

SENATE BILL NO. 237

INTRODUCED BY SEVERSON, SWIFT, ANDERSON,
THOMAS, BISHOP, B. BROWN

IN THE SENATE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 10, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 47; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 20, 1989	FIRST READING.
MARCH 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 7, 1989	SECOND READING, CONCURRED IN.
MARCH 8, 1989	THIRD READING, CONCURRED IN. AYES, 87; NOES, 6.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 11, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 14, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Sen. Swift* BILL NO. *237*
2 INTRODUCED BY *Sen. Anderson*
3 *Thomas Rusty Bob Brown*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A PERSON
5 ISSUED A LICENSE OR PERMIT TO HUNT COW ELK MAY TAKE ONLY A
6 COW ELK; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 NEW SECTION. **Section 1. Restriction on cow elk**
10 license. A person who is issued a cow elk license or
11 permit may pursue, hunt, shoot, and kill only a cow elk
12 under that license.

13 NEW SECTION. **Section 2. Codification instruction.**
14 [Section 1] is intended to be codified as an integral part
15 of Title 87, chapter 2, part 5, and the provisions of Title
16 87, chapter 2, part 5, apply to [section 1].

17 NEW SECTION. **Section 3. Extension of authority.** Any
18 existing authority to make rules on the subject of the
19 provisions of [this act] is extended to the provisions of
20 [this act].

21 NEW SECTION. **Section 4. Effective date.** [This act] is
22 effective on passage and approval.

-End-

INTRODUCED BILL
SB 237

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB237, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

SB237 would provide that a person issued a license or permit to hunt cow elk may take only a cow elk under that license.

ASSUMPTIONS:

1. Assume there will be 20,000 cow elk permits and 1,000 A-7 cow elk licenses issued, consistent with the last license year.
2. All successful applicants for cow elk permits and licenses will be sent a nonremovable stamp to be placed on their A-5 elk license or their B-10 nonresident combination license to convert that license to a cow elk only license.
3. Dept. of Fish, Wildlife and Parks personnel will be sent a microfiche list of all holders of A-7 cow elk licenses and cow elk permits to assist them in enforcing the new regulations.
4. Implementation will begin with the March 1, 1990, license year.

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 Costs	\$ -0-	\$ 16,950	\$ 16,950	\$ -0-	\$ 2,200	\$ 2,200
<u>Funding:</u>						
State Special - Licenses	\$ -0-	\$ 16,950	\$ 16,950	\$ -0-	\$ 2,200	\$ 2,200
<u>Fund Impact:</u>						
State Special - Licenses	\$ -0-	(\$16,950)	(\$ 16,950)	\$ -0-	(\$2,200)	(\$ 2,200)

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The loss of approximately 35,000 hunter days per season, at an average of \$100 per day for resident and nonresident expenses, could result in a loss of up to \$3.5 million per year in revenue to local communities.

Ray Shackelford 2/1/89
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING

Elmer D. Severson 2/2/89
 ELMER D. SEVERSON, PRIMARY SPONSOR DATE

Fiscal Note for SB237, as introduced

SB 237

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 237

INTRODUCED BY SEVERSON, SWIFT, ANDERSON,

THOMAS, BISHOP, B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A PERSON
ISSUED A LICENSE OR PERMIT TO HUNT COW-ELK MAY TAKE ONLY A
COW-ELK; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE; ALLOWING
A NONRESIDENT TO POSSESS A CLASS A-7 ANTLERLESS ELK LICENSE;
REMOVING THE RESTRICTION THAT CLASS A-7 ANTLERLESS ELK
LICENSES BE USED ONLY FOR SURPLUS ANTLERLESS ELK; AMENDING
SECTION 87-2-501, MCA; AND PROVIDING A DELAYED EFFECTIVE
DATE."

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

~~NEW SECTION:--Section 1--Restriction--on--cow---elk
license--A person who is issued a cow-elk license or permit
may--pursue, hunt, shoot, and kill only a cow-elk under that
license.~~

~~NEW SECTION:--Section 2--Codification----instruction--
{Section--1}--is intended to be codified as an integral part
of Title 87, chapter 2, part 5, and the provisions of Title
87, chapter 2, part 5, apply to {section 1}.~~

SECTION 1. SECTION 87-2-501, MCA, IS AMENDED TO READ:

"87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident
deer, elk, and bear licenses -- special Class A-7 resident

and nonresident license requirements and preference. (1)
Except as otherwise provided in this chapter, a resident, as
defined by 87-2-102, or a nonresident who wishes to purchase
a Class A-7 elk license only, 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 proper fee or
fees, be entitled to purchase one each of the following
licenses at the prescribed cost which will entitle the
holder to pursue, hunt, shoot, and kill the game animal or
animals authorized by the license held and to possess the
carcasses of those game animals as authorized by department
rules:

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

(2) (a) The holder of a Class A-7 antlerless elk
license is entitled to take ~~surplus~~ antlerless elk in areas
designated by the commission and at such times and upon such
terms as set forth by the commission but may not
simultaneously possess a Class A-5 license or nonresident
elk tag and a Class A-7 license in the same year. The
commission shall include in the terms of issuance of the
Class A-7 license a requirement for surrender of a current

1 Class A-5 license or nonresident elk tag if held by a person
 2 at the time he purchases a Class A-7 license. If a current
 3 Class A-5 license or nonresident elk tag is surrendered, as
 4 required by this section, the Class A-7 license must be
 5 issued without cost to the holder.

6 (b) No person may take more than one elk during any
 7 license year, and a person holding a Class A-7 antlerless
 8 elk tag may not take an elk during the same license year
 9 with a Class A-5 license or nonresident elk tag. The use of
 10 a Class A-7 antlerless elk license does not preclude the use
 11 of a special elk permit.

12 (c) A nonresident shall hold a nonresident Class B-10
 13 license as a prerequisite to application for a Class A-7
 14 license.

15 (3) Subject to the limitation of subsection (5), a
 16 person who holds fee title to 640 acres or more of
 17 contiguous land, at least some of which is used by elk, in a
 18 hunting district where Class A-7 licenses are awarded under
 19 this section shall be issued, upon application, a Class A-7
 20 license.

21 (4) An applicant who receives a Class A-7 license
 22 under subsection (3) may designate that the license be
 23 issued to an immediate family member or a person employed by
 24 the landowner. A corporation owning qualifying land under
 25 subsection (3) may designate one of its shareholders to

1 receive the license.

2 (5) Fifteen percent of the Class A-7 licenses
 3 available each year under this section in a hunting district
 4 must be available to landowners under subsection (3)."

5 NEW SECTION. Section 2. Extension of authority. Any
 6 existing authority to make rules on the subject of the
 7 provisions of [this act] is extended to the provisions of
 8 [this act].

9 NEW SECTION. Section 3. Effective date. [This act] is
 10 effective on-passage-and-approval MARCH 1, 1990.

-End-

SENATE BILL NO. 237

INTRODUCED BY SEVERSON, SWIFT, ANDERSON,

THOMAS, BISHOP, B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A PERSON
 ISSUED A LICENSE OR PERMIT TO HUNT COW ELK MAY TAKE ONLY A
 COW ELK; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE: ALLOWING
 A NONRESIDENT TO POSSESS A CLASS A-7 ANTLERLESS ELK LICENSE;
 REMOVING THE RESTRICTION THAT CLASS A-7 ANTLERLESS ELK
 LICENSES BE USED ONLY FOR SURPLUS ANTLERLESS ELK; AMENDING
 SECTION 87-2-501, MCA; AND PROVIDING A DELAYED EFFECTIVE
 DATE."

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

~~NEW SECTION: Section 1. Restriction on cow elk
 license: A person who is issued a cow elk license or permit
 may pursue, hunt, shoot, and kill only a cow elk under that
 license.~~

~~NEW SECTION: Section 2. Codification instruction:
 {Section 1} is intended to be codified as an integral part
 of Title 87, chapter 2, part 5, and the provisions of Title
 87, chapter 2, part 5, apply to {section 1}.~~

SECTION 1. SECTION 87-2-501, MCA, IS AMENDED TO READ:

"87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident
 deer, elk, and bear licenses -- special Class A-7 resident

and nonresident license requirements and preference. (1)
 Except as otherwise provided in this chapter, a resident, as
 defined by 87-2-102, or a nonresident who wishes to purchase
a Class A-7 elk license only, 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 proper fee or
 fees, be entitled to purchase one each of the following
 licenses at the prescribed cost which will entitle the
 holder to pursue, hunt, shoot, and kill the game animal or
 animals authorized by the license held and to possess the
 carcasses of those game animals as authorized by department
 rules:

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

(2) (a) The holder of a Class A-7 antlerless elk
 license is entitled to take surplus antlerless elk in areas
 designated by the commission and at such times and upon such
 terms as set forth by the commission but may not
 simultaneously possess a Class A-5 license or nonresident
elk tag and a Class A-7 license in the same year. The
 commission shall include in the terms of issuance of the
 Class A-7 license a requirement for surrender of a current

1 Class A-5 license or nonresident elk tag if held by a person
 2 at the time he purchases a Class A-7 license. If a current
 3 Class A-5 license or nonresident elk tag is surrendered, as
 4 required by this section, the Class A-7 license must be
 5 issued without cost to the holder.

6 (b) No person may take more than one elk during any
 7 license year, and a person holding a Class A-7 antlerless
 8 elk tag may not take an elk during the same license year
 9 with a Class A-5 license or nonresident elk tag. The use of
 10 a Class A-7 antlerless elk license does not preclude the use
 11 of a special elk permit.

12 (c) A nonresident shall hold a nonresident Class B-10
 13 license as a prerequisite to application for a Class A-7
 14 license.

15 (3) Subject to the limitation of subsection (5), a
 16 person who holds fee title to 640 acres or more of
 17 contiguous land, at least some of which is used by elk, in a
 18 hunting district where Class A-7 licenses are awarded under
 19 this section shall be issued, upon application, a Class A-7
 20 license.

21 (4) An applicant who receives a Class A-7 license
 22 under subsection (3) may designate that the license be
 23 issued to an immediate family member or a person employed by
 24 the landowner. A corporation owning qualifying land under
 25 subsection (3) may designate one of its shareholders to

1 receive the license.

2 (5) Fifteen percent of the Class A-7 licenses
 3 available each year under this section in a hunting district
 4 must be available to landowners under subsection (3)."

5 NEW SECTION. Section 2. Extension of authority. Any
 6 existing authority to make rules on the subject of the
 7 provisions of [this act] is extended to the provisions of
 8 [this act].

9 NEW SECTION. Section 3. Effective date. [This act] is
 10 effective on-passage-and-approval MARCH 1, 1990.

-End-

STANDING COMMITTEE REPORT

March 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that SENATE BILL 237 (REFERENCE copy -- BLUE) be concurred in as amended.

Signed: _____

Bob Ream

Bob Ream, Chairman

[REP. GRADY WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 2, line 21.

Following: "commission"

Strike: the remainder of line 21 through "holder" on page 3, line 5.

2. Page 3, line 10.

Strike: "a"

Following: "elk"

Strike: "license"

Insert: "licenses"

Following: "the"

Insert: "department's"

3. Page 3, line 11.

Strike: "a"

Following: "elk"

Strike: "permit"

Insert: "permits"

HOUSE

SENATE BILL NO. 237

INTRODUCED BY SEVERSON, SWIFT, ANDERSON,

THOMAS, BISHOP, B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING-THAT-A-PERSON
 ISSUED-A-LICENSE-OR-PERMIT-TO-HUNT-COW-ELK-MAY-TAKE--ONLY--A
 COW-ELK--AND-PROVIDING-AN-IMMEDIATE-EFFECTIVE-DATE- ALLOWING
 A NONRESIDENT TO POSSESS A CLASS A-7 ANTLERLESS ELK LICENSE;
 REMOVING THE RESTRICTION THAT CLASS A-7 ANTLERLESS ELK
 LICENSES BE USED ONLY FOR SURPLUS ANTLERLESS ELK; AMENDING
 SECTION 87-2-501, MCA; AND PROVIDING A DELAYED EFFECTIVE
 DATE."

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

~~NEW-SECTION--Section 1--Restriction--on--cow---elk
 license--A-person-who-is-issued-a-cow-elk-license-or-permit
 may--pursue--hunt--shoot--and--kill--only--a-cow-elk-under-that
 license.~~

~~NEW-SECTION--Section 2--Codification----Instruction--
 {Section--1}--is-intended-to-be-codified-as-an-integral-part
 of--Title-87--chapter-2--part-5--and-the-provisions-of--Title
 87--chapter-2--part-5--apply-to--{section-1}.~~

SECTION 1. SECTION 87-2-501, MCA, IS AMENDED TO READ:

"87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident
 deer, elk, and bear licenses -- special Class A-7 resident

and nonresident license requirements and preference. (1)
 Except as otherwise provided in this chapter, a resident, as
 defined by 87-2-102, or a nonresident who wishes to purchase
a Class A-7 elk license only, 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 proper fee or
 fees, be entitled to purchase one each of the following
 licenses at the prescribed cost which will entitle the
 holder to pursue, hunt, shoot, and kill the game animal or
 animals authorized by the license held and to possess the
 carcasses of those game animals as authorized by department
 rules:

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

(2) (a) The holder of a Class A-7 antlerless elk
 license is entitled to take ~~surplus~~ antlerless elk in areas
 designated by the commission and at such times and upon such
 terms as set forth by the commission but--may--not
 simultaneously--possess--a--Class-A-5 license-or-nonresident
elk-tag and-a-Class-A-7--license--in-the-same-year--The
 commission--shall--include--in--the-terms-of-issuance-of-the
 Class-A-7-license-a-requirement-for-surrender-of--a--current

1 ~~Class-A-5-license or nonresident elk tag~~ if held by a person
 2 ~~at the time he purchases a Class A-7 license. If a current~~
 3 ~~Class-A-5-license or nonresident elk tag is surrendered, as~~
 4 ~~required by this section, the Class A-7 license must be~~
 5 ~~issued without cost to the holder.~~

6 (b) No person may take more than one elk during any
 7 license year, and a person holding a Class A-7 antlerless
 8 elk tag may not take an elk during the same license year
 9 with a Class A-5 license or nonresident elk tag. The use of
 10 a Class A-7 antlerless elk license LICENSES does not
 11 preclude the DEPARTMENT'S use of a special elk permit
 12 PERMITS.

13 (c) A nonresident shall hold a nonresident Class B-10
 14 license as a prerequisite to application for a Class A-7
 15 license.

16 (3) Subject to the limitation of subsection (5), a
 17 person who holds fee title to 640 acres or more of
 18 contiguous land, at least some of which is used by elk, in a
 19 hunting district where Class A-7 licenses are awarded under
 20 this section shall be issued, upon application, a Class A-7
 21 license.

22 (4) An applicant who receives a Class A-7 license
 23 under subsection (3) may designate that the license be
 24 issued to an immediate family member or a person employed by
 25 the landowner. A corporation owning qualifying land under

1 subsection (3) may designate one of its shareholders to
 2 receive the license.

3 (5) Fifteen percent of the Class A-7 licenses
 4 available each year under this section in a hunting district
 5 must be available to landowners under subsection (3)."

6 NEW SECTION. Section 2. Extension of authority. Any
 7 existing authority to make rules on the subject of the
 8 provisions of [this act] is extended to the provisions of
 9 [this act].

10 NEW SECTION. Section 3. Effective date. [This act] is
 11 effective on passage and approval MARCH 1, 1990.

-End-