

SENATE BILL NO. 236

INTRODUCED BY SEVERSON, SWIFT, ANDERSON, THOMAS,
BISHOP, B. BROWN, RAPP-SVRCEK, GRADY

IN THE SENATE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
FEBRUARY 15, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 16, 1989	PRINTING REPORT.
FEBRUARY 17, 1989	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 20, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 19, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 21, 1989	FIRST READING.
MARCH 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	SECOND READING, CONCURRED IN.
MARCH 6, 1989	THIRD READING, CONCURRED IN. AYES, 85; NOES, 10.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 7, 1989	RECEIVED FROM HOUSE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Amended* BILL NO. 236
 2 INTRODUCED BY *Stan D. Sponsoring*
 3 *Thane D. Sponsoring* *Bob Brown* *Roy Smith* *Trudy*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR BETTER
 5 ELK MANAGEMENT BY THE DEPARTMENT OF FISH, WILDLIFE, AND
 6 PARKS BY REQUIRING THAT LICENSEES NOTIFY THE DEPARTMENT
 7 WITHIN 10 DAYS OF A SUCCESSFUL ELK HUNT; PROVIDING FOR
 8 NOTIFICATION OF UNSUCCESSFUL HUNTS; PROVIDING FOR
 9 WITHHOLDING OF LICENSE PRIVILEGE AS A PENALTY FOR FAILURE TO
 10 NOTIFY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
 12 STATEMENT OF INTENT

13 A statement of intent is required for this bill because
 14 [section 1] grants to the fish and game commission
 15 rulemaking authority to implement the provisions of this
 16 bill. At a minimum, the rules are intended to address:

17 (1) information considered necessary to monitor elk
 18 kills and unsuccessful elk hunts;

19 (2) the form of the notification card required by
 20 [section 1]; and

21 (3) enforcement of the penalty provisions of [section
 22 1(3)].

23
 24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 NEW SECTION. Section 1. Notification of results of

1 elk hunt required -- penalty. (1) In order to enhance
 2 recordkeeping, the department shall issue with every elk
 3 license a card to be returned to the department by the
 4 licensee within 10 days of successfully killing an elk. The
 5 card must contain any information the commission by rule
 6 determines necessary to monitor elk kills during the season.
 7 (2) If a licensee does not successfully kill an elk
 8 during the season, the card must be marked to indicate an
 9 unsuccessful hunt and returned to the department within 10
 10 days of the end of the season.

11 (3) A licensee who fails to return the card as
 12 required by this section may not be issued a license to hunt
 13 elk during the next regular hunting season.

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

18 NEW SECTION. Section 3. Effective date. [This act] is
 19 effective on passage and approval.

-End-



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB236, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

SB236 would require all elk license holders to return to the Department of Fish, Wildlife and Parks a card containing information considered necessary to monitor elk kills and unsuccessful hunts.

ASSUMPTIONS:

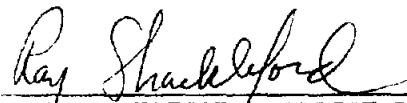
1. Assume 134,000 hunters will purchase elk licenses (19,000 class AAA sportsmen licenses which include an elk license, 98,000 class A-5 elk licenses, and 17,000 big game combination licenses). This is consistent with the current license year.
2. The department will order 33,0000 class AAA hunters licenses, 113,000 A-5 elk licenses, and 18,000 nonresident big game combination licenses. The order will specify that these licenses include an attached card which will contain information considered necessary to monitor elk kills and unsuccessful elk hunts.
3. The department will pay for the return postage on the card.
4. The department assumes the enforcement function will have to be on an honor system. The list of all hunters holding elk licenses would have to be provided to the state's 400 general license agents in order to prevent a person from purchasing an elk license from a license agent. There is no practical, cost-effective way to provide the list of names to all license agents.
5. The department assumes than on an honor system about 50% of the hunters will return the card.
6. A computerized tracking system will monitor the 134,000 hunters who purchase elk licenses as a subsystem of the department's present wildlife survey system.
7. The department will survey by telephone the hunters purchasing elk licenses who do not return the cards.
8. Implementation would begin with the March 1, 1990, license year and the first return of cards will occur during the 1990 hunting season, which is FY91.

FISCAL IMPACT:

		<u>FY90</u>			<u>FY91</u>	
Dept. of Fish, Wildlife	Current	Proposed		Current	Proposed	
<u>Expenditures:</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
Operating Expenses	\$33,400	\$37,370	\$3,970	\$33,400	\$21,390	(\$12,010)
<u>Funding:</u>						
State Special - Licenses	\$33,400	\$37,370	\$3,970	\$33,400	\$21,390	(\$12,010)

LONG-RANGE EFFECT OF PROPOSED LEGISLATION:

The department will save approximately \$12,000 per year in elk survey costs.



RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

2/1/89
DATE



ELMER D. SEVERSON, PRIMARY SPONSOR

DATE

Fiscal Note for SB236, as introduced

SB 236

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 236

INTRODUCED BY SEVERSON, SWIFT, ANDERSON, THOMAS,

BISHOP, B. BROWN, RAPP-SVRCEK, GRADY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR BETTER ELK MANAGEMENT BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS BY REQUIRING THAT LICENSEES A PERSON ISSUED A SPECIAL ELK PERMIT FOR AN AREA WITH NO GENERAL ELK HUNTING NOTIFY THE DEPARTMENT WITHIN 10 DAYS OF A SUCCESSFUL ELK HUNT; PROVIDING FOR NOTIFICATION OF UNSUCCESSFUL HUNTS; PROVIDING FOR WITHHOLDING OF LICENSE SPECIAL ELK PERMIT PRIVILEGE AS A PENALTY FOR FAILURE TO NOTIFY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] grants to the fish and game commission rulemaking authority to implement the provisions of this bill. At a minimum, the rules are intended to address:

(1) information considered necessary to monitor elk kills and unsuccessful elk hunts IN HUNTING DISTRICTS WHERE THERE IS NO GENERAL ELK HUNTING;

(2) the form of the notification card required by [section 1]; and

(3) enforcement of the penalty provisions of [section

1(3)].

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

NEW SECTION. Section 1. Notification of results of elk hunt required -- penalty. (1) In order to enhance recordkeeping, the department shall issue with every SPECIAL elk license PERMIT FOR A HUNTING DISTRICT WHERE THERE IS NO GENERAL ELK HUNTING a card to be returned to the department by the licensee within 10 days of successfully killing an elk. The card must contain any information the commission by rule determines necessary to monitor elk kills during the season.

(2) If a licensee PERMITTEE does not successfully kill an elk during the season, the card must be marked to indicate an unsuccessful hunt and returned to the department within 10 days of the end of the season.

(3) A licensee PERMITTEE who fails to return the card as required by this section may not ~~be-issued-a-license~~ APPLY FOR A SPECIAL ELK PERMIT to hunt elk during the next regular hunting season.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, and the provisions of Title 87, chapter 2, apply to [section 1].

NEW SECTION. Section 3. Effective date --



SB 0236/02

- 1 TERMINATION. [This act] is effective on passage and approval
- 2 AND TERMINATES JANUARY 1, 1991.

-End-

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THE DEPARTMENT WITHIN 10 DAYS OF A SUCCESSFUL ELK HUNT;
PROVIDING FOR NOTIFICATION OF UNSUCCESSFUL HUNTS; PROVIDING
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bill. At a minimum, the rules are intended to address:

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THERE IS NO GENERAL ELK HUNTING;

(2) the form of the notification card required by
[section 1]; and

(3) enforcement of the penalty provisions of [section

1(3)].

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

NEW SECTION. **Section 1.** Notification of results of
elk hunt required -- penalty. (1) In order to enhance
recordkeeping, the department shall issue with every SPECIAL
elk license PERMIT FOR A HUNTING DISTRICT WHERE THERE IS NO
GENERAL ELK HUNTING a card to be returned to the department
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elk. The card must contain any information the commission by
rule determines necessary to monitor elk kills during the
season.

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an elk during the season, the card must be marked to
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