommend bill be concurrent in. Report adopted. Statement of Intent amended.
March 29, 1985	Second reading, concurred in.

April 1, 1985

Third reading, concurred in.
Ayes, 43; Noes, 5.

Returned to House with amended
Statement of Intent.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 8, 1985

Second reading, amended Statement
of Intent concurred in.

On motion, rules suspended and
bill placed on third reading this
day.

Third reading, amended Statement
of Intent concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 birds, fish, game and fur-bearing animals may be lawfully
2 taken.

3 (10) "Person" means individuals, associations,
4 partnerships, and corporations.

5 (11) "Predatory animals" means coyote, weasel, skunk,
6 and civet cat.

7 (12) "Upland game birds" means sharptailed grouse, blue
8 grouse, spruce (Franklin) grouse, prairie chicken, sage hen
9 or sage grouse, ruffed grouse, quail, pheasant, Hungarian
10 partridge, ptarmigan, wild turkey, and chukar partridge.

11 (13) "Wild buffalo" means buffalo or bison which have
12 not been reduced to captivity."

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

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

- 21 (a) moose--resident, \$50; nonresident, \$300;
22 (b) mountain goat--resident, \$50; nonresident, \$300;
23 (c) mountain sheep--resident, \$50; nonresident, \$300;
24 (d) antelope--resident, \$6; nonresident, \$100;
25 (e) grizzly bear--resident, \$50; nonresident, \$300;

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

2 (g) wild buffalo--resident, \$50; nonresident, \$300.

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

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

10 NEW SECTION. Section 3. Regulation of special wild
11 buffalo licenses. The department shall adopt rules
12 regulating special wild buffalo licenses. The rules shall
13 provide for:

14 (1) license drawing procedures based on a year-round
15 season;

16 (2) notification of license recipients as to when and
17 where they may hunt;

18 (3) means of taking;

19 (4) tagging requirements for carcasses, skulls, and
20 hides;

21 (5) possession limits; and

22 (6) requirements for transportation and exportation.

23 NEW SECTION. Section 4. Repealer. Section 87-5-303,
24 MCA, is repealed.

25 NEW SECTION. Section 5. Codification instruction.

LC 0868/01

1 Section 3 is intended to be codified as an integral part of
2 Title 87, chapter 2, part 7, and the provisions of Title 87
3 apply to section 3.

4 NEW SECTION. Section 6. Effective date. This act is
5 effective on passage and approval.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 400-85Form BD-15

In compliance with a written request received February 11, 19 85, there is hereby submitted a Fiscal Note for H.B. 763 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:

H.B. 763 provides for special wild buffalo licenses and for the regulation of those licenses.

ASSUMPTIONS:

1. Twenty buffalo permits would be issued each year, two of which would be nonresidents.
2. It currently takes Law Enforcement two man days @ \$118/day and \$40 for mileage (20¢ per mile) to shoot, patrol, skin, transport and auction each bison.
3. Law Enforcement costs would decrease to 1/4 the mileage and 1/4 the labor if legislation is passed.
4. It will take 20 man hours to put together a brochure and map for a buffalo hunt.
5. To monitor bison, it will take five hours flying time with a helicopter (@ \$350/hour) and five hours time for a pilot and biologist @ approximately \$13 per hour each.
6. It will take 20 hours of time to revise the regulations and 160 hours to administer the hunt.
7. 5,000 individuals will apply for the drawings.
8. Drawing information will be mailed to approximately 200,000 residents and 75,000 nonresidents.

FISCAL IMPACT:

	<u>FY 86</u>	<u>FY 87</u>
Additional Revenue	\$ 11,500	\$ 11,500
Related Expenditures	(12,000)	(12,975)
Net Effect on License Funds	(\$ 1,475)	(\$ 1,475)

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

None

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Inflation on the costs of operations and personnel services would occur.

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 15, 1985
HB 763

APPROVED BY COMM.
ON FISH AND GAME

1 STATEMENT OF INTENT

2 HOUSE BILL NO. 763

3 House Fish and Game Committee

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5 A statement of intent is required for this bill because
6 section 3 requires the department of fish, wildlife, and
7 parks to adopt rules regulating special wild buffalo
8 licenses. It is the intent of the legislature that the
9 department adopt rules flexible enough to address the
10 situation in which wild buffalo travel across the boundaries
11 of Yellowstone National Park into the state of Montana,
12 presenting the potential for infecting Montana livestock
13 with brucellosis and for inflicting property damage to
14 property owned by residents of the state.

15 Because wild buffalo may range from the park at any
16 time within the year, it is necessary to have a year-around
17 season, and the department shall adopt rules that will
18 provide for drawings, prompt notification of licensees as to
19 when and where they may hunt, and other procedures unique to
20 such a wild buffalo hunt.

21 It is the intent of the legislature that not more than
22 10% of the wild buffalo licenses issued be for nonresidents.

SECOND READING
HB 763

1 HOUSE BILL NO. 763

2 INTRODUCED BY MENAHAN, PAVLOVICH, HOLLIDAY, ABRAMS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SPECIAL
5 WILD BUFFALO LICENSES AND FOR REGULATION OF SPECIAL WILD
6 BUFFALO LICENSES; AMENDING SECTIONS 87-2-101 AND 87-2-701,
7 MCA; REPEALING SECTION 87-5-303, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."

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14 the following definitions apply:

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16 attempting to take fish by hook and single line or single
17 rod, in hand or within immediate control.

18 (2) "Closed season" means the time during which game
19 birds, fish, and game and fur-bearing animals may not be
20 lawfully taken.

21 (3) "Commission" means the state fish and game
22 commission.

23 (4) "Fur-bearing animals" means marten or sable,
24 otter, muskrat, fisher, mink, bobcat, lynx, wolverine,
25 northern swift fox, and beaver.

1 (5) "Game animals" means deer, elk, moose, antelope,
2 caribou, mountain sheep, mountain goat, mountain lion, and
3 bear, and wild buffalo.

4 (6) "Game fish" means all species of the family
5 salmonidae (chars, trout, salmon, grayling, and whitefish);
6 all species of the genus stizostedion (sandpike or sauger
7 and walleyed pike or yellowpike perch); all species of the
8 genus esox (northern pike, pickerel, and muskellunge); all
9 species of the genus micropterus (bass); all species of the
10 genus polyodon (paddlefish); all species of the family
11 acipenseridae (sturgeon); all species of the genus lota
12 (burbot or ling); and the species ictalurus punctatus
13 (channel catfish).

14 (7) "Migratory game birds" means waterfowl, including
15 wild ducks, wild geese, brant, and swans; cranes, including
16 little brown and sandhill; rails, including coots; wilson's
17 snipes or jacksnipes; and mourning doves; however, the open
18 season on mourning doves shall be restricted to the open
19 season on upland game birds as defined in subsection (12)
20 below.

21 (8) "Nongame wildlife" means any wild mammal, bird,
22 amphibian, reptile, fish, mollusk, crustacean, or other
23 animal not otherwise legally classified by statute or
24 regulation of this state.

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6 and civet cat.

7 (12) "Upland game birds" means sharptailed grouse, blue
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9 or sage grouse, ruffed grouse, quail, pheasant, Hungarian
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25 NEW SECTION. Section 5. Codification instruction.

HB 0763/02

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2 Title 87, chapter 2, part 7, and the provisions of Title 87
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4 NEW SECTION. Section 6. Effective date. This act is
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2 NEW SECTION. SECTION 4. FEES USED FOR MANAGEMENT OF
3 YELLOWSTONE NATIONAL PARK WILD BUFFALO HERD. THE MONEY
4 COLLECTED FROM DRAWING AND LICENSE FEES MUST BE PLACED IN A
5 SPECIAL FUND TO MANAGE AND CONTROL THE WILD BUFFALO ENTERING
6 MONTANA FROM THE YELLOWSTONE NATIONAL PARK HERD.

7 NEW SECTION. Section 5. Repealer. Section 87-5-303,
8 MCA, is repealed.

9 NEW SECTION. Section 6. Codification instruction.
10 Section 3 is intended to be codified as an integral part of
11 Title 87, chapter 2, part 7, and the provisions of Title 87
12 apply to section 3.

13 NEW SECTION. Section 7. Effective date. This act is
14 effective on passage and approval.

-End-

STANDING COMMITTEE REPORT

SENATE

March 26, 1985

MR. PRESIDENT

We, your committee on SENATE FISH AND GAME

having had under consideration HOUSE BILL No. 763

third reading copy (blue)
color

(JACOBSON WILL CARRY)

PROVIDES FOR SPECIAL WILD BUFFALO LICENSES

Respectfully report as follows: That HOUSE BILL No. 763

statement of intent be amended as follows:

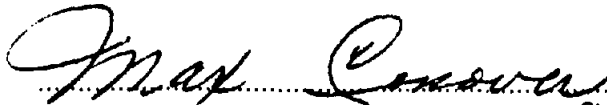
1. Statement of intent.

Following: line 22

Insert: "It is the intent of the legislature that the regulated hunting of wild buffalo allowed by House Bill No. 763 be considered only one of many solutions available to the department and the national park service for controlling the migration of wild buffalo across the boundaries of Yellowstone National Park. The legislature encourages further negotiations and cooperation between the department and the national park service to seek other methods of controlling, as soon as possible, the migration of wild buffalo into Montana from Yellowstone National Park."

AND AS AMENDED
BE CONCURRED IN
DO PASS

~~DO NOT PASS~~


MAX CONOVER, Chairman.

STATEMENT OF INTENT

HOUSE BILL 763

House Fish and Game Committee

A statement of intent is required for this bill because section 3 requires the department of fish, wildlife, and parks to adopt rules regulating special wild buffalo licenses. It is the intent of the legislature that the department adopt rules flexible enough to address the EACH situation in which wild buffalo travel across the boundaries of Yellowstone National Park into the state of Montana, presenting the potential for infecting Montana livestock with brucellosis and for inflicting property damage to property owned by residents of the state.

Because wild buffalo may range from the park at any time within the year, it is necessary to have a year-around season, and the department shall adopt rules that will provide for drawings, prompt notification of licensees as to when and where they may hunt, and other procedures unique to such a wild buffalo hunt.

It is the intent of the legislature that not more than 10% of the wild buffalo licenses issued be for nonresidents.

IT IS THE INTENT OF THE LEGISLATURE THAT THE REGULATED HUNTING OF WILD BUFFALO ALLOWED BY HOUSE BILL NO. 763 BE CONSIDERED ONLY ONE OF MANY SOLUTIONS AVAILABLE TO THE

DEPARTMENT AND THE NATIONAL PARK SERVICE FOR CONTROLLING THE MIGRATION OF WILD BUFFALO ACROSS THE BOUNDARIES OF YELLOWSTONE NATIONAL PARK. THE LEGISLATURE ENCOURAGES FURTHER NEGOTIATIONS AND COOPERATION BETWEEN THE DEPARTMENT AND THE NATIONAL PARK SERVICE TO SEEK OTHER METHODS OF CONTROLLING, AS SOON AS POSSIBLE, THE MIGRATION OF WILD BUFFALO INTO MONTANA FROM YELLOWSTONE NATIONAL PARK.



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8 MCA, is repealed.

9 NEW SECTION. Section 6. Codification instruction.
10 Section 3 is intended to be codified as an integral part of
11 Title 87, chapter 2, part 7, and the provisions of Title 87
12 apply to section 3.

13 NEW SECTION. Section 7. Effective date. This act is
14 effective on passage and approval.

-End-