



IN THE HOUSE

APRIL 13, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 14, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 526  
 2 INTRODUCED BY Johy Bishop Sen. Gary Sapp  
 3 Gilbert Gaarn Sen. Monte McClellan  
 4 Pamela Hoyer Sen. Steve Duro  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
 6 LEASE OR PURCHASE OF LAND OR EASEMENTS FOR WILDLIFE HABITAT  
 7 AND THE DEVELOPMENT AND MAINTENANCE THEREOF; TO PROVIDE  
 8 FUNDING THROUGH HUNTING LICENSE FEE INCREASES; TO SPECIFY  
 9 THE NUMBER OF NONRESIDENT DEER "A" LICENSES THAT MAY BE  
 10 SOLD; AMENDING SECTIONS 87-1-301, 87-2-401 THROUGH 87-2-403,  
 11 87-2-501, 87-2-504, 87-2-505, 87-2-507, 87-2-508, 87-2-701,  
 12 87-2-708, AND 87-2-711, MCA; AND PROVIDING A DELAYED  
 13 EFFECTIVE DATE."

14 WHEREAS, the lease or purchase of land suitable for  
 15 wildlife habitat and the acquisition of conservation  
 16 easements to protect and enhance habitat are necessary; and  
 17 WHEREAS, allocating revenue from increases in hunting  
 18 license fees is appropriate to fund the protection and  
 19 enhancement of wildlife habitat.

20  
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 22 Section 1. Section 87-1-301, MCA, is amended to read:  
 23 "87-1-301. Powers of the commission. The commission  
 24 shall:  
 25 (1) set the policies for the protection, preservation,

1 and propagation of the wildlife, fish, game, furbearers,  
 2 waterfowl, nongame species, and endangered species of the  
 3 state and for the fulfillment of all other responsibilities  
 4 of the department as provided by law;  
 5 (2) establish the hunting, fishing, and trapping rules  
 6 of the department;  
 7 (3) establish the rules of the department governing  
 8 the use of lands owned or controlled by the department and  
 9 waters under the jurisdiction of the department;  
 10 (4) have the power within the department to establish  
 11 wildlife refuges and bird and game preserves;  
 12 (5) approve all acquisitions or transfers by the  
 13 department of interests in land or water;  
 14 (6) review and approve the budget of the department  
 15 prior to its transmittal to the budget office; and  
 16 (7) review and approve construction projects whose  
 17 estimated cost is more than \$1,000 but less than \$5,000;  
 18 and  
 19 (8) have the authority to secure wildlife habitat  
 20 through lease or purchase of suitable land or the  
 21 acquisition of conservation easements thereon, in accordance  
 22 with criteria developed following public hearings held for  
 23 that purpose."  
 24 NEW SECTION. Section 2. Funding for wildlife habitat.  
 25 (1) The amount of money specified in this subsection from



1 the sale of each hunting license or permit listed must be  
 2 used exclusively by the commission to secure, develop, and  
 3 maintain wildlife habitat, subject to appropriation by the  
 4 legislature.

- 5 (a) Class A-3, resident deer A, \$2;
- 6 (b) Class A-5, resident elk, \$3;
- 7 (c) Class B-10, nonresident combination, \$50;
- 8 (d) Resident antelope, \$3;
- 9 (e) Nonresident antelope, \$20;
- 10 (f) Resident moose, \$5;
- 11 (g) Nonresident moose, \$20;
- 12 (h) Resident mountain goat, \$5;
- 13 (i) Nonresident mountain goat, \$20;
- 14 (j) Resident mountain sheep, \$3;
- 15 (k) Nonresident mountain sheep, \$20;
- 16 (l) Class D-2, resident mountain lion, \$3;
- 17 (m) Class D-1, nonresident mountain lion, \$20;
- 18 (n) Class A-6, resident black bear, \$3;
- 19 (o) Nonresident black bear, \$20;
- 20 (p) Class A-1, resident game bird, \$1;
- 21 (q) Class B-1, nonresident game bird, \$10;
- 22 (r) Wild turkey nonresident, \$10;
- 23 (s) Class A-2, special bow and arrow, \$3;
- 24 (t) Class AAA, sportsman's, \$5.
- 25 (2) Twenty percent of any increase after [the

1 effective date of this act] in the fee for the Class B-7  
 2 license or any license or permit listed in subsection (1)  
 3 must be allocated for use as provided in subsection (1).

4 (3) Ninety percent of the money allocated by this  
 5 section, together with the interest and income therefrom,  
 6 must be used to secure wildlife habitat pursuant to  
 7 87-1-301(8).

8 (4) Ten percent of the money allocated by this section  
 9 must be credited to the account created by 87-1-601(5) for  
 10 use in the manner prescribed therein for the development and  
 11 maintenance of real property used for wildlife habitat.

12 Section 3. Section 87-2-401, MCA, is amended to read:  
 13 "87-2-401. Class A-1--resident game bird license.  
 14 Except as otherwise provided, a resident, as defined by  
 15 87-2-102, who is 12 years of age or older may, upon payment  
 16 of a fee of \$4 ~~\$5~~, receive a Class A-1 license which will  
 17 entitle the holder to pursue, hunt, shoot, and kill game  
 18 birds and possess the carcasses of game birds as authorized  
 19 by department rules."

20 Section 4. Section 87-2-402, MCA, is amended to read:  
 21 "87-2-402. Class B-1--nonresident game bird license.  
 22 Except as otherwise provided in this chapter, a person not a  
 23 resident, as defined in 87-2-102, but who is 12 years of age  
 24 or older, upon payment of a fee of \$30 ~~\$40~~ may receive a  
 25 Class B-1 license which shall entitle the holder thereof to

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

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

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

11 (2) The fee for a wild turkey tag ~~shall be~~ is \$3 for  
12 residents and \$13 for nonresidents. Turkey tags shall be  
13 issued either by a drawing system or in unlimited number as  
14 authorized by department rules.

15 (3) Subject to the provisions of subsection (2), a  
16 person who is 62 years of age or older as provided in  
17 87-2-801, certified as disabled under 87-2-803, or a  
18 resident minor as described in 87-2-805 may purchase a wild  
19 turkey tag upon presentation of his wildlife conservation  
20 license."

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

22 "87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident  
23 deer, elk, and bear licenses. (1) Except as otherwise  
24 provided in this chapter, a resident, as defined by  
25 87-2-102, who will be 12 years of age or older prior to

1 September 15 of the season for which the license is issued  
2 may, upon payment of the proper fee or fees, be entitled to  
3 purchase one each of the following licenses at the  
4 prescribed cost which will entitle the holder to pursue,  
5 hunt, shoot, and kill the game animal or animals authorized  
6 by the license held and to possess the carcasses of those  
7 game animals as authorized by department rules:

- 8 (a) Class A-3, deer A tag, ~~\$9~~ \$11;
- 9 (b) Class A-4, deer B tag, \$6;
- 10 (c) Class A-5, elk tag, ~~\$10~~ \$13;
- 11 (d) Class A-6, black or brown bear tag, ~~\$8~~ \$11;
- 12 (e) Class A-7, antlerless elk tag, \$10.

13 (2) The holder of a Class A-7 antlerless elk license  
14 is entitled to take surplus antlerless elk in areas  
15 designated by the commission and at such times and upon such  
16 terms as set forth by the commission but may not  
17 simultaneously possess a Class A-5 and a Class A-7 license  
18 in the same year. The commission shall include in the terms  
19 of issuance of the Class A-7 license a requirement for  
20 surrender of a current Class A-5 license if held by a person  
21 at the time he purchases a Class A-7 license. If a current  
22 Class A-5 license is surrendered, as required by this  
23 section, the Class A-7 license must be issued without cost  
24 to the holder. No person may take more than one elk during  
25 any license year, and a person holding a Class A-7

1 antlerless elk tag may not take an elk during the same  
2 license year with a Class A-5 elk tag."

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

4 "87-2-504. Class B-7 and B-8--nonresident deer  
5 licenses. Except as otherwise provided in this chapter, a  
6 person not a resident, as defined in 87-2-102, but who will  
7 be 12 years of age or older prior to September 15 of the  
8 season for which the license is issued and is a holder of a  
9 nonresident conservation license may, upon payment of the  
10 proper fee or fees and subject to the limitations prescribed  
11 by law and department regulation, be entitled to apply to  
12 the fish and game office, Helena, Montana, to purchase one  
13 each of the following licenses: Class B-7, deer A tag, ~~\$100~~  
14 \$150; Class B-8, deer B tag, \$50; and will entitle the  
15 holder to pursue, hunt, shoot, and kill the game animal or  
16 animals authorized by the license held and to possess the  
17 carcasses of those animals as authorized by department  
18 rules. Unless purchased as part of a B-10 license, a Class  
19 B-7 license must be assigned for use in a specific  
20 administrative region or portion thereof. Not more than  
21 5,000 Class B-7 licenses may be sold in any license year.  
22 Money received from the sale of Class B-7 licenses in excess  
23 of 1,700 must be used as provided in [section 2(1)]."

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

25 "87-2-505. Class B-10--nonresident big game

1 combination license. Except as otherwise provided in this  
2 chapter, a person not a resident, as defined in 87-2-102,  
3 but who will be 12 years of age or older prior to September  
4 15 of the season for which the license is issued may, upon  
5 payment of the fee of ~~\$350~~ \$400 and subject to the  
6 limitations prescribed by law and department regulation,  
7 apply to the fish and game office, Helena, Montana, to  
8 purchase a B-10 nonresident big game combination license  
9 which shall entitle the holder to all the privileges of  
10 Class B, Class B-1, Class B-7, and black bear licenses, and  
11 an elk tag. This license includes the nonresident  
12 conservation license as prescribed in 87-2-202. Not more  
13 than 17,000 Class B-10 licenses may be sold in any one  
14 license year."

15 Section 9. Section 87-2-507, MCA, is amended to read:

16 "87-2-507. Class D-1--nonresident mountain lion  
17 license. Except as otherwise provided in this chapter, a  
18 person not a resident, as defined in 87-2-102, but who is 12  
19 years of age or older, upon payment of a fee of ~~\$300~~ \$320  
20 may receive a Class D-1 license which shall entitle the  
21 holder thereof to pursue, hunt, shoot, and kill mountain  
22 lion and possess the carcass thereof as authorized by  
23 department rules. If a holder of a valid mountain lion  
24 license under this section kills a mountain lion, he must  
25 purchase a trophy license for a fee of \$50 within 10 days

1 after the date of kill. The trophy license authorizes the  
2 holder to possess and transport such trophy."

3 Section 10. Section 87-2-508, MCA, is amended to read:

4 "87-2-508. Class D-2--resident mountain lion license.

5 Except as otherwise provided in this chapter, a person who  
6 is a resident, as defined in 87-2-102, and who is 12 years  
7 of age or older, upon payment of a fee of ~~\$10~~ \$13 may  
8 receive a Class D-2 license which shall entitle the holder  
9 thereof to pursue, hunt, shoot, and kill mountain lion and  
10 possess the carcass thereof as authorized by department  
11 rules. If a holder of a valid mountain lion license under  
12 this section kills a mountain lion, he must purchase a  
13 trophy license for a fee of \$50 within 10 days after the  
14 date of kill. The trophy license authorizes the holder to  
15 possess and transport such trophy."

16 Section 11. 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, ~~\$50~~ \$55; nonresident, ~~\$300~~ \$320;

25 (b) mountain goat--resident, ~~\$50~~ \$55; nonresident,

1 ~~\$300~~ \$320;

2 (c) mountain sheep--resident, ~~\$50~~ \$53; nonresident,

3 ~~\$300~~ \$320;

4 (d) antelope--resident, ~~\$6~~ \$9; nonresident, ~~\$100~~ \$120;

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

6 (f) black or brown bear--nonresident, ~~\$100~~ \$120;

7 (g) wild buffalo--resident, \$200; nonresident, \$1,000.

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

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

15 Section 12. Section 87-2-708, MCA, is amended to read:

16 "87-2-708. Class A-2--special bow and arrow license.

17 A holder of a valid hunting license for which a special  
18 archery season is set by the department may receive, upon  
19 payment of an additional fee of ~~\$6~~ \$9, a Class A-2 license  
20 which shall authorize the holder thereof to pursue, hunt,  
21 shoot, and kill with bow and arrow the game animals so  
22 authorized by the licenses held and to possess the carcass  
23 thereof during seasons and in areas, as designated by the  
24 department."

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

1 "87-2-711. Class AAA--sportsman's license. Any  
2 resident, as defined by 87-2-102, who will be 12 years of  
3 age or older prior to September 15 of the season for which  
4 the license is issued, upon payment of the sum of \$36 ~~\$41~~,  
5 shall be entitled to a sportsman's license which shall  
6 permit the holder to exercise all rights granted to holders  
7 of Class A, A-1, A-3, A-5, A-6, and resident conservation  
8 licenses as prescribed in 87-2-202. The department shall  
9 furnish each holder of a sportsman's license an appropriate  
10 decal."

11 NEW SECTION. Section 14. Extension of authority. Any  
12 existing authority of the department of fish, wildlife, and  
13 parks or the fish and game commission to make rules on the  
14 subject of the provisions of this act is extended to the  
15 provisions of this act.

16 NEW SECTION. Section 15. Codification instruction.  
17 Section 2 is intended to be codified as an integral part of  
18 Title 87, chapter 1, and the provisions of Title 87 apply to  
19 section 2.

20 NEW SECTION. Section 16. Effective date. This act is  
21 effective March 1, 1988.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB526, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill would provide for acquisition, development and maintenance of wildlife habitat financed through various hunting license fee increases; and, to specify the number of nonresident deer "A" licenses.

ASSUMPTIONS:

1. The volume of sales for the last completed license year was used in the computations.
2. Buyer resistance of 10% for FY89 was used on licenses that have no restrictions on the number that can be sold. This is based on historical usage.
3. The 17,000 nonresident combination and B-7 licenses that relate to the 1988 hunting season will be sold by June 30, 1988. All other fee increases will be realized in FY89.



DATE

DAVID L. HUNTER, BUDGET DIRECTOR  
Office of Budget and Program Planning



DATE

TED SCHYE, PRIMARY SPONSOR

Fiscal Note for HB526, as introduced.

**HB 526**

FISCAL IMPACT:

SCHEDULE OF LICENSE REVENUES AS A RESULT OF THE PROPOSED FEE INCREASES

Type of License	Current	Proposed	Current	Proposed Law	
	Cost/License	Increase	Law	FY88	FY89
*Resident Deer A	\$ 9	\$ 2	\$ 972,736	\$ 972,736	\$ 1,105,810
NR Deer A	100	50	250,000	750,000	750,000
*Res Elk	10	3	620,003	620,003	747,185
NR Combo	350	50	5,950,000	6,800,000	6,800,000
Res. Antelope	6	3	203,214	203,214	304,821
NR Antelope	100	20	607,700	607,700	729,240
Res. Moose	50	5	29,850	29,850	32,835
NR Moose	300	20	5,700	5,700	6,080
Res. Goat	50	5	16,650	16,650	18,315
NR Goat	300	20	5,700	5,700	6,080
Res. Sheep	50	3	25,406	25,406	26,924
NR Sheep	300	20	16,200	16,200	17,280
Res. Mt. Lion	10	3	10,450	10,450	13,585
NR Mt. Lion	300	20	27,600	27,600	29,440
*Res. Black Bear	8	3	43,329	43,329	55,608
*NR Black Bear	100	20	107,895	107,895	116,748
*Res. Bird	4	1	139,604	139,604	169,320
*NR Bird	30	10	137,223	137,223	166,176
NR Turkey	3	10	4,500	4,500	19,500
*Bow and Arrow	6	3	124,680	124,680	176,193
*Res. Sportsmen	36	5	854,780	854,780	908,191
<b>TOTAL</b>			<b>\$10,153,220</b>	<b>\$11,503,220</b>	<b>\$12,199,331</b>

\*Over-the-counter license sales have a 10% buyer resistance in FY89.

License Revenues:	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
	\$10,028,540	\$11,503,220	\$1,474,680	\$10,028,540	\$12,199,331	\$2,170,791

HB 0526/si  
COMM.  
ON FISH AND GAME  
WITHOUT RECOMMENDATION  
MOTION TO MOVE FROM  
COMMITTEE TO 2ND READING

STATEMENT OF INTENT

HOUSE BILL 526

House Fish and Game Committee

1  
2  
3  
4  
5 House Bill No. 526 requires a statement of intent  
6 because section 1 requires the fish and game commission to  
7 adopt rules establishing its policy regarding wildlife  
8 habitat acquisitions provided for by this act.

9 It is the intent of this act to provide a means for the  
10 department of fish, wildlife, and parks to acquire an  
11 interest in land for the purpose of protecting and enhancing  
12 wildlife habitat. Such interest in land must be gained by  
13 the purchase of leases, conservation easements, or fee  
14 title. While it is preferable to acquire such interest  
15 through lease or conservation easement, the legislature  
16 acknowledges that the willing seller will determine the  
17 manner by which such interest is obtained and thus provides  
18 for all three alternatives.

19 It is intended that the rules will address policy  
20 considerations for making acquisitions generally, as well as  
21 establishing procedures for determining in each case of a  
22 proposed acquisition whether the interest will be acquired.

23 It is intended that the commission identify habitat  
24 needs by administrative region and compile these needs in a  
25 consolidated statewide habitat acquisition plan. The rules

1 must ensure that acquired interests in habitat lands are  
2 reasonably distributed around the state in accordance with  
3 the statewide habitat acquisition plan.

4 It is intended that the department exercise good land  
5 management practices on all land acquired, and multiple uses  
6 of such land when not detrimental to its value as wildlife  
7 habitat are specifically authorized. The department shall  
8 identify management objectives for each proposed  
9 acquisition, analyze potential impacts to adjacent private  
10 land resulting from those objectives, and develop plans to  
11 address such impacts.

12 A public hearing must be held in the area of each  
13 proposed acquisition after the required analysis has been  
14 completed by the department, for the purpose of obtaining  
15 comment from the interested public. The analysis and related  
16 public concerns are to be presented to the fish and game  
17 commission prior to its final action on any acquisition of  
18 interest and also to the board of land commissioners if that  
19 body is required to make a decision on the proposal under  
20 87-1-209.

21 The policy and an analysis for each proposal acted upon  
22 in a biennium must be presented to the members of both the  
23 house and senate fish and game committees when they next  
24 meet in regular session.

HOUSE BILL NO. 526

INTRODUCED BY SCHYE, BISHOP, GRADY, RAPP-SVRCEK, GILBERT, REAM, CORNE', HAGER, SIMON, MOORE, SQUIRES, IVERSON, WINSLOW, PAVLOVICH, CRIPPEN, HARP, DRISCOLL, MENAHAN, BRANDEWIE, YELLOWTAIL, BULGER, HARPER, MEYERS, JACOBSON, BRADLEY, GOULD

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE LEASE OR PURCHASE OF LAND OR EASEMENTS FOR WILDLIFE HABITAT AND THE DEVELOPMENT AND MAINTENANCE THEREOF; TO PROVIDE FUNDING THROUGH HUNTING LICENSE FEE INCREASES; TO SPECIFY THE NUMBER OF NONRESIDENT DEER "A" LICENSES THAT MAY BE SOLD; AMENDING SECTIONS 87-1-301, 87-2-401 THROUGH 87-2-403, 87-2-501, 87-2-504, 87-2-505, 87-2-507, 87-2-508, 87-2-701, 87-2-708, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE; AND PROVIDING A TERMINATION DATE."

WHEREAS, the lease or purchase of land suitable for wildlife habitat and the acquisition of conservation easements to protect and enhance habitat are necessary; and

WHEREAS, allocating revenue from increases in hunting license fees is appropriate to fund the protection and enhancement of wildlife habitat.

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

~~Section 17--Section 87-1-301, MCA, is amended to read: 87-1-301--Powers--of--the--commission--The--commission shall:~~

~~(1)--set--the--policies--for--the--protection,--preservation, and--propagation--of--the--wildlife,--fish,--game,--furbearers, waterfowl,--nongame--species,--and--endangered--species--of--the state--and--for--the--fulfillment--of--all--other--responsibilities of--the--department--as--provided--by--law;~~

~~(2)--establish--the--hunting,--fishing,--and--trapping--rules of--the--department;~~

~~(3)--establish--the--rules--of--the--department--governing the--use--of--lands--owned--or--controlled--by--the--department--and waters--under--the--jurisdiction--of--the--department;~~

~~(4)--have--the--power--within--the--department--to--establish wildlife--refuges--and--bird--and--game--preserves;~~

~~(5)--approve--all--acquisitions--or--transfers--by--the department--of--interests--in--land--or--water;~~

~~(6)--review--and--approve--the--budget--of--the--department prior--to--its--transmittal--to--the--budget--office;--and~~

~~(7)--review--and--approve--construction--projects--whose estimated--cost--is--more--than--\$1,000--but--less--than--\$5,000; and~~

~~(8)--have--the--authority--to--secure--wildlife--habitat through--lease--or--purchase--of--suitable--land--or--the acquisition--of--conservation--easements--thereon,--in--accordance~~



1 ~~with criteria developed following public hearings--held--for~~  
 2 ~~that purpose--~~"

3 NEW SECTION. SECTION 1. ACQUISITION OF WILDLIFE  
 4 HABITAT -- RULES. (1) BEFORE ACQUISITION OF ANY INTEREST IN  
 5 LAND FOR THE PRIMARY PURPOSE OF SECURING WILDLIFE HABITAT  
 6 THE COMMISSION SHALL BY RULE ESTABLISH A POLICY FOR MAKING  
 7 SUCH ACQUISITIONS. WITH REGARD TO ANY SPECIFIC ACQUISITION  
 8 THE POLICY SHALL PROVIDE FOR A COMPREHENSIVE ANALYSIS OF:

9 (A) THE WILDLIFE POPULATIONS AND USE CURRENTLY  
 10 ASSOCIATED WITH THE PROPERTY;

11 (B) THE POTENTIAL VALUE OF THE LAND FOR PROTECTION,  
 12 PRESERVATION, AND PROPAGATION OF WILDLIFE;

13 (C) MANAGEMENT GOALS PROPOSED FOR THE LAND AND  
 14 WILDLIFE POPULATIONS, AND WHERE FEASIBLE, ANY ADDITIONAL  
 15 USES OF THE LAND SUCH AS LIVESTOCK GRAZING OR TIMBER  
 16 HARVEST;

17 (D) ANY POTENTIAL IMPACTS TO ADJACENT PRIVATE LAND  
 18 RESULTING FROM PROPOSED MANAGEMENT GOALS, AND PLANS TO  
 19 ADDRESS SUCH IMPACTS;

20 (E) A LAND MAINTENANCE PROGRAM TO CONTROL WEEDS AND  
 21 MAINTAIN ROADS AND FENCES; AND

22 (F) ANY OTHER MATTER CONSIDERED NECESSARY OR  
 23 APPROPRIATE BY THE COMMISSION.

24 (2) THE ANALYSIS MADE OF ANY PROPOSED ACQUISITION MUST  
 25 BE MADE AVAILABLE FOR REVIEW BY EACH OWNER OF LAND ADJACENT

1 TO THE PROPERTY THAT IS THE SUBJECT OF ANALYSIS, AND TO ANY  
 2 MEMBER OF THE PUBLIC. A PUBLIC HEARING MUST BE HELD IN THE  
 3 AFFECTED AREA AFTER THE ANALYSIS HAS BEEN MADE AVAILABLE TO  
 4 THE PUBLIC.

5 NEW SECTION. Section 2. Funding for wildlife habitat.  
 6 (1) The amount of money specified in this subsection from  
 7 the sale of each hunting license or permit listed must be  
 8 used exclusively by the commission to secure, develop, and  
 9 maintain wildlife habitat, subject to appropriation by the  
 10 legislature.

11 (a) Class A-3, resident deer A, \$2;

12 (b) Class A-5, resident elk, \$3;

13 (c) Class B-10, nonresident combination, \$50;

14 (d) Resident antelope, \$3;

15 (e) Nonresident antelope, \$20;

16 (f) Resident moose, \$5;

17 (g) Nonresident moose, \$20;

18 (h) Resident mountain goat, \$5;

19 (i) Nonresident mountain goat, \$20;

20 (j) Resident mountain sheep, \$3;

21 (k) Nonresident mountain sheep, \$20;

22 (l) Class D-2, resident mountain lion, \$3;

23 (m) Class D-1, nonresident mountain lion, \$20;

24 (n) Class A-6, resident black bear, \$3;

25 (o) Nonresident black bear, \$20;

- 1 (p) Class A-1, resident game bird, \$1;  
 2 (q) Class B-1, nonresident game bird, \$10;  
 3 (r) Wild turkey nonresident, \$10;  
 4 (s) Class A-2, special bow and arrow, \$3;  
 5 (t) Class AAA, sportsman's, \$5.

6 (2) Twenty percent of any increase after [the  
 7 effective date of this act] in the fee for the Class B-7  
 8 license or any license or permit listed in subsection (1)  
 9 must be allocated for use as provided in subsection (1).

10 (3) ~~Ninety~~ EIGHTY percent of the money allocated by  
 11 this section, together with the interest and income  
 12 therefrom, must be used to secure wildlife habitat pursuant  
 13 to ~~87-1-301(8)~~ 87-1-209.

14 (4) ~~Ten~~ TWENTY percent of the money allocated by this  
 15 section must be credited to the account created by  
 16 87-1-601(5) for use in the manner prescribed therein for the  
 17 development and maintenance of real property used for  
 18 wildlife habitat.

19 Section 3. Section 87-2-401, MCA, is amended to read:  
 20 "87-2-401. Class A-1--resident game bird license.  
 21 Except as otherwise provided, a resident, as defined by  
 22 87-2-102, who is 12 years of age or older may, upon payment  
 23 of a fee of ~~\$4~~ \$5, receive a Class A-1 license which will  
 24 entitle the holder to pursue, hunt, shoot, and kill game  
 25 birds and possess the carcasses of game birds as authorized

1 by department rules."

2 Section 4. Section 87-2-402, MCA, is amended to read:

3 "87-2-402. Class B-1--nonresident game bird license.  
 4 Except as otherwise provided in this chapter, a person not a  
 5 resident, as defined in 87-2-102, but who is 12 years of age  
 6 or older, upon payment of a fee of ~~\$30~~ \$40 may receive a  
 7 Class B-1 license which shall entitle the holder thereof to  
 8 pursue, hunt, shoot, and kill game birds and possess the  
 9 carcasses of game birds as authorized by department rules."

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

11 "87-2-403. Wild turkey tags and fee. (1) The  
 12 department may issue wild turkey tags to the holder of a  
 13 valid Class A-1 or Class B-1 license or as set out in  
 14 subsection (3). Each tag shall entitle the holder to pursue,  
 15 hunt, shoot, and kill one wild turkey and possess the  
 16 carcass thereof, during such times and such places as the  
 17 department shall authorize an open season on wild turkey.

18 (2) The fee for a wild turkey tag ~~shall be~~ is \$3 for  
 19 residents and \$13 for nonresidents. Turkey tags shall be  
 20 issued either by a drawing system or in unlimited number as  
 21 authorized by department rules.

22 (3) Subject to the provisions of subsection (2), a  
 23 person who is 62 years of age or older as provided in  
 24 87-2-801, certified as disabled under 87-2-803, or a  
 25 resident minor as described in 87-2-805 may purchase a wild

1 turkey tag upon presentation of his wildlife conservation  
2 license."

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

4 "87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident  
5 deer, elk, and bear licenses. (1) Except as otherwise  
6 provided in this chapter, a resident, as defined by  
7 87-2-102, who will be 12 years of age or older prior to  
8 September 15 of the season for which the license is issued  
9 may, upon payment of the proper fee or fees, be entitled to  
10 purchase one each of the following licenses at the  
11 prescribed cost which will entitle the holder to pursue,  
12 hunt, shoot, and kill the game animal or animals authorized  
13 by the license held and to possess the carcasses of those  
14 game animals as authorized by department rules:

- 15 (a) Class A-3, deer A tag, \$9 \$11;  
16 (b) Class A-4, deer B tag, \$6;  
17 (c) Class A-5, elk tag, \$10 \$13;  
18 (d) Class A-6, black or brown bear tag, \$8 \$11;  
19 (e) Class A-7, antlerless elk tag, \$10.

20 (2) The holder of a Class A-7 antlerless elk license  
21 is entitled to take surplus antlerless elk in areas  
22 designated by the commission and at such times and upon such  
23 terms as set forth by the commission but may not  
24 simultaneously possess a Class A-5 and a Class A-7 license  
25 in the same year. The commission shall include in the terms

1 of issuance of the Class A-7 license a requirement for  
2 surrender of a current Class A-5 license if held by a person  
3 at the time he purchases a Class A-7 license. If a current  
4 Class A-5 license is surrendered, as required by this  
5 section, the Class A-7 license must be issued without cost  
6 to the holder. No person may take more than one elk during  
7 any license year, and a person holding a Class A-7  
8 antlerless elk tag may not take an elk during the same  
9 license year with a Class A-5 elk tag."

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

11 "87-2-504. Class B-7 and B-8--nonresident deer  
12 licenses. Except as otherwise provided in this chapter, a  
13 person not a resident, as defined in 87-2-102, but who will  
14 be 12 years of age or older prior to September 15 of the  
15 season for which the license is issued and is a holder of a  
16 nonresident conservation license may, upon payment of the  
17 proper fee or fees and subject to the limitations prescribed  
18 by law and department regulation, be entitled to apply to  
19 the fish and game office, Helena, Montana, to purchase one  
20 each of the following licenses: Class B-7, deer A tag, \$100  
21 \$150; Class B-8, deer B tag, \$50; and will entitle the  
22 holder to pursue, hunt, shoot, and kill the game animal or  
23 animals authorized by the license held and to possess the  
24 carcasses of those animals as authorized by department  
25 rules. Unless purchased as part of a B-10 license, a Class

1 B-7 license must be assigned for use in a specific  
 2 administrative region or portion thereof. Not more than  
 3 5,000 Class B-7 licenses may be sold in any license year.  
 4 Money received from the sale of Class B-7 licenses in excess  
 5 of 1,700 must be used as provided in [section 2(1)]."

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

7 "87-2-505. Class B-10--nonresident big game  
 8 combination license. Except as otherwise provided in this  
 9 chapter, a person not a resident, as defined in 87-2-102,  
 10 but who will be 12 years of age or older prior to September  
 11 15 of the season for which the license is issued may, upon  
 12 payment of the fee of ~~9350~~ \$400 and subject to the  
 13 limitations prescribed by law and department regulation,  
 14 apply to the fish and game office, Helena, Montana, to  
 15 purchase a B-10 nonresident big game combination license  
 16 which shall entitle the holder to all the privileges of  
 17 Class B, Class B-1, Class B-7, and black bear licenses, and  
 18 an elk tag. This license includes the nonresident  
 19 conservation license as prescribed in 87-2-202. Not more  
 20 than 17,000 Class B-10 licenses may be sold in any one  
 21 license year."

22 Section 9. Section 87-2-507, MCA, is amended to read:

23 "87-2-507. Class D-1--nonresident mountain lion  
 24 license. Except as otherwise provided in this chapter, a  
 25 person not a resident, as defined in 87-2-102, but who is 12

1 years of age or older, upon payment of a fee of ~~9300~~ \$320  
 2 may receive a Class D-1 license which shall entitle the  
 3 holder thereof to pursue, hunt, shoot, and kill mountain  
 4 lion and possess the carcass thereof as authorized by  
 5 department rules. If a holder of a valid mountain lion  
 6 license under this section kills a mountain lion, he must  
 7 purchase a trophy license for a fee of \$50 within 10 days  
 8 after the date of kill. The trophy license authorizes the  
 9 holder to possess and transport such trophy."

10 Section 10. Section 87-2-508, MCA, is amended to read:

11 "87-2-508. Class D-2--resident mountain lion license.  
 12 Except as otherwise provided in this chapter, a person who  
 13 is a resident, as defined in 87-2-102, and who is 12 years  
 14 of age or older, upon payment of a fee of ~~910~~ \$13 may  
 15 receive a Class D-2 license which shall entitle the holder  
 16 thereof to pursue, hunt, shoot, and kill mountain lion and  
 17 possess the carcass thereof as authorized by department  
 18 rules. If a holder of a valid mountain lion license under  
 19 this section kills a mountain lion, he must purchase a  
 20 trophy license for a fee of \$50 within 10 days after the  
 21 date of kill. The trophy license authorizes the holder to  
 22 possess and transport such trophy."

23 Section 11. Section 87-2-701, MCA, is amended to read:

24 "87-2-701. Special licenses. (1) Any applicant who  
 25 will be 12 years of age or older prior to September 15 of

1 the season for which the license is issued and is the holder  
 2 of a resident wildlife conservation license or a nonresident  
 3 wildlife conservation license may apply for a special  
 4 license which, in the judgment of the department, is to be  
 5 issued and shall pay the following fees therefor:

- 6 (a) moose--resident, ~~950~~ 55; nonresident, ~~9300~~ 320;
- 7 (b) mountain goat--resident, ~~950~~ 55; nonresident,  
 8 ~~9300~~ 320;
- 9 (c) mountain sheep--resident, ~~950~~ 53; nonresident,  
 10 ~~9300~~ 320;
- 11 (d) antelope--resident, ~~96~~ 9; nonresident, ~~9100~~ 120;
- 12 (e) grizzly bear--resident, \$50; nonresident, \$300;
- 13 (f) black or brown bear--nonresident, ~~9100~~ 120;
- 14 (g) wild buffalo--resident, \$200; nonresident, \$1,000.

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

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

22 Section 12. Section 87-2-708, MCA, is amended to read:

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

1 payment of an additional fee of ~~96~~ 9, a Class A-2 license  
 2 which shall authorize the holder thereof to pursue, hunt,  
 3 shoot, and kill with bow and arrow the game animals so  
 4 authorized by the licenses held and to possess the carcass  
 5 thereof during seasons and in areas, as designated by the  
 6 department."

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

8 "87-2-711. Class AAA--sportsman's license. Any  
 9 resident, as defined by 87-2-102, who will be 12 years of  
 10 age or older prior to September 15 of the season for which  
 11 the license is issued, upon payment of the sum of ~~936~~ 41,  
 12 shall be entitled to a sportsman's license which shall  
 13 permit the holder to exercise all rights granted to holders  
 14 of Class A, A-1, A-3, A-5, A-6, and resident conservation  
 15 licenses as prescribed in 87-2-202. The department shall  
 16 furnish each holder of a sportsman's license an appropriate  
 17 decal."

18 NEW SECTION. Section 14. Extension of authority. Any  
 19 existing authority of the department of fish, wildlife, and  
 20 parks or the fish and game commission to make rules on the  
 21 subject of the provisions of this act is extended to the  
 22 provisions of this act.

23 NEW SECTION. Section 15. Codification instruction.  
 24 Section-2-~~is~~ SECTIONS 1 AND 2 ARE intended to be codified as  
 25 an integral part of Title 87, chapter 1, and the provisions

1 of Title 87 apply to ~~section-2~~ SECTIONS 1 AND 2.  
2 NEW SECTION. Section 16. Effective date --  
3 TERMINATION DATE. This act is effective March 1, 1988, AND  
4 TERMINATES MARCH 1, 1994.

-End-

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 526

## 3 House Fish and Game Committee

4  
5 House Bill No. 526 requires a statement of intent  
6 because section 1 requires the fish and game commission to  
7 adopt rules establishing its policy regarding wildlife  
8 habitat acquisitions provided for by this act.

9 It is the intent of this act to provide a means for the  
10 department of fish, wildlife, and parks to acquire an  
11 interest in land for the purpose of protecting and enhancing  
12 wildlife habitat. Such interest in land must be gained by  
13 the purchase of leases, conservation easements, or fee  
14 title. While it is preferable to acquire such interest  
15 through lease or conservation easement, the legislature  
16 acknowledges that the willing seller will determine the  
17 manner by which such interest is obtained and thus provides  
18 for all three alternatives.

19 It is intended that the rules will address policy  
20 considerations for making acquisitions generally, as well as  
21 establishing procedures for determining in each case of a  
22 proposed acquisition whether the interest will be acquired.

23 It is intended that the commission identify habitat  
24 needs by administrative region and compile these needs in a  
25 consolidated statewide habitat acquisition plan. The rules

1 must ensure that acquired interests in habitat lands are  
2 reasonably distributed around the state in accordance with  
3 the statewide habitat acquisition plan.

4 It is intended that the department exercise good land  
5 management practices on all land acquired, and multiple uses  
6 of such land when not detrimental to its value as wildlife  
7 habitat are specifically authorized. The department shall  
8 identify management objectives for each proposed  
9 acquisition, analyze potential impacts to adjacent private  
10 land resulting from those objectives, and develop plans to  
11 address such impacts.

12 A public hearing must be held in the area of each  
13 proposed acquisition after the required analysis has been  
14 completed by the department, for the purpose of obtaining  
15 comment from the interested public. The analysis and related  
16 public concerns are to be presented to the fish and game  
17 commission prior to its final action on any acquisition of  
18 interest and also to the board of land commissioners if that  
19 body is required to make a decision on the proposal under  
20 87-1-209.

21 The policy and an analysis for each proposal acted upon  
22 in a biennium must be presented to the members of both the  
23 house and senate fish and game committees when they next  
24 meet in regular session.

1 HOUSE BILL NO. 526

2 INTRODUCED BY SCHYE, BISHOP, GRADY, RAPP-SVRCEK, GILBERT,  
3 REAM, CORNE', HAGER, SIMON, MOORE, SQUIRES, IVERSON,  
4 WINSLOW, PAVLOVICH, CRIPPEN, HARP, DRISCOLL, MENAHAN,  
5 BRANDEWIE, YELLOWTAIL, BULGER, HARPER, MEYERS, JACOBSON,  
6 BRADLEY, GOULD

7  
8 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
9 LEASE OR PURCHASE OF LAND OR EASEMENTS FOR WILDLIFE HABITAT  
10 AND THE DEVELOPMENT AND MAINTENANCE THEREOF; TO PROVIDE  
11 FUNDING THROUGH HUNTING LICENSE FEE INCREASES; TO SPECIFY  
12 THE NUMBER OF NONRESIDENT DEER "A" LICENSES THAT MAY BE  
13 SOLD; AMENDING SECTIONS 87-1-301, 87-2-401 THROUGH 87-2-403,  
14 87-2-501, 87-2-504, 87-2-505, 87-2-507, 87-2-508, 87-2-701,  
15 87-2-708, AND 87-2-711, MCA; AND PROVIDING A DELAYED  
16 EFFECTIVE DATE; AND PROVIDING A TERMINATION DATE."

17  
18 WHEREAS, the lease or purchase of land suitable for  
19 wildlife habitat and the acquisition of conservation  
20 easements to protect and enhance habitat are necessary; and

21 WHEREAS, allocating revenue from increases in hunting  
22 license fees is appropriate to fund the protection and  
23 enhancement of wildlife habitat.

24  
25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 Section 1, Section 87-1-301, MCA, is amended to read:

2 "87-1-301. Powers of the commission. The commission  
3 shall:

4 (1) set the policies for the protection, preservation,  
5 and propagation of the wildlife, fish, game, furbearers,  
6 waterfowl, nongame species, and endangered species of the  
7 state and for the fulfillment of all other responsibilities  
8 of the department as provided by law;

9 (2) establish the hunting, fishing, and trapping rules  
10 of the department;

11 (3) establish the rules of the department governing  
12 the use of lands owned or controlled by the department and  
13 waters under the jurisdiction of the department;

14 (4) have the power within the department to establish  
15 wildlife refuges and bird and game preserves;

16 (5) approve all acquisitions or transfers by the  
17 department of interests in land or water;

18 (6) review and approve the budget of the department  
19 prior to its transmittal to the budget office; and

20 (7) review and approve construction projects whose  
21 estimated cost is more than \$1,000 but less than \$5,000,  
22 and

23 (8) have the authority to secure wildlife habitat  
24 through lease or purchase of suitable land or the  
25 acquisition of conservation easements thereon, in accordance

1 ~~with criteria developed following public hearings held for~~  
2 ~~that purpose."~~

3 NEW SECTION. SECTION 1. ACQUISITION OF WILDLIFE  
4 HABITAT -- RULES. (1) BEFORE ACQUISITION OF ANY INTEREST IN  
5 LAND FOR THE PRIMARY PURPOSE OF SECURING WILDLIFE HABITAT  
6 THE COMMISSION SHALL BY RULE ESTABLISH A POLICY FOR MAKING  
7 SUCH ACQUISITIONS. WITH REGARD TO ANY SPECIFIC ACQUISITION  
8 THE POLICY SHALL PROVIDE FOR A COMPREHENSIVE ANALYSIS OF:

9 (A) THE WILDLIFE POPULATIONS AND USE CURRENTLY  
10 ASSOCIATED WITH THE PROPERTY;

11 (B) THE POTENTIAL VALUE OF THE LAND FOR PROTECTION,  
12 PRESERVATION, AND PROPAGATION OF WILDLIFE;

13 (C) MANAGEMENT GOALS PROPOSED FOR THE LAND AND  
14 WILDLIFE POPULATIONS, AND WHERE FEASIBLE, ANY ADDITIONAL  
15 USES OF THE LAND SUCH AS LIVESTOCK GRAZING OR TIMBER  
16 HARVEST;

17 (D) ANY POTENTIAL IMPACTS TO ADJACENT PRIVATE LAND  
18 RESULTING FROM PROPOSED MANAGEMENT GOALS, AND PLANS TO  
19 ADDRESS SUCH IMPACTS;

20 (E) A LAND MAINTENANCE PROGRAM TO CONTROL WEEDS AND  
21 MAINTAIN ROADS AND FENCES; AND

22 (F) ANY OTHER MATTER CONSIDERED NECESSARY OR  
23 APPROPRIATE BY THE COMMISSION.

24 (2) THE ANALYSIS MADE OF ANY PROPOSED ACQUISITION MUST  
25 BE MADE AVAILABLE FOR REVIEW BY EACH OWNER OF LAND ADJACENT

1 TO THE PROPERTY THAT IS THE SUBJECT OF ANALYSIS, AND TO ANY  
2 MEMBER OF THE PUBLIC. A PUBLIC HEARING MUST BE HELD IN THE  
3 AFFECTED AREA AFTER THE ANALYSIS HAS BEEN MADE AVAILABLE TO  
4 THE PUBLIC.

5 NEW SECTION. Section 2. Funding for wildlife habitat.  
6 (1) The amount of money specified in this subsection from  
7 the sale of each hunting license or permit listed must be  
8 used exclusively by the commission to secure, develop, and  
9 maintain wildlife habitat, subject to appropriation by the  
10 legislature.

11 (a) Class A-3, resident deer A, \$2;

12 (b) Class A-5, resident elk, \$3;

13 (c) Class B-10, nonresident combination, \$50;

14 (d) Resident antelope, \$3;

15 (e) Nonresident antelope, \$20;

16 (f) Resident moose, \$5;

17 (g) Nonresident moose, \$20;

18 (h) Resident mountain goat, \$5;

19 (i) Nonresident mountain goat, \$20;

20 (j) Resident mountain sheep, \$3;

21 (k) Nonresident mountain sheep, \$20;

22 (l) Class D-2, resident mountain lion, \$3;

23 (m) Class D-1, nonresident mountain lion, \$20;

24 (n) Class A-6, resident black bear, \$3;

25 (o) Nonresident black bear, \$20;

- 1 (p) Class A-1, resident game bird, \$1;
- 2 (q) Class B-1, nonresident game bird, \$10;
- 3 (r) Wild turkey nonresident, \$10;
- 4 (s) Class A-2, special bow and arrow, \$3;
- 5 (t) Class AAA, sportsman's, \$5.

6 (2) Twenty percent of any increase after [the  
7 effective date of this act] in the fee for the Class B-7  
8 license or any license or permit listed in subsection (1)  
9 must be allocated for use as provided in subsection (1).

10 (3) ~~Ninety~~ EIGHTY percent of the money allocated by  
11 this section, together with the interest and income  
12 therefrom, must be used to secure wildlife habitat pursuant  
13 to ~~87-1-301(8)~~ 87-1-209.

14 (4) ~~Ten~~ TWENTY percent of the money allocated by this  
15 section must be credited to the account created by  
16 87-1-601(5) for use in the manner prescribed therein for the  
17 development and maintenance of real property used for  
18 wildlife habitat.

19 Section 3. Section 87-2-401, MCA, is amended to read:

20 "87-2-401. Class A-1--resident game bird license.  
21 Except as otherwise provided, a resident, as defined by  
22 87-2-102, who is 12 years of age or older may, upon payment  
23 of a fee of ~~\$4~~ \$5, receive a Class A-1 license which will  
24 entitle the holder to pursue, hunt, shoot, and kill game  
25 birds and possess the carcasses of game birds as authorized

1 by department rules."

2 Section 4. Section 87-2-402, MCA, is amended to read:

3 "87-2-402. Class B-1--nonresident game bird license.  
4 Except as otherwise provided in this chapter, a person not a  
5 resident, as defined in 87-2-102, but who is 12 years of age  
6 or older, upon payment of a fee of ~~\$30~~ \$40 may receive a  
7 Class B-1 license which shall entitle the holder thereof to  
8 pursue, hunt, shoot, and kill game birds and possess the  
9 carcasses of game birds as authorized by department rules."

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

11 "87-2-403. Wild turkey tags and fee. (1) The  
12 department may issue wild turkey tags to the holder of a  
13 valid Class A-1 or Class B-1 license or as set out in  
14 subsection (3). Each tag shall entitle the holder to pursue,  
15 hunt, shoot, and kill one wild turkey and possess the  
16 carcass thereof, during such times and such places as the  
17 department shall authorize an open season on wild turkey.

18 (2) The fee for a wild turkey tag shall ~~be~~ is \$3 for  
19 residents and \$13 for nonresidents. Turkey tags shall be  
20 issued either by a drawing system or in unlimited number as  
21 authorized by department rules.

22 (3) Subject to the provisions of subsection (2), a  
23 person who is 62 years of age or older as provided in  
24 87-2-801, certified as disabled under 87-2-803, or a  
25 resident minor as described in 87-2-805 may purchase a wild

1 turkey tag upon presentation of his wildlife conservation  
2 license."

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

4 "87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident  
5 deer, elk, and bear licenses. (1) Except as otherwise  
6 provided in this chapter, a resident, as defined by  
7 87-2-102, who will be 12 years of age or older prior to  
8 September 15 of the season for which the license is issued  
9 may, upon payment of the proper fee or fees, be entitled to  
10 purchase one each of the following licenses at the  
11 prescribed cost which will entitle the holder to pursue,  
12 hunt, shoot, and kill the game animal or animals authorized  
13 by the license held and to possess the carcasses of those  
14 game animals as authorized by department rules:

- 15 (a) Class A-3, deer A tag, ~~\$9~~ \$11;
- 16 (b) Class A-4, deer B tag, \$6;
- 17 (c) Class A-5, elk tag, ~~\$10~~ \$13;
- 18 (d) Class A-6, black or brown bear tag, ~~\$8~~ \$11;
- 19 (e) Class A-7, antlerless elk tag, \$10.

20 (2) The holder of a Class A-7 antlerless elk license  
21 is entitled to take surplus antlerless elk in areas  
22 designated by the commission and at such times and upon such  
23 terms as set forth by the commission but may not  
24 simultaneously possess a Class A-5 and a Class A-7 license  
25 in the same year. The commission shall include in the terms

1 of issuance of the Class A-7 license a requirement for  
2 surrender of a current Class A-5 license if held by a person  
3 at the time he purchases a Class A-7 license. If a current  
4 Class A-5 license is surrendered, as required by this  
5 section, the Class A-7 license must be issued without cost  
6 to the holder. No person may take more than one elk during  
7 any license year, and a person holding a Class A-7  
8 antlerless elk tag may not take an elk during the same  
9 license year with a Class A-5 elk tag."

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

11 "87-2-504. Class B-7 and B-8--nonresident deer  
12 licenses. Except as otherwise provided in this chapter, a  
13 person not a resident, as defined in 87-2-102, but who will  
14 be 12 years of age or older prior to September 15 of the  
15 season for which the license is issued and is a holder of a  
16 nonresident conservation license may, upon payment of the  
17 proper fee or fees and subject to the limitations prescribed  
18 by law and department regulation, be entitled to apply to  
19 the fish and game office, Helena, Montana, to purchase one  
20 each of the following licenses: Class B-7, deer A tag, ~~\$100~~  
21 \$150; Class B-8, deer B tag, \$50; and will entitle the  
22 holder to pursue, hunt, shoot, and kill the game animal or  
23 animals authorized by the license held and to possess the  
24 carcasses of those animals as authorized by department  
25 rules. Unless purchased as part of a B-10 license, a Class

1 B-7 license must be assigned for use in a specific  
 2 administrative region or portion thereof. Not more than  
 3 5,000 Class B-7 licenses may be sold in any license year.  
 4 Money received from the sale of Class B-7 licenses in excess  
 5 of 1,700 must be used as provided in [section 2(1)]."

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

7 "87-2-505. Class B-10--nonresident big game  
 8 combination license. Except as otherwise provided in this  
 9 chapter, a person not a resident, as defined in 87-2-102,  
 10 but who will be 12 years of age or older prior to September  
 11 15 of the season for which the license is issued may, upon  
 12 payment of the fee of ~~9350~~ \$400 and subject to the  
 13 limitations prescribed by law and department regulation,  
 14 apply to the fish and game office, Helena, Montana, to  
 15 purchase a B-10 nonresident big game combination license  
 16 which shall entitle the holder to all the privileges of  
 17 Class B, Class B-1, Class B-7, and black bear licenses, and  
 18 an elk tag. This license includes the nonresident  
 19 conservation license as prescribed in 87-2-202. Not more  
 20 than 17,000 Class B-10 licenses may be sold in any one  
 21 license year."

22 Section 9. Section 87-2-507, MCA, is amended to read:

23 "87-2-507. Class D-1--nonresident mountain lion  
 24 license. Except as otherwise provided in this chapter, a  
 25 person not a resident, as defined in 87-2-102, but who is 12

1 years of age or older, upon payment of a fee of ~~9300~~ \$320  
 2 may receive a Class D-1 license which shall entitle the  
 3 holder thereof to pursue, hunt, shoot, and kill mountain  
 4 lion and possess the carcass thereof as authorized by  
 5 department rules. If a holder of a valid mountain lion  
 6 license under this section kills a mountain lion, he must  
 7 purchase a trophy license for a fee of \$50 within 10 days  
 8 after the date of kill. The trophy license authorizes the  
 9 holder to possess and transport such trophy."

10 Section 10. Section 87-2-508, MCA, is amended to read:

11 "87-2-508. Class D-2--resident mountain lion license.  
 12 Except as otherwise provided in this chapter, a person who  
 13 is a resident, as defined in 87-2-102, and who is 12 years  
 14 of age or older, upon payment of a fee of ~~910~~ \$13 may  
 15 receive a Class D-2 license which shall entitle the holder  
 16 thereof to pursue, hunt, shoot, and kill mountain lion and  
 17 possess the carcass thereof as authorized by department  
 18 rules. If a holder of a valid mountain lion license under  
 19 this section kills a mountain lion, he must purchase a  
 20 trophy license for a fee of \$50 within 10 days after the  
 21 date of kill. The trophy license authorizes the holder to  
 22 possess and transport such trophy."

23 Section 11. Section 87-2-701, MCA, is amended to read:

24 "87-2-701. Special licenses. (1) Any applicant who  
 25 will be 12 years of age or older prior to September 15 of

1 the season for which the license is issued and is the holder  
 2 of a resident wildlife conservation license or a nonresident  
 3 wildlife conservation license may apply for a special  
 4 license which, in the judgment of the department, is to be  
 5 issued and shall pay the following fees therefor:

- 6 (a) moose--resident, ~~\$90~~ \$55; nonresident, ~~\$300~~ \$320;
- 7 (b) mountain goat--resident, ~~\$50~~ \$55; nonresident,  
 8 ~~\$300~~ \$320;
- 9 (c) mountain sheep--resident, ~~\$50~~ \$53; nonresident,  
 10 ~~\$300~~ \$320;
- 11 (d) antelope--resident, ~~\$6~~ \$9; nonresident, ~~\$100~~ \$120;
- 12 (e) grizzly bear--resident, \$50; nonresident, \$300;
- 13 (f) black or brown bear--nonresident, ~~\$100~~ \$120;
- 14 (g) wild buffalo--resident, \$200; nonresident, \$1,000.

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

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

22 Section 12. Section 87-2-708, MCA, is amended to read:

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

1 payment of an additional fee of ~~\$6~~ \$9, a Class A-2 license  
 2 which shall authorize the holder thereof to pursue, hunt,  
 3 shoot, and kill with bow and arrow the game animals so  
 4 authorized by the licenses held and to possess the carcass  
 5 thereof during seasons and in areas, as designated by the  
 6 department."

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

8 "87-2-711. Class AAA--sportsman's license. Any  
 9 resident, as defined by 87-2-102, who will be 12 years of  
 10 age or older prior to September 15 of the season for which  
 11 the license is issued, upon payment of the sum of ~~\$36~~ \$41,  
 12 shall be entitled to a sportsman's license which shall  
 13 permit the holder to exercise all rights granted to holders  
 14 of Class A, A-1, A-3, A-5, A-6, and resident conservation  
 15 licenses as prescribed in 87-2-202. The department shall  
 16 furnish each holder of a sportsman's license an appropriate  
 17 decal."

18 NEW SECTION. Section 14. Extension of authority. Any  
 19 existing authority of the department of fish, wildlife, and  
 20 parks or the fish and game commission to make rules on the  
 21 subject of the provisions of this act is extended to the  
 22 provisions of this act.

23 NEW SECTION. Section 15. Codification instruction.  
 24 Section-2-is SECTIONS 1 AND 2 ARE intended to be codified as  
 25 an integral part of Title 87, chapter 1, and the provisions

1 of Title 87 apply to ~~section-2~~ SECTIONS 1 AND 2.  
2 NEW SECTION. Section 16. Effective date --  
3 TERMINATION DATE. This act is effective March 1, 1988, AND  
4 TERMINATES MARCH 1, 1994.

-End-

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 526

## 3 House Fish and Game Committee

4  
5 House Bill No. 526 requires a statement of intent  
6 because section 1 requires the fish and game commission to  
7 adopt rules establishing its policy regarding wildlife  
8 habitat acquisitions provided for by this act.

9 It is the intent of this act to provide a means for the  
10 department of fish, wildlife, and parks to acquire an  
11 interest in land for the purpose of protecting and enhancing  
12 wildlife habitat. Such interest in land must be gained by  
13 the purchase of leases, conservation easements, or fee  
14 title. While it is preferable to acquire such interest  
15 through lease or conservation easement, the legislature  
16 acknowledges that the willing seller will determine the  
17 manner by which such interest is obtained and thus provides  
18 for all three alternatives.

19 It is intended that the rules will address policy  
20 considerations for making acquisitions generally, as well as  
21 establishing procedures for determining in each case of a  
22 proposed acquisition whether the interest will be acquired.

23 It is intended that the commission identify habitat  
24 needs by administrative region and compile these needs in a  
25 consolidated statewide habitat acquisition plan. The rules

1 must ensure that acquired interests in habitat lands are  
2 reasonably distributed around the state in accordance with  
3 the statewide habitat acquisition plan AND THAT EMPHASIS IS  
4 PLACED UPON THOSE AREAS WHERE IMPORTANT HABITAT IS SERIOUSLY  
5 THREATENED.

6 It is intended that the department exercise good land  
7 management practices on all land acquired, and multiple uses  
8 of such land when not detrimental to its value as wildlife  
9 habitat are specifically authorized. The department shall  
10 identify management objectives for each proposed  
11 acquisition, analyze potential impacts to adjacent private  
12 land resulting from those objectives, and develop plans to  
13 address such impacts.

14 A public hearing must be held in the area of each  
15 proposed acquisition after the required analysis has been  
16 completed by the department, for the purpose of obtaining  
17 comment from the interested public. The analysis and related  
18 public concerns are to be presented to the fish and game  
19 commission prior to its final action on any acquisition of  
20 interest and also to the board of land commissioners if that  
21 body is required to make a decision on the proposal under  
22 87-1-209.

23 The policy and an analysis for each proposal acted upon  
24 in a biennium must be presented to the members of both the  
25 house and senate fish and game committees when they next

HB 0526/si

1 meet in regular session.

## HOUSE BILL NO. 526

INTRODUCED BY SCHYE, BISHOP, GRADY, RAPP-SVRCEK, GILBERT,  
 REAM, CORNE', HAGER, SIMON, MOORE, SQUIRES, IVERSON,  
 WINSLOW, PAVLOVICH, CRIPPEN, HARP, DRISCOLL, MENAHAN,  
 BRANDEWIE, YELLOWTAIL, BULGER, HARPER, MEYERS, JACOBSON,  
 BRADLEY, GOULD

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
 LEASE OR PURCHASE OF LAND OR EASEMENTS FOR WILDLIFE HABITAT  
 AND THE DEVELOPMENT AND MAINTENANCE THEREOF; TO PROVIDE  
 FUNDING THROUGH NONRESIDENT HUNTING LICENSE FEE INCREASES;  
 TO SPECIFY THE NUMBER OF NONRESIDENT DEER "A" LICENSES THAT  
 MAY BE SOLD; AMENDING SECTIONS 87-1-301, 87-2-401 THROUGH  
 87-2-403, 87-2-501, 87-2-504, 87-2-505, 87-2-507, 87-2-508,  
 87-2-701, 87-2-708, AND 87-2-711, MCA; AND PROVIDING A  
 DELAYED EFFECTIVE DATE; AND PROVIDING A TERMINATION DATE."

WHEREAS, the lease or purchase of land suitable for  
 wildlife habitat and the acquisition of conservation  
 easements to protect and enhance habitat are necessary; and

WHEREAS, allocating revenue from increases in hunting  
 license fees is appropriate to fund the protection and  
 enhancement of wildlife habitat.

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

~~Section 1, Section 87-1-301, MCA, is amended to read:~~  
~~"87-1-301. Powers of the commission. The commission~~  
~~shall:~~

~~(1) set the policies for the protection, preservation,~~  
~~and propagation of the wildlife, fish, game, furbearers,~~  
~~waterfowl, nongame species, and endangered species of the~~  
~~state and for the fulfillment of all other responsibilities~~  
~~of the department as provided by law;~~

~~(2) establish the hunting, fishing, and trapping rules~~  
~~of the department;~~

~~(3) establish the rules of the department governing~~  
~~the use of lands owned or controlled by the department and~~  
~~waters under the jurisdiction of the department;~~

~~(4) have the power within the department to establish~~  
~~wildlife refuges and bird and game preserves;~~

~~(5) approve all acquisitions or transfers by the~~  
~~department of interests in land or water;~~

~~(6) review and approve the budget of the department~~  
~~prior to its transmittal to the budget office; and~~

~~(7) review and approve construction projects whose~~  
~~estimated cost is more than \$1,000 but less than \$5,000; and~~

~~(8) have the authority to secure wildlife habitat~~  
~~through lease or purchase of suitable land or the~~  
~~acquisition of conservation easements thereon; in accordance~~

1 ~~with criteria developed following public hearings held for~~  
2 ~~that purpose."~~

3 NEW SECTION. SECTION 1. ACQUISITION OF WILDLIFE  
4 HABITAT -- RULES. (1) BEFORE ACQUISITION OF ANY INTEREST IN  
5 LAND FOR THE PRIMARY PURPOSE OF SECURING WILDLIFE HABITAT  
6 THE COMMISSION SHALL BY RULE ESTABLISH A POLICY FOR MAKING  
7 SUCH ACQUISITIONS. WITH REGARD TO ANY SPECIFIC ACQUISITION  
8 THE POLICY SHALL PROVIDE FOR A COMPREHENSIVE ANALYSIS OF:

9 (A) THE WILDLIFE POPULATIONS AND USE CURRENTLY  
10 ASSOCIATED WITH THE PROPERTY;

11 (B) THE POTENTIAL VALUE OF THE LAND FOR PROTECTION,  
12 PRESERVATION, AND PROPAGATION OF WILDLIFE;

13 (C) MANAGEMENT GOALS PROPOSED FOR THE LAND AND  
14 WILDLIFE POPULATIONS, AND WHERE FEASIBLE, ANY ADDITIONAL  
15 USES OF THE LAND SUCH AS LIVESTOCK GRAZING OR TIMBER  
16 HARVEST;

17 (D) ANY POTENTIAL IMPACTS TO ADJACENT PRIVATE LAND  
18 RESULTING FROM PROPOSED MANAGEMENT GOALS, AND PLANS TO  
19 ADDRESS SUCH IMPACTS;

20 (E) A LAND MAINTENANCE PROGRAM TO CONTROL WEEDS AND  
21 MAINTAIN ROADS AND FENCES; AND

22 (F) ANY OTHER MATTER CONSIDERED NECESSARY OR  
23 APPROPRIATE BY THE COMMISSION.

24 (2) THE ANALYSIS MADE OF ANY PROPOSED ACQUISITION MUST  
25 BE MADE AVAILABLE FOR REVIEW BY EACH OWNER OF LAND ADJACENT

1 TO THE PROPERTY THAT IS THE SUBJECT OF ANALYSIS, AND TO ANY  
2 MEMBER OF THE PUBLIC. A PUBLIC HEARING MUST BE HELD IN THE  
3 AFFECTED AREA AFTER THE ANALYSIS HAS BEEN MADE AVAILABLE TO  
4 THE PUBLIC.

5 NEW SECTION. Section 2. Funding for wildlife habitat.  
6 (1) The amount of money specified in this subsection from  
7 the sale of each hunting license or permit listed must be  
8 used exclusively by the commission to secure, develop, and  
9 maintain wildlife habitat, subject to appropriation by the  
10 legislature.

11 ~~(a) Class A-3, resident deer, \$2;~~

12 ~~(b) Class A-5, resident elk, \$3;~~

13 ~~(c)(A) Class B-10, nonresident combination, \$50 \$150~~  
14 ~~\$100;~~

15 ~~(d) Resident antelope, \$3;~~

16 ~~(e)(B) Nonresident antelope, \$20;~~

17 ~~(f) Resident moose, \$5;~~

18 ~~(g)(C) Nonresident moose, \$20;~~

19 ~~(h) Resident mountain goat, \$5;~~

20 ~~(i)(D) Nonresident mountain goat, \$20;~~

21 ~~(j) Resident mountain sheep, \$3;~~

22 ~~(k)(E) Nonresident mountain sheep, \$20;~~

23 ~~(l) Class B-2, resident mountain lion, \$3;~~

24 ~~(m)(F) Class D-1, nonresident mountain lion, \$20;~~

25 ~~(n) Class A-6, resident black bear, \$3;~~

1       ~~(o)~~(G) Nonresident black bear, \$20;  
2       ~~(p)~~--Class-A-1--resident-game-bird--\$17  
3       ~~(q)~~--Class-B-1--nonresident-game-bird--\$107  
4       ~~(r)~~(H) Wild turkey nonresident, \$10;  
5       ~~(s)~~--Class-A-2--special-bow-and-arrow--\$37  
6       ~~(t)~~(I) Class AAA, sportsman's, \$5 ~~\$14~~ \$9.  
7       (2) Twenty percent of any increase after [the  
8 effective date of this act] in the fee for the Class B-7  
9 license or any license or permit listed in subsection (1)  
10 must be allocated for use as provided in subsection (1).  
11       (3) Ninety EIGHTY percent of the money allocated by  
12 this section, together with the interest and income  
13 therefrom, must be used to secure wildlife habitat pursuant  
14 to ~~87-1-301~~(8) 87-1-209.  
15       (4) ~~Ten~~ TWENTY percent of the money allocated by this  
16 section must be credited to the account created by  
17 ~~87-1-601~~(5) for use in the manner prescribed therein for the  
18 development and maintenance of real property used for  
19 wildlife habitat.  
20       ~~Section 3. Section 87-2-401, MCA, is amended to read:~~  
21       ~~"87-2-401. Class A-1 resident game bird license.~~  
22 ~~Except as otherwise provided, a resident, as defined by~~  
23 ~~87-2-102, who is 12 years of age or older may, upon payment~~  
24 ~~of a fee of \$4.95, receive a Class A-1 license which will~~  
25 ~~entitle the holder to pursue, hunt, shoot, and kill game~~

1       ~~birds and possess the carcasses of game birds as authorized~~  
2 ~~by department rules."~~  
3       ~~Section 4. Section 87-2-402, MCA, is amended to read:~~  
4       ~~"87-2-402. Class B-1 nonresident game bird license.~~  
5 ~~Except as otherwise provided in this chapter, a person not a~~  
6 ~~resident, as defined in 87-2-102, but who is 12 years of age~~  
7 ~~or older, upon payment of a fee of \$30.940 may receive a~~  
8 ~~Class B-1 license which shall entitle the holder thereof to~~  
9 ~~pursue, hunt, shoot, and kill game birds and possess the~~  
10 ~~carcasses of game birds as authorized by department rules."~~  
11       Section 3. Section 87-2-403, MCA, is amended to read:  
12       "87-2-403. Wild turkey tags and fee. (1) The  
13 department may issue wild turkey tags to the holder of a  
14 valid Class A-1 or Class B-1 license or as set out in  
15 subsection (3). Each tag shall entitle the holder to pursue,  
16 hunt, shoot, and kill one wild turkey and possess the  
17 carcass thereof, during such times and such places as the  
18 department shall authorize an open season on wild turkey.  
19       (2) The fee for a wild turkey tag ~~shall be~~ is \$3 for  
20 residents and \$13 for nonresidents. Turkey tags shall be  
21 issued either by a drawing system or in unlimited number as  
22 authorized by department rules.  
23       (3) Subject to the provisions of subsection (2), a  
24 person who is 62 years of age or older as provided in  
25 87-2-801, certified as disabled under 87-2-803, or a

1 resident minor as described in 87-2-805 may purchase a wild  
 2 turkey tag upon presentation of his wildlife conservation  
 3 license."

4 Section 67--Section--87-2-5017--MCA7--is amended to read:  
 5 "87-2-5017--Class-A-37--A-47--A-57--A-67--A-7--resident  
 6 deer7--elk7--and--bear--licenses:---(1)--Except as otherwise  
 7 provided in this chapter7--a--resident7--as--defined--by  
 8 87-2-1027--who--will--be--12--years-of-age-or-older-prior-to  
 9 September-15-of-the-season-for-which-the-license-is-issued  
 10 may7--upon-payment-of-the-proper-fee-or-fees7-be-entitled-to  
 11 purchase--one--each--of--the--following--licenses---at---the  
 12 prescribed--cost--which--will--entitle-the-holder-to-pursue7  
 13 hunt7--shoot7--and--kill-the-game-animal-or-animals--authorized  
 14 by--the--license--held-and-to-possess-the-carcasses-of-those  
 15 game-animals-as-authorized-by-department-rules:

- 16 (a)--Class-A-37--deer-A-tag7--\$9-\$117
- 17 (b)--Class-A-47--deer-B-tag7--\$67
- 18 (c)--Class-A-57--elk-tag7--\$10-\$137
- 19 (d)--Class-A-67--black-or-brown-bear-tag7--\$8-\$117
- 20 (e)--Class-A-77--antlerless-elk-tag7--\$107
- 21 (2)--The-holder-of-a-Class-A-7-antlerless--elk--license
- 22 is---entitled--to--take--surplus--antlerless--elk--in--areas
- 23 designated-by-the-commission-and-at-such-times-and-upon-such
- 24 terms--as--set--forth--by--the--commission---but---may---not
- 25 simultaneously--possess--a-Class-A-5-and-a-Class-A-7-license

1 in-the-same-year7--The-commission-shall-include-in-the-terms  
 2 of-issuance-of-the--Class--A-7--license--a--requirement--for  
 3 surrender-of-a-current-Class-A-5-license-if-held-by-a-person  
 4 at--the--time-he-purchases-a-Class-A-7-license--If-a-current  
 5 Class-A-5--license--is--surrendered7--as--required--by--this  
 6 section7--the--Class-A-7-license-must-be-issued-without-cost  
 7 to-the-holder--No-person-may-take-more-than-one--elk--during  
 8 any--license--year7--and--a--person--holding--a--Class--A-7  
 9 antlerless-elk-tag-may-not--take--an--elk--during--the--same  
 10 license-year-with-a-Class-A-5-elk-tag."

11 Section 4. Section 87-2-504, MCA, is amended to read:  
 12 "87-2-504. Class B-7 and B-8--nonresident deer  
 13 licenses. Except as otherwise provided in this chapter, a  
 14 person not a resident, as defined in 87-2-102, but who will  
 15 be 12 years of age or older prior to September 15 of the  
 16 season for which the license is issued and is a holder of a  
 17 nonresident conservation license may, upon payment of the  
 18 proper fee or fees and subject to the limitations prescribed  
 19 by law and department regulation, be entitled to apply to  
 20 the fish and game office, Helena, Montana, to purchase one  
 21 each of the following licenses: Class B-7, deer A tag, \$100  
 22 \$150; Class B-8, deer B tag, \$50; and will entitle the  
 23 holder to pursue, hunt, shoot, and kill the game animal or  
 24 animals authorized by the license held and to possess the  
 25 carcasses of those animals as authorized by department

1 rules. Unless purchased as part of a B-10 license, a Class  
 2 B-7 license must be assigned for use in a specific  
 3 administrative region or portion thereof. Not more than  
 4 5,000 Class B-7 licenses may be sold in any license year.  
 5 Money received from the sale of Class B-7 licenses in excess  
 6 of 1,700 must be used as provided in [section 2(1)]."

7 Section 5. Section 87-2-505, MCA, is amended to read:

8 "87-2-505. Class B-10--nonresident big game  
 9 combination license. Except as otherwise provided in this  
 10 chapter, a person not a resident, as defined in 87-2-102,  
 11 but who will be 12 years of age or older prior to September  
 12 15 of the season for which the license is issued may, upon  
 13 payment of the fee of ~~\$350~~ \$400 \$500 \$450 and subject to the  
 14 limitations prescribed by law and department regulation,  
 15 apply to the fish and game office, Helena, Montana, to  
 16 purchase a B-10 nonresident big game combination license  
 17 which shall entitle the holder to all the privileges of  
 18 Class B, Class B-1, Class B-7, and black bear licenses, and  
 19 an elk tag. This license includes the nonresident  
 20 conservation license as prescribed in 87-2-202. Not more  
 21 than 17,000 Class B-10 licenses may be sold in any one  
 22 license year."

23 Section 6. Section 87-2-507, MCA, is amended to read:

24 "87-2-507. Class D-1--nonresident mountain lion  
 25 license. Except as otherwise provided in this chapter, a

1 person not a resident, as defined in 87-2-102, but who is 12  
 2 years of age or older, upon payment of a fee of ~~\$300~~ \$320  
 3 may receive a Class D-1 license which shall entitle the  
 4 holder thereof to pursue, hunt, shoot, and kill mountain  
 5 lion and possess the carcass thereof as authorized by  
 6 department rules. If a holder of a valid mountain lion  
 7 license under this section kills a mountain lion, he must  
 8 purchase a trophy license for a fee of \$50 within 10 days  
 9 after the date of kill. The trophy license authorizes the  
 10 holder to possess and transport such trophy."

11 ~~Section 10--Section 87-2-508, MCA, is amended to read:~~

12 ~~"87-2-508--Class B-2--resident mountain lion license--~~  
 13 ~~Except as otherwise provided in this chapter, a person who~~  
 14 ~~is a resident, as defined in 87-2-102, and who is 12 years~~  
 15 ~~of age or older, upon payment of a fee of \$10--\$13--may~~  
 16 ~~receive a Class B-2 license which shall entitle the holder~~  
 17 ~~thereof to pursue, hunt, shoot, and kill mountain lion and~~  
 18 ~~possess the carcass thereof as authorized by department~~  
 19 ~~rules. If a holder of a valid mountain lion license under~~  
 20 ~~this section kills a mountain lion, he must purchase a~~  
 21 ~~trophy license for a fee of \$50 within 10 days after the~~  
 22 ~~date of kill. The trophy license authorizes the holder to~~  
 23 ~~possess and transport such trophy."~~

24 Section 7. Section 87-2-701, MCA, is amended to read:

25 "87-2-701. Special licenses. (1) Any applicant who

1 will be 12 years of age or older prior to September 15 of  
 2 the season for which the license is issued and is the holder  
 3 of a resident wildlife conservation license or a nonresident  
 4 wildlife conservation license may apply for a special  
 5 license which, in the judgment of the department, is to be  
 6 issued and shall pay the following fees therefor:

7 (a) moose--resident, \$50 ~~\$55~~ \$50; nonresident, ~~\$300~~  
 8 \$320;

9 (b) mountain goat--resident, \$50 ~~\$55~~ \$50; nonresident,  
 10 ~~\$300~~ \$320;

11 (c) mountain sheep--resident, \$50 ~~\$53~~ \$50;  
 12 nonresident, ~~\$300~~ \$320;

13 (d) antelope--resident, \$6 ~~\$9~~ \$6; nonresident, ~~\$100~~  
 14 \$120;

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

16 (f) black or brown bear--nonresident, ~~\$100~~ \$120;

17 (g) wild buffalo--resident, \$200; nonresident, \$1,000.

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

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

25 ~~Section 12--Section 87-2-708, MCA, is amended to read:~~

1 ~~"87-2-708--Class A-2--special bow and arrow--license,~~  
 2 ~~A--holder--of--a--valid--hunting--license--for--which--a--special~~  
 3 ~~archery--season--is--set--by--the--department--may--receive,--upon~~  
 4 ~~payment--of--an--additional--fee--of--\$6--\$9,--a--Class--A--2--license~~  
 5 ~~which--shall--authorize--the--holder--thereof--to--pursue,--hunt,~~  
 6 ~~shoot,--and--kill--with--bow--and--arrow--the--game--animals--so~~  
 7 ~~authorized--by--the--licenses--held--and--to--possess--the--carcass~~  
 8 ~~thereof--during--seasons--and--in--areas,--as--designated--by--the~~  
 9 ~~department."~~

10 Section 8. Section 87-2-711, MCA, is amended to read:

11 "87-2-711. Class AAA--sportsman's license. Any  
 12 resident, as defined by 87-2-102, who will be 12 years of  
 13 age or older prior to September 15 of the season for which  
 14 the license is issued, upon payment of the sum of \$36 ~~\$41~~  
 15 \$50 \$45, shall be entitled to a sportsman's license which  
 16 shall permit the holder to exercise all rights granted to  
 17 holders of Class A, A-1, A-3, A-5, A-6, and resident  
 18 conservation licenses as prescribed in 87-2-202. The  
 19 department shall furnish each holder of a sportsman's  
 20 license an appropriate decal."

21 NEW SECTION. Section 9. Extension of authority. Any  
 22 existing authority of the department of fish, wildlife, and  
 23 parks or the fish and game commission to make rules on the  
 24 subject of the provisions of this act is extended to the  
 25 provisions of this act.

1        NEW SECTION. Section 10. Codification instruction.  
 2        Section-2-is SECTIONS 1 AND 2 ARE intended to be codified as  
 3        an integral part of Title 87, chapter 1, and the provisions  
 4        of Title 87 apply to section-2 SECTIONS 1 AND 2.

5        NEW SECTION. SECTION 11. COORDINATION INSTRUCTION.

6        (1) IF SENATE BILL NO. 331 IS PASSED AND APPROVED:

7        (A) ANY REFERENCE IN SENATE BILL NO. 331 TO A FEE  
 8        INCREASE IN THE CLASS B-10 NONRESIDENT COMBINATION LICENSE  
 9        IN 87-2-505 OR IN THE CLASS AAA SPORTSMAN'S LICENSE IN  
 10       87-2-711 MAY NOT BE CONSIDERED AS FEE INCREASES IN ADDITION  
 11       TO THE FEE INCREASE FOR THOSE LICENSES; AND

12       (B) ANY DEDICATION OF A PORTION OF THE CLASS B-10  
 13       NONRESIDENT COMBINATION AND CLASS AAA SPORTSMAN'S LICENSE  
 14       FEES IN SECTION 1 OF SENATE BILL NO. 331 MUST BE DEDUCTED  
 15       FROM THE AMOUNT OF SUCH FEES DEDICATED IN SECTION 2 OF THIS  
 16       ACT.

17       (2) IF HOUSE BILL NO. 535 AND THE PROVISION THEREIN  
 18       CREATING A CLASS B-11 LICENSE IS PASSED AND APPROVED:

19       (A) THE FEE ESTABLISHED IN HOUSE BILL NO. 535 FOR THE  
 20       CLASS B-11 LICENSE IS INCREASED TO \$275 \$200; AND

21       (B) A NEW SUBSECTION IS ADDED TO SECTION 2 OF THIS ACT  
 22       THAT READS: "CLASS B-11 NONRESIDENT DEER COMBINATION, \$275  
 23       \$200."

24       NEW SECTION. Section 12. Effective date --  
 25       TERMINATION DATE. This act is effective March 1, 1988, AND

1        TERMINATES MARCH 1, 1994.

-End-

## COMMITTEE OF THE WHOLE AMENDMENT

## SENATE

4-6-87

DATE

3:20

TIME

526

MR. CHAIRMAN: I MOVE TO AMEND House Bill No.thirdbluereading copy ( Color ) as follows.

1. Statement of Intent, page 2, line 3.

Following: "plan"

Insert: "and that emphasis is placed upon those areas where important habitat is seriously threatened"

## COMMITTEE OF THE WHOLE AMENDMENT

4-6-87

DATE

3:21

TIME

526

MR. CHAIRMAN: I MOVE TO AMEND House Bill No.thirdbluereading copy ( Color ) as follows:

AMENDING FISH AND GAME STANDING COMMITTEE REPORT DATED APRIL 3, 1987

1. Strike Amendment no.1 in its entirety

2. Amendment no. 6

Strike: "\$150"

Insert: " \$100"

3. Amendment no. 7

Strike: " \$14"

Insert: "\$9"

4. Amendment no. 10

Strike: "\$500"

Insert: "\$450"

5. Amendment no. 17

Strike: "\$50"

Insert: "\$45"

6. Amendment no. 18, subsection (2) (a)

Strike: "\$275"

Insert: "\$200"

7. Amendment no. 18, subsection (2) (b)

Strike: "\$275"

Insert: "\$200"

ADOPT

REJECT

*Ed Smith*  
 Senator Smith

ADOPT

REJECT

*Greg Jergeson*  
 Senator Jergeson

STANDING COMMITTEE REPORT

SENATE

April 3 1987 19.....

FISH AND GAME  
H.B. 526  
Page 2 of 3

April 3, 1987 19.....

MR. PRESIDENT

We, your committee on Fish and Game

having had under consideration House Bill No. 526

Third reading copy (Blue color)

HUNTING FEE INCREASES TO FUND WILDLIFE HABITAT PROTECTION

Representative Ted Schye  
(Severson)

House Bill 526

Respectfully report as follows: That No.

be amended as follows:

1. Title, line 11.  
Following: "THROUGH"  
Insert: "NONRESIDENT"
2. Title, line 13.  
Strike: "87-2-401 THROUGH"
3. Title, line 14.  
Strike: "87-2-501," and "87-2-508,"
4. Title, line 15.  
Strike: "87-2-708,"
5. Page 4, line 11 through line 5, page 5.  
Strike: subsections (a), (b), (d), (f), (h), (j), (l), (n),  
(p), (q), and (s) in their entirety  
Renumber: remaining subsections
6. Page 4, line 13.  
Strike: "\$50"  
Insert: "\$150"
7. Page 5, line 5.  
Strike: "\$5"  
Insert: "\$14"
8. Page 5, line 19 through line 9, page 6.  
Strike: sections 3 and 4 in their entirety  
Renumber: subsequent sections

~~XXXXXX~~

~~XXXXXX~~

*E.S.*

Chairman

*4/3/87  
2:05  
JLS*

9. Page 7, line 3 through line 9, page 8.  
Strike: section 6 in its entirety  
Renumber: subsequent sections
10. Page 9, line 12.  
Strike: "\$400"  
Insert: "\$500"
11. Page 10, lines 10 through 22.  
Strike: section 10 in its entirety  
Renumber: subsequent sections
12. Page 11, line 6.  
Strike: "\$55"  
Insert: "\$50"
13. Page 11, line 7.  
Strike: "\$55"  
Insert: "\$50"
14. Page 11, line 9.  
Strike: "\$53"  
Insert: "\$50"
15. Page 11, line 11.  
Strike: "\$9"  
Insert: "\$6"
16. Page 11, line 22 through line 6, page 12.  
Strike: section 12 in its entirety  
Renumber: subsequent sections
17. Page 12, line 11.  
Strike: "\$41"  
Insert: "\$50"
18. Page 13.  
Following: line 1  
Insert: "NEW SECTION. Section 11. Coordination  
instruction. (1) If Senate Bill No. 331 is passed and  
approved:  
(a) any reference in Senate Bill No. 331 to a fee  
increase in the Class B-10 nonresident combination  
license in 87-2-505 or in the Class AAA sportsman's  
license in 87-2-711 may not be considered as fee  
increases in addition to the fee increase for those  
licenses; and

*E.S.*

*4/3/87  
2:05  
JLS*

April 3, 1987

19.....

(b) any dedication of a portion of the Class B-10 nonresident combination and Class AAA sportsman's license fees in section 1 of Senate Bill No. 331 must be deducted from the amount of such fees dedicated in section 2 of this act.

(2) If House Bill No. 535 and the provision therein creating a Class B-11 license is passed and approved:

(a) the fee established in House Bill No. 535 for the Class B-11 license is increased to \$275; and

(b) a new subsection is added to section 2 of this act that reads: "Class B-11 nonresident deer combination, \$275."

E:hb526.wp

AND AS AMENDED  
BE CONCURRED IN

*Ed Smith*  
.....  
Senator Ed Smith, Chairman

4/3/87  
2:05  
JLS