

IN THE SENATE

APRIL 3, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

APRIL 14, 1987

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 14, 1987

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 15, 1987

CONFERENCE COMMITTEE REPORTED.

APRIL 16, 1987

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

APRIL 17, 1987

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE HOUSE

APRIL 21, 1987

CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 21, 1987

SENT TO ENROLLING.

1 *Senate Connelly* BILL NO. 331
 2 INTRODUCED BY *E. Smith Bishop Jackson Bengtson*
 3 *Geller Jerguson Yellwittall Holstad Tricitt*
 4 *M. Hansen* FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PHEASANT *Ream*
 5 ENHANCEMENT PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF *NATH.*
 6 *Hirsch* FISH, WILDLIFE, AND PARKS; TO PROVIDE FUNDING THROUGH *Clyde*

7 INCREASED LICENSE FEES; AMENDING SECTIONS 87-2-401,
 8 87-2-402, 87-2-505, AND 87-2-711, MCA; AND PROVIDING A
 9 DELAYED EFFECTIVE DATE."

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

12 NEW SECTION. Section 1. Funding of pheasant
 13 enhancement program. The amount of money specified in this
 14 section from the sale of each hunting license listed must be
 15 used exclusively by the department to preserve and enhance
 16 pheasant populations in Montana in accordance with [sections
 17 1 through 4], subject to appropriation by the legislature:

- 18 (1) Class A-1, resident game bird, \$2;
- 19 (2) Class B-1, nonresident game bird, \$23;
- 20 (3) Class AAA, sportsman's, \$2; and
- 21 (4) Class B-10, nonresident big game combination, \$23.

22 NEW SECTION. Section 2. Authorized use of funds. (1)
 23 Not more than 10% of the money generated under [section 1]
 24 may be used by the department to:

- 25 (a) prepare and disseminate information to landowners

1 and organizations concerning the pheasant enhancement
 2 program;

- 3 (b) review potential pheasant release sites;
- 4 (c) assist applicants in preparing management plans
 5 for project areas; and
- 6 (d) evaluate the pheasant enhancement program.

7 (2) The remainder of the money raised must be used in
 8 the following manner:

- 9 (a) to share, up to \$3 a bird, in the cost of
 10 releasing pheasants in suitable habitat, in such numbers and
 11 under conditions determined by the department;

- 12 (b) to provide assistance to applicants with the
 13 purchase of recommended seed mixtures and cost of planting
 14 lands designated for development of pheasant habitat; and

- 15 (c) to lease or obtain easements on lands for the
 16 purpose of planting grains or other seed mixtures in areas
 17 adjacent to existing cover.

18 NEW SECTION. Section 3. Qualification of pheasant
 19 enhancement projects. (1) A project eligible for funding
 20 under this program must contain the proper combination of
 21 winter cover, food, nesting cover, and other pheasant
 22 habitat components determined necessary by the department to
 23 provide for a viable permanent pheasant population. A
 24 project area must be at least 160 acres unless in special
 25 circumstances the department determines a smaller area to be



1 suitable for establishing a viable permanent pheasant
2 population.

3 (2) No project containing hunting preserves or any
4 commercial hunting enterprise or wherein hunting rights are
5 leased or paid for is eligible for funding.

6 (3) Preference must be given for project applications
7 submitted by youth organizations, 4-H clubs, sportsmen's
8 groups, and other associations of sufficient size to
9 guarantee completion of all project requirements. However,
10 individual landowners may also apply, so long as the land in
11 the project area remains open to public hunting in
12 accordance with reasonable use limitations imposed by the
13 landowner.

14 NEW SECTION. Section 4. Rules. The department shall
15 adopt rules for the administration of the pheasant
16 enhancement program created in [sections 1 through 4].

17 Section 5. Section 87-2-401, MCA, is amended to read:

18 "87-2-401. Class A-1--resident game bird license.
19 Except as otherwise provided, a resident, as defined by
20 87-2-102, who is 12 years of age or older may, upon payment
21 of a fee of \$4 ~~\$6~~, receive a Class A-1 license which will
22 entitle the holder to pursue, hunt, shoot, and kill game
23 birds and possess the carcasses of game birds as authorized
24 by department rules."

25 Section 6. Section 87-2-402, MCA, is amended to read:

1 "87-2-402. Class B-1--nonresident game bird license.
2 Except as otherwise provided in this chapter, a person not a
3 resident, as defined in 87-2-102, but who is 12 years of age
4 or older, upon payment of a fee of \$30 ~~\$53~~ may receive a
5 Class B-1 license which shall entitle the holder thereof to
6 pursue, hunt, shoot, and kill game birds and possess the
7 carcasses of game birds as authorized by department rules."

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

9 "87-2-505. Class B-10--nonresident big game
10 combination license. Except as otherwise provided in this
11 chapter, a person not a resident, as defined in 87-2-102,
12 but who will be 12 years of age or older prior to September
13 15 of the season for which the license is issued may, upon
14 payment of the fee of \$350 ~~\$373~~ and subject to the
15 limitations prescribed by law and department regulation,
16 apply to the fish and game office, Helena, Montana, to
17 purchase a B-10 nonresident big game combination license
18 which shall entitle the holder to all the privileges of
19 Class B, Class B-1, Class B-7, and black bear licenses, and
20 an elk tag. This license includes the nonresident
21 conservation license as prescribed in 87-2-202. Not more
22 than 17,000 Class B-10 licenses may be sold in any one
23 license year."

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

25 "87-2-711. Class AAA--sportsman's license. Any

1 resident, as defined by 87-2-102, who will be 12 years of
2 age or older prior to September 15 of the season for which
3 the license is issued, upon payment of the sum of \$36 ~~\$38~~,
4 shall be entitled to a sportsman's license which shall
5 permit the holder to exercise all rights granted to holders
6 of Class A, A-1, A-3, A-5, A-6, and resident conservation
7 licenses as prescribed in 87-2-202. The department shall
8 furnish each holder of a sportsman's license an appropriate
9 decal."

10 NEW SECTION. Section 9. Codification instruction.
11 Sections 1 through 4 are intended to be codified as an
12 integral part of Title 87, chapter 1, part 2, and the
13 provisions of Title 87 apply to sections 1 through 4.

14 NEW SECTION. Section 10. Coordination instruction. If
15 Senate Bill No. 171 is passed and approved, the reference to
16 "game bird" in subsections (1) and (2) of section 1 is
17 changed to "upland game bird".

18 NEW SECTION. Section 11. Effective date. This act is
19 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 SB331, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to establish a pheasant enhancement program to be administered by the Department of Fish, Wildlife and Parks; to provide funding through increased license fees; amending Sections 87-2-401, 87-2-402, 87-2-505 and 87-2-711, MCA; and providing a delayed effective date.

ASSUMPTIONS:

1. A 10% buyers resistance to purchasing licenses when the prices has been increased. Except for non-resident combination licenses. The affects of buyer resistance (lower sales) reduces the general license account revenues.
2. Computations are based upon actual 1985 license sales.
3. The non-resident combination license fee increase will be realized in FY88.
4. Pheasant enhancement program would start in FY89.

FISCAL IMPACT:

	FY88			FY89		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Personal	\$ 0	\$ 0	\$ 0	\$ 0	\$ 31,200	\$ 31,200
Operating	\$ 0	\$ 0	\$ 0	\$ 0	\$ 515,900	\$ 515,900
Capital Outlay	\$ 0	\$ 0	\$ 0	\$ 0	\$ 50,000	\$ 50,000
TOTAL	\$ 0	\$ 0	\$ 0	\$ 0	\$ 597,100	\$ 597,100
<u>Revenues:</u>						
<u>License Fees -</u>						
A-1	\$ 0	\$ 0	\$ 0	\$ 148,000	\$ 199,800	\$ 51,800
B-1	0	0	0	138,000	219,420	81,420
AAA	0	0	0	885,600	841,320	(44,280)
B-10	5,950,000	6,341,000	391,000	5,950,000	6,341,000	391,000
TOTAL	\$ 5,950,000	\$ 6,341,000	\$ 391,000	\$ 7,121,600	\$ 7,601,540	\$ 479,940

David L. Hunter

DATE

2/18/87

DAVID L. HUNTER, BUDGET DIRECTOR

Office of Budget and Program Planning

Ed Smith

DATE

87

ED SMITH, PRIMARY SPONSOR

Fiscal Note for SB331, as introduced.**SB 331**

APPROVED BY COMM.
ON FISH AND GAME

STATEMENT OF INTENT

SENATE BILL 331

Senate Fish and Game Committee

1
2
3
4
5 This bill requires a statement of intent because
6 section 4 requires the department of fish, wildlife, and
7 parks to adopt rules to administer the pheasant enhancement
8 program established by the bill. It is intended that the
9 rules:
10 (1) provide for eligibility criteria for project
11 applications consistent with the general requirements
12 established in the bill;
13 (2) be consistent with general requirements of the
14 conservation reserve program under the 1985 Food Security
15 Act and the agricultural conservation program, so that
16 landowners participating in those federal programs may also
17 be eligible to participate in this program;
18 (3) specifically indicate conditions under which
19 pheasants will be released on project areas under the
20 program, including habitat requirements, number to be
21 released, health requirements, banding requirements, time
22 for release, age of pheasants to be released, and other
23 matters determined necessary by the department;
24 (4) provide guidelines concerning when areas of less
25 than 160 acres may qualify as project areas; and

1 (5) establish procedures for application for project
2 funding and review and approval or denial of such
3 applications.

SENATE BILL NO. 331

INTRODUCED BY E. SMITH, BISHOP, JACOBSON, BENGTSON, CONNELLY, KELLER, MCCALLUM, JERGESON, YELLOWTAIL, KOLSTAD, TVEIT, REAM, NATHE, CRIPPEN, THAYER, HANSON, SEVERSON, HAMMOND, HIRSCH, NEUMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PHEASANT ENHANCEMENT PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; TO PROVIDE FUNDING THROUGH INCREASED LICENSE FEES; AMENDING SECTIONS 87-2-401, 87-2-402, 87-2-505, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. Section 1. Funding of pheasant enhancement program. The amount of money specified in this section from the sale of each hunting license listed must be used exclusively by the department to preserve and enhance pheasant populations in Montana in accordance with [sections 1 through 4], subject to appropriation by the legislature:

- (1) Class A-1, resident game bird, \$2;
(2) Class B-1, nonresident game bird, \$23;
(3) Class AAA, sportsman's, \$2; and
(4) Class B-10, nonresident big game combination, \$23.

NEW SECTION. Section 2. Authorized use of funds. (1)

Not more than 10% of the money generated under [section 1] may be used by the department to:

- (a) prepare and disseminate information to landowners and organizations concerning the pheasant enhancement program;
(b) review potential pheasant release sites;
(c) assist applicants in preparing management plans for project areas; and
(d) evaluate the pheasant enhancement program.

(2) The remainder of the money raised must be used in the following manner:

- (a) to share, up to \$3 a bird, in the cost of releasing pheasants in suitable habitat, in such numbers and under conditions determined by the department;
(b) to provide assistance to applicants with the purchase of recommended seed mixtures and cost of planting lands designated for development of pheasant habitat; and
(c) to lease or obtain easements on lands for the purpose of planting grains or other seed mixtures in areas adjacent to existing cover.

NEW SECTION. Section 3. Qualification of pheasant enhancement projects. (1) A project eligible for funding under this program must contain the proper combination of winter cover, food, nesting cover, and other pheasant habitat components determined necessary by the department to

1 provide for a viable permanent pheasant population. A
 2 project area must be at least 160 acres unless in special
 3 circumstances the department determines a smaller area to be
 4 suitable for establishing a viable permanent pheasant
 5 population.

6 (2) No project containing hunting preserves or any
 7 commercial hunting enterprise or wherein hunting rights are
 8 leased or paid for is eligible for funding.

9 (3) Preference must be given for project applications
 10 submitted by youth organizations, 4-H clubs, sportsmen's
 11 groups, and other associations of sufficient size to
 12 guarantee completion of all project requirements. However,
 13 individual landowners may also apply, so long as the land in
 14 the project area remains open to public hunting in
 15 accordance with reasonable use limitations imposed by the
 16 landowner.

17 NEW SECTION. Section 4. Rules. The department shall
 18 adopt rules for the administration of the pheasant
 19 enhancement program created in [sections 1 through 4].

20 Section 5. 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 ~~\$6~~, 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 6. 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 ~~\$53~~ 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 7. Section 87-2-505, MCA, is amended to read:

12 "87-2-505. Class B-10--nonresident big game
 13 combination license. Except as otherwise provided in this
 14 chapter, a person not a resident, as defined in 87-2-102,
 15 but who will be 12 years of age or older prior to September
 16 15 of the season for which the license is issued may, upon
 17 payment of the fee of \$350 ~~\$373~~ and subject to the
 18 limitations prescribed by law and department regulation,
 19 apply to the fish and game office, Helena, Montana, to
 20 purchase a B-10 nonresident big game combination license
 21 which shall entitle the holder to all the privileges of
 22 Class B, Class B-1, Class B-7, and black bear licenses, and
 23 an elk tag. This license includes the nonresident
 24 conservation license as prescribed in 87-2-202. Not more
 25 than 17,000 Class B-10 licenses may be sold in any one

1 license year."

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

3 "87-2-711. Class AAA--sportsman's license. Any
4 resident, as defined by 87-2-102, who will be 12 years of
5 age or older prior to September 15 of the season for which
6 the license is issued, upon payment of the sum of ~~936~~ 938,
7 shall be entitled to a sportsman's license which shall
8 permit the holder to exercise all rights granted to holders
9 of Class A, A-1, A-3, A-5, A-6, and resident conservation
10 licenses as prescribed in 87-2-202. The department shall
11 furnish each holder of a sportsman's license an appropriate
12 decal."

13 NEW SECTION. Section 9. Codification instruction.
14 Sections 1 through 4 are intended to be codified as an
15 integral part of Title 87, chapter 1, part 2, and the
16 provisions of Title 87 apply to sections 1 through 4.

17 NEW SECTION. Section 10. Coordination instruction. If
18 Senate Bill No. 171 is passed and approved, the reference to
19 "game bird" in subsections (1) and (2) of section 1 is
20 changed to "upland game bird".

21 NEW SECTION. Section 11. Effective date. This act is
22 effective March 1, 1988.

-End-

1 STATEMENT OF INTENT
 2 SENATE BILL 331
 3 Senate Fish and Game Committee
 4

5 This bill requires a statement of intent because
 6 section 4 requires the department of fish, wildlife, and
 7 parks to adopt rules to administer the pheasant enhancement
 8 program established by the bill. It is intended that the
 9 rules:

10 (1) provide for eligibility criteria for project
 11 applications consistent with the general requirements
 12 established in the bill;

13 (2) be consistent with general requirements of the
 14 conservation reserve program under the 1985 Food Security
 15 Act and the agricultural conservation program, so that
 16 landowners participating in those federal programs may also
 17 be eligible to participate in this program;

18 (3) specifically indicate conditions under which
 19 pheasants will be released on project areas under the
 20 program, including habitat requirements, number to be
 21 released, health requirements, banding requirements, time
 22 for release, age of pheasants to be released, and other
 23 matters determined necessary by the department;

24 (4) provide guidelines concerning when areas of less
 25 than 160 acres may qualify as project areas; and

1 (5) establish procedures for application for project
 2 funding and review and approval or denial of such
 3 applications.

1 SENATE BILL NO. 331

2 INTRODUCED BY E. SMITH, BISHOP, JACOBSON, BENGTSON,
3 CONNELLY, KELLER, MCCALLUM, JERGESON, YELLOWTAIL, KOLSTAD,
4 TVEIT, REAM, NATHE, CRIPPEN, THAYER, HANSON,
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7 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PHEASANT
8 ENHANCEMENT PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF
9 FISH, WILDLIFE, AND PARKS; TO PROVIDE FUNDING THROUGH
10 INCREASED LICENSE FEES; AMENDING SECTIONS 87-2-401,
11 87-2-402, 87-2-505, AND 87-2-711, MCA; AND PROVIDING A
12 DELAYED EFFECTIVE DATE."

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

15 NEW SECTION. Section 1. Funding of pheasant
16 enhancement program. The amount of money specified in this
17 section from the sale of each hunting license listed must be
18 used exclusively by the department to preserve and enhance
19 pheasant populations in Montana in accordance with [sections
20 1 through 4], subject to appropriation by the legislature:

- 21 (1) Class A-1, resident game bird, \$2;
22 (2) Class B-1, nonresident game bird, \$23;
23 (3) Class AAA, sportsman's, \$2; and
24 (4) Class B-10, nonresident big game combination, \$23.

25 NEW SECTION. Section 2. Authorized use of funds. (1)

1 Not more than 10% of the money generated under [section 1]
2 may be used by the department to:

3 (a) prepare and disseminate information to landowners
4 and organizations concerning the pheasant enhancement
5 program;

6 (b) review potential pheasant release sites;

7 (c) assist applicants in preparing management plans
8 for project areas; and

9 (d) evaluate the pheasant enhancement program.

10 (2) The remainder of the money raised must be used in
11 the following manner:

12 (a) to share, up to \$3 a bird, in the cost of
13 releasing pheasants in suitable habitat, in such numbers and
14 under conditions determined by the department;

15 (b) to provide assistance to applicants with the
16 purchase of recommended seed mixtures and cost of planting
17 lands designated for development of pheasant habitat; and

18 (c) to lease or obtain easements on lands for the
19 purpose of planting grains or other seed mixtures in areas
20 adjacent to existing cover.

21 NEW SECTION. Section 3. Qualification of pheasant
22 enhancement projects. (1) A project eligible for funding
23 under this program must contain the proper combination of
24 winter cover, food, nesting cover, and other pheasant
25 habitat components determined necessary by the department to

1 provide for a viable permanent pheasant population. A
 2 project area must be at least 160 acres unless in special
 3 circumstances the department determines a smaller area to be
 4 suitable for establishing a viable permanent pheasant
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 7 commercial hunting enterprise or wherein hunting rights are
 8 leased or paid for is eligible for funding.

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 10 submitted by youth organizations, 4-H clubs, sportsmen's
 11 groups, and other associations of sufficient size to
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 14 the project area remains open to public hunting in
 15 accordance with reasonable use limitations imposed by the
 16 landowner.

17 NEW SECTION. Section 4. Rules. The department shall
 18 adopt rules for the administration of the pheasant
 19 enhancement program created in [sections 1 through 4].

20 Section 5. 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 \$6, 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 6. 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 \$53 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 7. Section 87-2-505, MCA, is amended to read:

12 "87-2-505. Class B-10--nonresident big game
 13 combination license. Except as otherwise provided in this
 14 chapter, a person not a resident, as defined in 87-2-102,
 15 but who will be 12 years of age or older prior to September
 16 15 of the season for which the license is issued may, upon
 17 payment of the fee of \$950 \$373 and subject to the
 18 limitations prescribed by law and department regulation,
 19 apply to the fish and game office, Helena, Montana, to
 20 purchase a B-10 nonresident big game combination license
 21 which shall entitle the holder to all the privileges of
 22 Class B, Class B-1, Class B-7, and black bear licenses, and
 23 an elk tag. This license includes the nonresident
 24 conservation license as prescribed in 87-2-202. Not more
 25 than 17,000 Class B-10 licenses may be sold in any one

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18 Senate Bill No. 171 is passed and approved, the reference to
19 "game bird" in subsections (1) and (2) of section 1 is
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21 NEW SECTION. Section 11. Effective date. This act is
22 effective March 1, 1988.

-End-

1 STATEMENT OF INTENT
 2 SENATE BILL 331
 3 Senate Fish and Game Committee
 4

5 This bill requires a statement of intent because
 6 section 4 requires the department of fish, wildlife, and
 7 parks to adopt rules to administer the pheasant enhancement
 8 program established by the bill. It is intended that the
 9 rules:

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 23 matters determined necessary by the department; AND

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 25 ~~than 160 acres may qualify as project areas, and~~

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 2 project funding and review and approval or denial of such
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2 INTRODUCED BY E. SMITH, BISHOP, JACOBSON, BENGTSON,
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6
 7 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PHEASANT
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1 Not more than 10% of the money generated under [section 1]
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2 ~~project area must be at least 160 acres unless in special~~
3 ~~circumstances the department determines a smaller area to be~~
4 ~~suitable for establishing a viable permanent pheasant~~
5 ~~population.~~

6 (2) No project containing hunting preserves or any
7 commercial hunting enterprise or wherein hunting rights are
8 leased or paid for is eligible for funding.

9 (3) Preference must be given for project applications
10 submitted by youth organizations, 4-H clubs, sportsmen's
11 groups, and other associations of sufficient size to
12 guarantee completion of all project requirements. However,
13 individual landowners may also apply, so long as the land in
14 the project area remains open to public hunting in
15 accordance with reasonable use limitations imposed by the
16 landowner.

17 NEW SECTION. Section 4. Rules. The department shall
18 adopt rules for the administration of the pheasant
19 enhancement program created in [sections 1 through 4].

20 Section 5. 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 \$6, 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 6. 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 \$53 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 7. Section 87-2-505, MCA, is amended to read:~~

12 ~~"87-2-505. Class B-10--nonresident--big--game~~
13 ~~combination--license. Except as otherwise provided in this~~
14 ~~chapter, a person not a resident, as defined in 87-2-102,~~
15 ~~but who will be 12 years of age or older prior to September~~
16 ~~15 of the season for which the license is issued may, upon~~
17 ~~payment of the fee of \$350 \$373 and subject to the~~
18 ~~limitations prescribed by law and department regulation,~~
19 ~~apply to the fish and game office, Helena, Montana, to~~
20 ~~purchase a B-10--nonresident--big--game--combination--license~~
21 ~~which shall entitle the holder to all the privileges of~~
22 ~~Class B, Class B-1, Class B-7, and black bear licenses, and~~
23 ~~an elk tag. This license includes the nonresident~~
24 ~~conservation license as prescribed in 87-2-202. Not more~~
25 ~~than 17,000 Class B-10 licenses may be sold in any one~~

1 license-year."

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

3 "87-2-711. Class --- AAA --- sportsman's --- license: --- Any
4 resident, as defined by 87-2-102, who will be 12 years of
5 age or older prior to September 15 of the season for which
6 the license is issued, upon payment of the sum of \$36 ~~§38~~,
7 shall be entitled to a sportsman's license which shall
8 permit the holder to exercise all rights granted to holders
9 of Class A-1, A-2, A-3, A-5, A-6, and resident conservation
10 licenses as prescribed in 87-2-202. The department shall
11 furnish each holder of a sportsman's license an appropriate
12 decal."

13 NEW SECTION. SECTION 7. REPORT. THE DEPARTMENT SHALL
14 REPORT TO THE FISH AND GAME COMMITTEE OF EACH HOUSE OF THE
15 LEGISLATURE CONCERNING PHEASANT ENHANCEMENT ACTIVITIES
16 UNDERTAKEN PURSUANT TO [SECTIONS 1 THROUGH 4] DURING THE
17 PRECEDING BIENNIUM, TOGETHER WITH ANY RECOMMENDATIONS
18 CONCERNING THE OPERATION OF THE PROGRAM.

19 NEW SECTION. Section 8. Codification instruction.
20 Sections 1 through 4 are intended to be codified as an
21 integral part of Title 87, chapter 1, part 2, and the
22 provisions of Title 87 apply to sections 1 through 4.

23 NEW SECTION. Section 9. Coordination instruction. (1)
24 If Senate Bill No. 171 is passed and approved, the reference
25 to "game bird" in subsections (1) and (2) of section 1 is

1 changed to "upland game bird".

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

4 (A) THE FEE ESTABLISHED IN HOUSE BILL NO. 535 FOR THE
5 CLASS B-11 LICENSE IS INCREASED \$23; AND

6 (B) A NEW SUBSECTION (5) IS ADDED TO SECTION 1 OF THIS
7 ACT THAT READS: "CLASS B-11, NONRESIDENT DEER COMBINATION,
8 \$23."

9 NEW SECTION. Section 10. Effective date. This act is
10 effective March 1, 1988.

-End-

April 15, 1987

CCSB331.cc

April 15, 1987

MR. PRESIDENT

With your _____ Conference Committee on

Senate Bill 331

met and considered Senate Bill 331

Reference copy (salmon)

House Committee of the Whole Amendments dated 3-27-87 Sponsored by

Representative Ream

House Fish and Game Standing Committee Amendments dated 3-18-87

We recommend as follows:

THAT SENATE BILL 331 BE AMENDED AS FOLLOWS:

- 1. Title, line 10.
Strike: " AND "
Insert: " , "
- 2. Title, line 11.
Following: " 87-2-711, "
Insert: " 87-2-505, AND 87-2-711, "
- 3. Page 1, line 21.
Strike: " AND "
- 4. Page 1, line 22.
Following: " 23, "
Insert: " ; (3) Class AAA, sportsman's, \$2; and (4) Class B-10, nonresident big game combination, \$23. "
CONTINUED

And that this Conference Committee report be adopted.

FOR THE SENATE

Smith

Smith, Chairman

Severson

Severson

Yellowtail

Yellowtail

FOR THE HOUSE

Ellison

Ellison

Bulger

Bulger

Keller

Keller

ADOPT REJECT

5. Page 5, following line 12.
Insert: "Section 7. Section 87-2-505, MCA, is amended to read:

"87-2-505. Class B-10--nonresident big game combination license. Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of \$350 \$373 and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle the holder to all the privileges of Class B, Class B-1, Class B-7, and black bear licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any one license year."

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

"87-2-711. Class AAA--sportsman's license. Any resident, as defined by 87-2-102, who will be 12 years of age or older prior to September 15 of the season for which the license is issued, upon payment of the sum of \$36 \$38, shall be entitled to a sportsman's license which shall permit the holder to exercise all rights granted to holders of Class A, A-1, A-3, A-5, A-6, and resident conservation licenses as prescribed in 87-2-202. The department shall furnish each holder of a sportsman's license an appropriate decal. "

6. Page 6, lines 2 through 8.
Strike: subsection 2 in its entirety

7. Page 6, following line 8.
Insert: "(2) If House Bill No. 526 and the provisions therein increasing the costs of the Class B-10 and Class AAA sportsmen's licenses are passed and approved:
(A) \$23 of the \$100 increase of the cost of Class B-10 license shall be used for the pheasant enhancement program; and
(B) \$2 of the \$9 increase of the cost of the Class AAA sportsmen's license shall be used for the pheasant enhancement program."

HOUSE

MARCH 18 1987

Mr. Speaker: We, the committee on FISH AND GAME

report SENATE BILL NO. 331

- do pass
- be concurred in
- as amended
- do not pass
- be not concurred in
- statement of intent attached

Orval E. Ellison
 ORVAL ELLISON Chairman

Statement of intent

1. Page 1, line 23.
 Following: "department;"
 Insert: "and"

Statement of intent

2. Page 1, line 24 and 25.
 Strike: line 24 and 25 in their entirety
 Renumber: subsequent subsection

3. Page 2, line 10 and 11.
 Strike: "in the following manner:"

4. Page 2, line 12.
 Strike: "(a)"

5. Page 2, line 14 through line 20.
 Strike: ";" through "cover" on line 20

6. Page 3, line 1 through line 5.
 Following: "population."
 Strike: remainder of line 1 through line 5

7. Page 5,
 Following: line 12
 Insert: "NEW SECTION. Section 9. Report. The department shall report to the fish and game committee of each house of the legislature concerning pheasant enhancement activities undertaken pursuant to [sections 1 through 4] during the preceding biennium, together with any recommendations concerning the operation of the program."
 Renumber: subsequent sections

8. Page 5, line 17.
 Following: "instruction."
 Insert: "(1)"

9. Page 5.
 Following: line 20
 Insert: "(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 \$23; and
 (b) a new subsection (5) is added to section 1 of this act that reads: "Class B-11, nonresident deer combination, \$23."

MS

MS

MS

MS
 THIRD reading copy (BLUE)
 color

REP. KELLER WILL CARRY

COMMITTEE OF THE WHOLE AMENDMENT

HOUSE

3-27-87

DATE
7:00

TIME

MR. CHAIRMAN: I MOVE TO AMEND SB 331

3rd reading copy (blue) as follows:
Color

1. Title, line 10.

Strike: ", "

Insert: "AND"

2. Title, line 11.

Strike: "87-2-505, AND 87-2-711,"

3. Page 1, line 21.

Following: "\$2;"

Insert: "and"

4. Page 1, line 22.

Following: "\$23"

Strike: remainder of lines 22 through "\$23" on line 24

5. Page 4, line 11 through line 12 on page 5.

Strike: sections 7 and 8 in their entirety

Renumber: subsequent sections

ADOPT

REJECT

Robert R. Ream

1 STATEMENT OF INTENT

2 SENATE BILL 331

3 Senate Fish and Game Committee

4

5 This bill requires a statement of intent because
6 section 4 requires the department of fish, wildlife, and
7 parks to adopt rules to administer the pheasant enhancement
8 program established by the bill. It is intended that the
9 rules:

10 (1) provide for eligibility criteria for project
11 applications consistent with the general requirements
12 established in the bill;

13 (2) be consistent with general requirements of the
14 conservation reserve program under the 1985 Food Security
15 Act and the agricultural conservation program, so that
16 landowners participating in those federal programs may also
17 be eligible to participate in this program;

18 (3) specifically indicate conditions under which
19 pheasants will be released on project areas under the
20 program, including habitat requirements, number to be
21 released, health requirements, banding requirements, time
22 for release, age of pheasants to be released, and other
23 matters determined necessary by the department;

24 (4) provide guidelines concerning when areas of less
25 than 160 acres may qualify as project areas; and

1 (5) establish procedures for application for project
2 funding and review and approval or denial of such
3 applications.



SENATE BILL NO. 331

INTRODUCED BY E. SMITH, BISHOP, JACOBSON, BENGTON,
CONNELLY, KELLER, MCCALLUM, JERGESON, YELLOWTAIL, KOLSTAD,
TVEIT, REAM, NATHE, CRIPPEN, THAYER, HANSON,
SEVERSON, HAMMOND, HIRSCH, NEUMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PHEASANT
ENHANCEMENT PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF
FISH, WILDLIFE, AND PARKS; TO PROVIDE FUNDING THROUGH
INCREASED LICENSE FEES; AMENDING SECTIONS 87-2-401, ~~AND,~~
87-2-402, ~~87-2-505, AND~~ 87-2-505, ~~AND 87-2-711,~~
MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. Section 1. Funding of pheasant
enhancement program. The amount of money specified in this
section from the sale of each hunting license listed must be
used exclusively by the department to preserve and enhance
pheasant populations in Montana in accordance with [sections
1 through 4], subject to appropriation by the legislature:

- (1) Class A-1, resident game bird, \$2; ~~AND~~
- (2) Class B-1, nonresident game bird, \$23;
- ~~(3) Class AAA, sportsman's, \$2; and~~
- ~~(4) Class B-10, nonresident big game combination, \$23~~
- (3) CLASS AAA, SPORTSMAN'S, \$2; AND

(4) CLASS B-10, NONRESIDENT BIG GAME COMBINATION, \$23.

NEW SECTION. Section 2. Authorized use of funds. (1)
Not more than 10% of the money generated under [section 1]
may be used by the department to:

- (a) prepare and disseminate information to landowners
and organizations concerning the pheasant enhancement
program;
- (b) review potential pheasant release sites;
- (c) assist applicants in preparing management plans
for project areas; and
- (d) evaluate the pheasant enhancement program.

(2) The remainder of the money raised must be used in
the following manner:

- ~~(a) to share, up to \$3 a bird, in the cost of~~
releasing pheasants in suitable habitat, in such numbers and
under conditions determined by the department;
- ~~(b) to provide assistance to applicants with the~~
purchase of recommended seed mixtures and cost of planting
lands designated for development of pheasant habitat; and
- ~~(c) to lease or obtain easements on lands for the~~
purpose of planting grains or other seed mixtures in areas
adjacent to existing cover.

NEW SECTION. Section 3. Qualification of pheasant
enhancement projects. (1) A project eligible for funding
under this program must contain the proper combination of

1 winter cover, food, nesting cover, and other pheasant
 2 habitat components determined necessary by the department to
 3 provide for a viable permanent pheasant population. A
 4 ~~project--area--must--be--at--least--160--acres--unless--in--special~~
 5 ~~circumstances--the--department--determines--a--smaller--area--to--be~~
 6 ~~suitable--for--establishing--a--viable--permanent--pheasant~~
 7 ~~population-~~

8 (2) No project containing hunting preserves or any
 9 commercial hunting enterprise or wherein hunting rights are
 10 leased or paid for is eligible for funding.

11 (3) Preference must be given for project applications
 12 submitted by youth organizations, 4-H clubs, sportsmen's
 13 groups, and other associations of sufficient size to
 14 guarantee completion of all project requirements. However,
 15 individual landowners may also apply, so long as the land in
 16 the project area remains open to public hunting in
 17 accordance with reasonable use limitations imposed by the
 18 landowner.

19 NEW SECTION. Section 4. Rules. The department shall
 20 adopt rules for the administration of the pheasant
 21 enhancement program created in [sections 1 through 4].

22 Section 5. Section 87-2-401, MCA, is amended to read:

23 "87-2-401. Class A-1--resident game bird license.
 24 Except as otherwise provided, a resident, as defined by
 25 87-2-102, who is 12 years of age or older may, upon payment

1 of a fee of ~~\$4~~ \$6, receive a Class A-1 license which will
 2 entitle the holder to pursue, hunt, shoot, and kill game
 3 birds and possess the carcasses of game birds as authorized
 4 by department rules."

5 Section 6. Section 87-2-402, MCA, is amended to read:

6 "87-2-402. Class B-1--nonresident game bird license.

7 Except as otherwise provided in this chapter, a person not a
 8 resident, as defined in 87-2-102, but who is 12 years of age
 9 or older, upon payment of a fee of ~~\$30~~ \$53 may receive a
 10 Class B-1 license which shall entitle the holder thereof to
 11 pursue, hunt, shoot, and kill game birds and possess the
 12 carcasses of game birds as authorized by department rules."

13 ~~Section 7--Section 87-2-505, MCA, is amended to read:~~

14 ~~"87-2-505--Class--B-10--nonresident--big--game~~
 15 ~~combination--license--Except--as--otherwise--provided--in--this~~
 16 ~~chapter,--a--person--not--a--resident,--as--defined--in--87-2-102,~~
 17 ~~but--who--will--be--12--years--of--age--or--older--prior--to--September~~
 18 ~~15--of--the--season--for--which--the--license--is--issued--may,--upon~~
 19 ~~payment--of--the--fee--of--\$350~~ \$373 ~~and--subject--to--the~~
 20 ~~limitations--prescribed--by--law--and--department--regulation,~~
 21 ~~apply--to--the--fish--and--game--office,--Helena,--Montana,--to~~
 22 ~~purchase--a--B-10--nonresident--big--game--combination--license~~
 23 ~~which--shall--entitle--the--holder--to--all--the--privileges--of~~
 24 ~~Class--B,--Class--B-17,--Class--B-7,--and--black--bear--licenses,--and~~
 25 ~~an--elk--tag.---This---license---includes---the---nonresident~~

1 ~~conservation--license--as--prescribed--in--87-2-202--Not more~~
 2 ~~than 17,000 Class B-10 licenses--may--be--sold--in--any--one~~
 3 ~~license year."~~

4 ~~Section 8.--Section--87-2-711, MCA, is amended to read:~~
 5 ~~"87-2-711.--Class--AAA--sportsman's--license--Any~~
 6 ~~resident,--as--defined--by--87-2-102, who will be 12 years of~~
 7 ~~age or older prior to September 15 of the season--for--which~~
 8 ~~the--license--is--issued, upon payment of the sum of \$36 \$38~~
 9 ~~shall be entitled--to--a--sportsman's--license--which--shall~~
 10 ~~permit--the holder to exercise all rights granted to holders~~
 11 ~~of Class A, A-1, A-3, A-5, A-6--and--resident--conservation~~
 12 ~~licenses--as--prescribed--in--87-2-202.--The department shall~~
 13 ~~furnish each holder of a sportsman's license an appropriate~~
 14 ~~decal."~~

15 SECTION 7. SECTION 87-2-505, MCA, IS AMENDED TO READ:
 16 "87-2-505. Class B-10--nonresident big game
 17 combination license. Except as otherwise provided in this
 18 chapter, a person not a resident, as defined in 87-2-102,
 19 but who will be 12 years of age or older prior to September
 20 15 of the season for which the license is issued may, upon
 21 payment of the fee of \$350 \$373 and subject to the
 22 limitations prescribed by law and department regulation,
 23 apply to the fish and game office, Helena, Montana, to
 24 purchase a B-10 nonresident big game combination license
 25 which shall entitle the holder to all the privileges of

1 Class B, Class B-1, Class B-7, and black bear licenses, and
 2 an elk tag. This license includes the nonresident
 3 conservation license as prescribed in 87-2-202. Not more
 4 than 17,000 Class B-10 licenses may be sold in any one
 5 license year."

6 SECTION 8. SECTION 87-2-711, MCA, IS AMENDED TO READ:
 7 "87-2-711. Class AAA--sportsman's license. Any
 8 resident, as defined by 87-2-102, who will be 12 years of
 9 age or older prior to September 15 of the season for which
 10 the license is issued, upon payment of the sum of \$36 \$38,
 11 shall be entitled to a sportsman's license which shall
 12 permit the holder to exercise all rights granted to holders
 13 of Class A, A-1, A-3, A-5, A-6, and resident conservation
 14 licenses as prescribed in 87-2-202. The department shall
 15 furnish each holder of a sportsman's license an appropriate
 16 decal."

17 NEW SECTION. SECTION 9. REPORT. THE DEPARTMENT SHALL
 18 REPORT TO THE FISH AND GAME COMMITTEE OF EACH HOUSE OF THE
 19 LEGISLATURE CONCERNING PHEASANT ENHANCEMENT ACTIVITIES
 20 UNDERTAKEN PURSUANT TO [SECTIONS 1 THROUGH 4] DURING THE
 21 PRECEDING BIENNIUM, TOGETHER WITH ANY RECOMMENDATIONS
 22 CONCERNING THE OPERATION OF THE PROGRAM.

23 NEW SECTION. Section 10. Codification instruction.
 24 Sections 1 through 4 are intended to be codified as an
 25 integral part of Title 87, chapter 1, part 2, and the

1 provisions of Title 87 apply to sections 1 through 4.

2 NEW SECTION. Section 11. Coordination instruction.

3 (1) If Senate Bill No. 171 is passed and approved, the
4 reference to "game bird" in subsections (1) and (2) of
5 section 1 is changed to "upland game bird".

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

8 ~~(A) THE FEE ESTABLISHED IN HOUSE BILL NO. 535 FOR THE
9 CLASS B-11 LICENSE IS INCREASED \$23; AND~~

10 ~~(B) A NEW SUBSECTION (5) IS ADDED TO SECTION 1 OF THIS
11 ACT THAT READS: "CLASS B-117 NONRESIDENT DEER COMBINATION
12 \$23;"~~

13 (2) IF HOUSE BILL NO. 526 AND THE PROVISIONS THEREIN
14 INCREASING THE COSTS OF THE CLASS B-10 AND CLASS AAA
15 SPORTSMEN'S LICENSES ARE PASSED AND APPROVED:

16 (A) \$23 OF THE \$100 INCREASE OF THE COST OF CLASS B-10
17 LICENSE SHALL BE USED FOR THE PHEASANT ENHANCEMENT PROGRAM;

18 AND

19 (B) \$2 OF THE \$9 INCREASE OF THE COST OF THE CLASS AAA
20 SPORTSMAN'S LICENSE SHALL BE USED FOR THE PHEASANT
21 ENHANCEMENT PROGRAM.

22 NEW SECTION. Section 12. Effective date. This act is
23 effective March 1, 1988.

-End-