

SENATE BILL NO. 171

INTRODUCED BY YELLOWTAIL

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

IN THE SENATE

JANUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 11, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 12, 1987	PRINTING REPORT.
FEBRUARY 14, 1987	SECOND READING, DO PASS.
FEBRUARY 16, 1987	ENGROSSING REPORT.
FEBRUARY 17, 1987	THIRD READING, PASSED.  TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
MARCH 5, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 7, 1987	SECOND READING, CONCURRED IN.
MARCH 9, 1987	THIRD READING, CONCURRED IN. AYES, 91; NOES, 5.  RETURNED TO SENATE.

IN THE SENATE

MARCH 10, 1987	RECEIVED FROM HOUSE.  SENT TO ENROLLING.
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STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB171, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill repeals the requirement that waterfowl hunters must purchase an upland game bird license in addition to the state and federal waterfowl stamps.

ASSUMPTIONS:

1. The majority of the waterfowl hunters also hunt upland game birds. Consequently we anticipate a very small decline in the number of bird licenses sold.
2. Because this bill repeals the requirement that waterfowl hunters buy a bird license in addition to the state and federal duck stamps, we anticipate a small increase in the number of waterfowl hunters.

FISCAL IMPACT:

We estimate that the anticipated decline in bird licenses sold will be offset by the increase in waterfowl stamps sold, resulting in no significant revenue import from passage of this bill.

*David L. Hunter* DATE *1/22/87*

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

*William P. Yellowtail, Jr.* DATE *1/24/87*

WILLIAM P. YELLOWTAIL, JR., PRIMARY SPONSOR

Fiscal Note for SB171, as introduced.

**SB 171**

APPROVED BY COMM.  
ON FISH AND GAME

1                   SENATE BILL NO. 171  
2                   INTRODUCED BY YELLOWTAIL  
3       BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS  
4  
5       A BILL FOR AN ACT ENTITLED: "AN ACT TO SEPARATE UPLAND GAME  
6       BIRD LICENSES FROM WATERFOWL LICENSES; AMENDING SECTIONS  
7       87-2-401 AND, 87-2-402, 87-4-504, AND 87-5-204, MCA; AND  
8       PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
9

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

11       Section 1. Section 87-2-401, MCA, is amended to read:

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

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

22       "87-2-402. Class B-1--nonresident upland game bird  
23       license. Except as otherwise provided in this chapter, a  
24       person not a resident, as defined in 87-2-102, but who is 12  
25       years of age or older, upon payment of a fee of \$30 may

1       receive a Class B-1 license which shall entitle the holder  
2       thereof to pursue, hunt, shoot, and kill upland game birds,  
3       cranes, rails, snipes, and mourning doves and possess the  
4       carcasses of upland game birds, cranes, rails, snipes, and  
5       mourning doves as authorized by department rules."

6       SECTION 3. SECTION 87-4-504, MCA, IS AMENDED TO READ:

7       "87-4-504. Bird license required. All persons hunting  
8       on shooting preserves must have a valid resident or  
9       nonresident upland game bird license."

10       SECTION 4. SECTION 87-5-204, MCA, IS AMENDED TO READ:

11       "87-5-204. License and rules for falconry. (1) The  
12       department may adopt specific rules for the keeping of  
13       records and for the trapping, taking, possession, or  
14       training of raptors used in the practice of falconry and may  
15       authorize the issuance of licenses to persons for the  
16       practice of falconry. Except as provided in 87-5-210, it is  
17       unlawful for any person to possess a raptor or to train a  
18       raptor in the practice of falconry without a license.

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

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

23       (4) Licensees shall have in possession a valid  
24       falconer's license when engaged in the practice of falconry.  
25       In addition, falconers loosing raptors at game birds shall



1 have in possession a valid resident or nonresident upland  
2 game bird license or waterfowl stamp, as appropriate.

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

6 NEW SECTION. Section 5. Extension of authority. Any  
7 existing authority of the department of fish, wildlife, and  
8 parks to make rules on the subject of the provisions of this  
9 act is extended to the provisions of this act.

10 NEW SECTION. Section 6. Effective date. This act is  
11 effective on passage and approval.

-End-

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO SEPARATE UPLAND GAME  
6 BIRD LICENSES FROM WATERFOWL LICENSES; AMENDING SECTIONS  
7 87-2-401 AND, 87-2-402, 87-4-504, AND 87-5-204, MCA; AND  
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
9

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

11 Section 1. Section 87-2-401, MCA, is amended to read:

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

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

22 "87-2-402. Class B-1--nonresident upland game bird  
23 license. Except as otherwise provided in this chapter, a  
24 person not a resident, as defined in 87-2-102, but who is 12  
25 years of age or older, upon payment of a fee of \$30 may

1 receive a Class B-1 license which shall entitle the holder  
2 thereof to pursue, hunt, shoot, and kill upland game birds,  
3 cranes, rails, snipes, and mourning doves and possess the  
4 carcasses of upland game birds, cranes, rails, snipes, and  
5 mourning doves as authorized by department rules."

6 SECTION 3. SECTION 87-4-504, MCA, IS AMENDED TO READ:

7 "87-4-504. Bird license required. All persons hunting  
8 on shooting preserves must have a valid resident or  
9 nonresident upland game bird license."

10 SECTION 4. SECTION 87-5-204, MCA, IS AMENDED TO READ:

11 "87-5-204. License and rules for falconry. (1) The  
12 department may adopt specific rules for the keeping of  
13 records and for the trapping, taking, possession, or  
14 training of raptors used in the practice of falconry and may  
15 authorize the issuance of licenses to persons for the  
16 practice of falconry. Except as provided in 87-5-210, it is  
17 unlawful for any person to possess a raptor or to train a  
18 raptor in the practice of falconry without a license.

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

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

23 (4) Licensees shall have in possession a valid  
24 falconer's license when engaged in the practice of falconry.  
25 In addition, falconers loosing raptors at game birds shall

1 have in possession a valid resident or nonresident upland  
2 game bird license or waterfowl stamp, as appropriate.

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

6 NEW SECTION. Section 5. Extension of authority. Any  
7 existing authority of the department of fish, wildlife, and  
8 parks to make rules on the subject of the provisions of this  
9 act is extended to the provisions of this act.

10 NEW SECTION. Section 6. Effective date. This act is  
11 effective on passage and approval.

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8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 87-2-401, MCA, is amended to read:

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

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

22 "87-2-402. Class B-1--nonresident upland game bird  
23 license. Except as otherwise provided in this chapter, a  
24 person not a resident, as defined in 87-2-102, but who is 12  
25 years of age or older, upon payment of a fee of \$30 may

1 receive a Class B-1 license which shall entitle the holder  
2 thereof to pursue, hunt, shoot, and kill upland game birds,  
3 cranes, rails, snipes, and mourning doves and possess the  
4 carcasses of upland game birds, cranes, rails, snipes, and  
5 mourning doves as authorized by department rules."

6 SECTION 3. SECTION 87-4-504, MCA, IS AMENDED TO READ:

7 "87-4-504. Bird license required. All persons hunting  
8 on shooting preserves must have a valid resident or  
9 nonresident upland game bird license."

10 SECTION 4. SECTION 87-5-204, MCA, IS AMENDED TO READ:

11 "87-5-204. License and rules for falconry. (1) The  
12 department may adopt specific rules for the keeping of  
13 records and for the trapping, taking, possession, or  
14 training of raptors used in the practice of falconry and may  
15 authorize the issuance of licenses to persons for the  
16 practice of falconry. Except as provided in 87-5-210, it is  
17 unlawful for any person to possess a raptor or to train a  
18 raptor in the practice of falconry without a license.

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

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

23 (4) Licensees shall have in possession a valid  
24 falconer's license when engaged in the practice of falconry.  
25 In addition, falconers loosing raptors at game birds shall



1 have in possession a valid resident or nonresident upland  
2 game bird license or waterfowl stamp, as appropriate.

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

6 NEW SECTION. Section 5. Extension of authority. Any  
7 existing authority of the department of fish, wildlife, and  
8 parks to make rules on the subject of the provisions of this  
9 act is extended to the provisions of this act.

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