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. Second reading, do pass as February 22, 1985 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 concurred in. Report adopted. Statement of Intent amended. March 29, 1985 Second reading, concurred in.

April 1, 1985

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

Returned to House with amended Statement of Intent.

IN THE HOUSE

April 2, 1985

April 8, 1985

Received from Senate.

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.

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Sent to enrolling.

Reported correctly enrolled.

LC 0868/01

HOUSE BILL NO. 763 INTRODUCED BY Manukan Cartwich Hoverange 1 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SPECIAL WILD BUFFALO LICENSES AND FOR REGULATION OF SPECIAL WILD S BUFFALO LICENSES; AMENDING SECTIONS 87-2-101 AND 87-2-701, 6 MCA: REPEALING SECTION 87-5-303, MCA: AND PROVIDING AN 7 8 IMMEDIATE EFFECTIVE DATE." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 87-2-101, MCA, is amended to read: 11 "87-2-101. Definitions. As used in this chapter and 12 chapter 3, unless the context clearly indicates otherwise, 13 14 the following definitions apply: (1) "Angling" or "fishing" means the taking of or 15 attempting to take fish by hook and single line or single 16 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.



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

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

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.

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

25 (9) "Open season" means the time during which game

-2- INTRODUCED BILL HB 763

LC 0868/01

ully	1	(f) black or brown bearnonresident, \$100 <u>;</u>
	2	(g) wild buffaloresident, \$50; nonresident, \$300.
ons,	3	(2) In the event a holder of a valid special grizzly
	4	bear license kills a grizzly bear, he must purchase a trophy
unk,	5	license for a fee of \$25 within 10 days after date of kill.
	6	Such trophy license shall authorize the holder to possess
blue	7	and transport said trophy.
hen	8	(3) Special licenses shall be issued in a manner
rian	9	prescribed by the department."
	10	NEW SECTION. Section 3. Regulation of special wild
have	11	buffalo licenses. The department shall adopt rules
	12	regulating special wild buffalo licenses. The rules shall
ead:	13	provide for:
who	14	(1) license drawing procedures based on a year-round
5 of	15	season;
lder	16	(2) notification of license recipients as to when and
lent	17	where they may hunt;
cial	18	<pre>(3) means of taking;</pre>
) be	19	(4) tagging requirements for carcasses, skulls, and
	20	hides;
	21	(5) possession limits; and
300;	22	(6) requirements for transportation and exportation.
300;	23	NEW SECTION. Section 4. Repealer. Section 87-5-303,
	24	MCA, is repealed.
	25	NEW SECTION. Section 5. Codification instruction.

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

21 (a) moose--resident, \$50; nonresident, \$300;

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(b) mountain goat--resident, \$50; nonresident, \$300;
(c) mountain sheep--resident, \$50; nonresident, \$300;
(d) antelope--resident, \$6; nonresident, \$100;

25 (e) grizzly bear--resident, \$50; nonresident, \$300;

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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.

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- 4 <u>NEW SECTION.</u> Section 6. Effective date. This act is
- 5 effective on passage and approval.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 400-85

Form BD-15

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

·	FY 86	FY 87
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.

BUDGET DIRECTOR Office of Budget and Program Planning

18 Date:

49th Legislature

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HB 0763/si

APPROVED BY COMM. On Fish and Game

1	STATEMENT OF INTENT
2	HOUSE BILL NO. 763
3	House Fish and Game Committee

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

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 than10% of the wild buffalo licenses issued be for nonresidents.

Montana Legislative Council

SECOND READING HB 763

1 HOUSE BILL NO. 763 1 2 INTRODUCED BY MENAHAN, PAVLOVICH, HOLLIDAY, ABRAMS 2 3 bear, and wild buffalo. 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SPECIAL 4 5 WILD BUFFALO LICENSES AND FOR REGULATION OF SPECIAL WILD 5 6 BUFFALO LICENSES; AMENDING SECTIONS 87-2-101 AND 87-2-701, 6 7 MCA: REPEALING SECTION 87-5-303, MCA; AND PROVIDING AN 7 8 IMMEDIATE EFFECTIVE DATE." 8 9 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 87-2-101, MCA, is amended to read: 11 12 "87-2-101. Definitions. As used in this chapter and 12 13 (channel catfish). chapter 3, unless the context clearly indicates otherwise, 13 14 the following definitions apply: 14 15 (1) "Angling" or "fishing" means the taking of or 15 16 attempting to take fish by hook and single line or single 16 17 rod, in hand or within immediate control. 17 18 (2) "Closed season" means the time during which game 18 birds, fish, and game and fur-bearing animals may not be 19 19 20 below. lawfully taken. 20 21 (3) "Commission" means the state fish and game 21 22 commission. 22 23 (4) "Fur-bearing animals" means marten or sable, 23 24 otter, muskrat, fisher, mink, bobcat, lynx, wolverine, 24 25 northern swift fox, and beaver. 25

(5) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, and 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.

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

5 (9) "Open season" means the time during which game

-2-



1	birds, fish, game and fur-bearing animals may be lawfully	<pre>1 (f) black or brown bearnonresident, \$100;</pre>
2	taken.	2 (g) wild buffaloresident, \$50; nonresident, \$300.
3	(10) "Person" means individuals, associations,	3 (2) In the event a holder of a valid special grizzly
4	partnerships, and corporations.	4 bear license kills a grizzly bear, he must purchase a trophy
5	(11) "Predatory animals" means coyote, weasel, skunk,	5 license for a fee of \$25 within 10 days after date of kill.
6	and civet cat.	6 Such trophy license shall authorize the holder to possess
7	(12) "Upland game birds" means sharptailed grouse, blue	7 and transport said trophy.
8	grouse, spruce (Franklin) grouse, prairie chicken, sage hen	8 (3) Special licenses shall be issued in a manner
9	or sage grouse, ruffed grouse, quail, pheasant, Hungarian	9 prescribed by the department."
10	partridge, ptarmigan, wild turkey, and chukar partridge.	10 NEW SECTION. Section 3. Regulation of special wild
11	(13) "Wild buffalo" means buffalo or bison which have	ll buffalo licenses. The department shall adopt rules
12	not been reduced to captivity."	12 regulating special wild buffalo licenses. The rules shall
13	Section 2. Section 87-2-701, MCA, is amended to read:	13 provide for:
14	"87-2-701. Special licenses. (1) Any applicant who	14 (1) license drawing procedures based on a year-round
15	will be 12 years of age or older prior to September 15 of	15 season;
16	the season for which the license is issued and is the holder	16 (2) notification of license recipients as to when and
17	of a resident wildlife conservation license or a nonresident	<pre>17 where they may hunt;</pre>
18	wildlife conservation license may apply for a special	<pre>18 (3) means of taking;</pre>
19	license which, in the judgment of the department, is to be	19 (4) tagging requirements for carcasses, skulls, and
20	issued and shall pay the following fees therefor:	20 hides;
21	<pre>(a) mooseresident, \$50; nonresident, \$300;</pre>	21 (5) possession limits; and
22	<pre>(b) mountain goatresident, \$50; nonresident, \$300;</pre>	22 (6) requirements for transportation and exportation.
23	<pre>(c) mountain sheepresident, \$50; nonresident, \$300;</pre>	23 <u>NEW SECTION.</u> Section 4. Repealer. Section 87-5-303,
24	<pre>(d) anteloperesident, \$6; nonresident, \$100;</pre>	24 MCA, is repealed.
25	<pre>(e) grizzly bearresident, \$50; nonresident, \$300;</pre>	25 <u>NEW SECTION.</u> Section 5. Codification instruction.
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	-3- HB 763	-4- HB 763

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4 NEW SECTION. Section 6. Effective date. This act is

5 effective on passage and approval.

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HB 0763/si

STATE	MENT (OF IN	TENT
HO	USE B	ILL 7	763
House Fish	anđ (Game	Committee

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THIRD READING HB 763

rtana Legislative Council

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birds, fish, game and fur-bearing animals may be lawfully 1 1 (f) black or brown bear--nonresident, \$100; 2 taken. (g) wild buffalo--resident, \$50 \$200; nonresident, 2 3 (10) "Person" **9300** \$1,000. means individuals. associations, 3 4 partnerships, and corporations. 4 (2) In the event a holder of a valid special grizzly 5 (11) "Predatory animals" means coyote, weasel, skunk, 5 bear license kills a grizzly bear, he must purchase a trophy 6 and civet cat. license for a fee of \$25 within 10 days after date of kill. 6 (12) "Upland game birds" means sharptailed grouse, blue 7 Such trophy license shall authorize the holder to possess 7 grouse, spruce (Franklin) grouse, prairie chicken, sage hen 8 8 and transport said trophy. or sage grouse, ruffed grouse, quail, pheasant, Hungarian 9 9 (3) Special licenses shall be issued in a manner partridge, ptarmigan, wild turkey, and chukar partridge. 10 10 prescribed by the department." (13) "Wild buffalo" means buffalo or bison which have 11 11 NEW SECTION. Section 3. Regulation of special wild 12 not been reduced to captivity." 12 buffalo licenses. The department shall adopt rules Section 2. Section 87-2-701, MCA, is amended to read: 13 13 regulating special wild buffalo licenses. The rules shall 14 *87-2-701. Special licenses. (1) Any applicant who 14 provide for: will be 12 years of age or older prior to September 15 of 15 15 (1) license drawing procedures based on a year-round the season for which the license is issued and is the holder 16 season; 16 17 of a resident wildlife conservation license or a nonresident 17 (2) AN ENTRY FEE FOR THE DRAWING OF A LICENSE, WHICH 18 wildlife conservation license may apply for a special 18 MUST BE A MINIMUM OF \$5; license which, in the judgment of the department, is to be 19 19 (3) notification of license recipients as to when issued and shall pay the following fees therefor: 20 and where they may hunt; 20 21 (a) moose--resident, \$50; nonresident, \$300; 21 (4) means of taking; 22 mountain goat--resident, \$50; nonresident, \$300; (b) 22 (4)(5) tagging requirements for carcasses, skulls, and 23 (c) mountain sheep--resident, \$50; nonresident, \$300; 23 hides; 24 (d) antelope--resident, \$6; nonresident, \$100; 24 (5)(6) possession limits; and 25 (e) grizzly bear--resident, \$50; nonresident, \$300; 25 (6)(7) requirements for transportation and -3--4-HB 763

BB 0763/03

exportation. 1 2 NEW SECTION. SECTION 4. FEES USED FOR MANAGEMENT OF YELLOWSTONE NATIONAL PARK WILD BUFFALO HERD. THE MONEY 3 COLLECTED FROM DRAWING AND LICENSE FEES MUST BE PLACED IN A 4 5 SPECIAL FUND TO MANAGE AND CONTROL THE WILD BUFFALO ENTERING MONTANA FROM THE YELLOWSTONE NATIONAL PARK HERD. б 7 NEW SECTION. Section 5. Repealer. Section 87-5-303, MCA, is repealed. 8 NEW SECTION. Section 6. Codification instruction. 9 Section 3 is intended to be codified as an integral part of 10 Title 87, chapter 2, part 7, and the provisions of Title 87 11 12 apply to section 3. NEW SECTION. Section 7. Effective date. This act is 13 14 effective on passage and approval.

-End-

STANDING COMMITTEE REPORT



March 26, 19.85

MR. PRESIDENT

third reading copy (blue)

(JACOBSON WILL CARRY)

PROVIDES FOR SPECIAL WILD BUFFALO LICENSES

color

Respectfully report as follows: That...... No....7.63......

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

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noun MAX CÓNOVER, Chairman.

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HB 0763/si

STATEMENT OF INTENT HOUSE BILL 763 House Fish and Game Committee

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

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It is the intent of the legislature that not more than
 10% of the wild buffalo licenses issued be for nonresidents.
 <u>IT IS THE INTENT OF THE LEGISLATURE THAT THE REGULATED</u>
 <u>HUNTING OF WILD BUFFALO ALLOWED BY HOUSE BILL NO. 763 BE</u>
 <u>CONSIDERED ONLY ONE OF MANY SOLUTIONS AVAILABLE TO THE</u>



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

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REFERENCE BILL HB763

HB 763

1	HOUSE BILL NO. 763
2	INTRODUCED BY MENAHAN, PAVLOVICH, HOLLIDAY, ABRAMS
3	
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,
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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9 or sage grouse, ruffed grouse, quail, pheasant, Hungarian
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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: *87-2-701. Special licenses. (1) Any applicant who 14 will be 12 years of age or older prior to September 15 of 15 16 the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident 17 18 wildlife conservation license may apply for a special 19 license which, in the judgment of the department, is to be issued and shall pay the following fees therefor: 20

21 (a) moose--resident, \$50; nonresident, \$300;

(b) mountain goat--resident, \$50; nonresident, \$300;
(c) mountain sheep--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;

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

2 (g) wild buffalo--resident, \$50 \$200; nonresident,
 3 \$300 \$1,000.

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

9 (3) Special licenses shall be issued in a manner10 prescribed by the department."

11 <u>NEW SECTION.</u> Section 3. Regulation of special wild 12 buffalo licenses. The department shall adopt rules 13 regulating special wild buffalo licenses. The rules shall 14 provide for:

15 (1) license drawing procedures based on a year-round16 season;

17 (2) AN ENTRY PEE FOR THE DRAWING OF A LICENSE, WHICH
18 MUST BE A MINIMUM OF \$5;

19 (2)(3) notification of license recipients as to when 20 and where they may hunt;

21 (3)(4) means of taking;

(5)(6) possession limits; and

25 +6+(7) requirements for transportation and

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1 exportation. NEW SECTION. SECTION 4. FEES USED FOR MANAGEMENT OF 2 YELLOWSTONE NATIONAL PARK WILD BUFFALO HERD, THE MONEY 3 COLLECTED FROM DRAWING AND LICENSE FEES MUST BE PLACED IN A 4 SPECIAL FUND TO MANAGE AND CONTROL THE WILD BUFFALO ENTERING 5 6 MONTANA FROM THE YELLOWSTONE NATIONAL PARK HERD. NEW SECTION. Section 5. Repealer. Section 87-5-303, 7 8 MCA, is repealed. 9 NEW SECTION. Section 6. Codification instruction. Section 3 is intended to be codified as an integral part of 10 Title 87, chapter 2, part 7, and the provisions of Title 87 11 12 apply to section 3. NEW SECTION. Section 7. Effective date. This act is 13 14 effective on passage and approval.

-End-

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