

House BILL NO. 339

INTRODUCED BY

Milk

Brad Moran McFee

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SYSTEM OF ISSUANCE OF SPECIAL PERMITS ISSUED BY DRAWING BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS BY PROVIDING THAT NONRESIDENTS MAY RECEIVE NOT MORE THAN 10 PERCENT OF THE TOTAL SPECIAL PERMITS; PROVIDING THAT SPECIAL PERMITS MUST BE ISSUED ON A DISTRICT BASIS RATHER THAN ON A REGIONAL BASIS; PROHIBITING A PERSON WHO RECEIVES A SPECIAL ELK PERMIT IN CERTAIN DESIGNATED AREAS FROM APPLYING FOR A SIMILAR PERMIT IN ANY DESIGNATED AREA FOR 5 YEARS; AND AMENDING SECTIONS 87-2-506, 87-2-702, AND 87-2-704, MCA."

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

Section 1. Section 87-2-506, MCA, is amended to read:

"87-2-506. Restrictions on hunting licenses. (1) The department may prescribe by rule the number of hunting licenses to be issued. Any license sold may be restricted to a specific administrative region, hunting district, or other designated area and may specify the species, age, and sex to be taken and the time period for which the license is valid.

(2) (a) ~~When~~ Except as provided in subsection (2)(b), when the number of valid resident applications for big game licenses or permits of a single class or type exceeds the number of licenses or permits that the department desires to issue in an administrative region, hunting district, or other designated area, then the number of big game licenses or permits issued to nonresident license holders or ~~permit holders~~ permitholders in the region, district, or area may not exceed 10% of the total issued.

(b) In the case of special permits that are initially offered through a drawing, the number that may be issued at any time to nonresident permitholders in any administrative region, hunting district, or other designated area may not exceed 10% of the total issued."

Section 2. Section 87-2-702, MCA, is amended to read:

"87-2-702. Restrictions on special licenses. (1) A person who has killed or taken any game animal, except a deer or an antelope, during the current license year is not permitted to receive a special license

1 under this chapter to hunt or kill a second game animal of the same species.

2 (2) The commission may require applicants for special permits authorized by this chapter to obtain
3 a valid big game license for that species for the current year prior to applying for a special permit.

4 (3) Special permits authorized by this chapter must be issued on a district basis rather than on a
5 regional basis.

6 (4) ~~After March 27, 1987,~~ a A person may, ~~during his lifetime,~~ lawfully take only one grizzly bear
7 in Montana with a license authorized by 87-2-701.

8 ~~(4)(5)~~ A person who receives a moose, mountain goat, or limited mountain sheep license, with the
9 exception of an adult ewe license, as authorized by 87-2-701, is not eligible to receive another special
10 license for that species for the next ~~succeeding~~ 7 years."

11

12 **Section 3.** Section 87-2-704, MCA, is amended to read:

13 **"87-2-704. Regulation of special elk permits.** (1) The department may:

14 (a) provide for the refund of resident elk tag license fees to persons applying for special elk permits
15 in hunting districts where there is no general elk hunting and set time limits and describe area restrictions;
16 and

17 (b) designate special elk permit areas where priority will be given to applicants who have not held
18 special elk permits for a period of years to be determined by the department.

19 (2) The department shall provide that a person who is issued a special elk permit to hunt antlerless
20 elk during the regular hunting season is:

21 (a) limited to the hunting and taking of only an antlerless elk in the hunting district or portion of
22 a hunting district where the permit is valid; and

23 (b) entitled to the general elk hunting privileges for a holder of a Class A-5 license in all other
24 hunting districts.

25 (3) The fee for a special elk permit is ~~\$2 beginning March 1, 1992,~~ and \$3 beginning March 1,
26 1994.

27 (4) The department shall annually determine, based on the previous year's license applications, in
28 which hunting districts the odds of an applicant drawing a special elk permit are greater than 15 to 1. Those
29 hunting districts must be designated as "golden areas" on the department's hunting map. A person who
30 receives a special elk permit for a hunting district designated as a golden area under the provisions of this

1 subsection may not apply for another special elk permit for any golden area for the next 5 years.

2 (5) The department may adopt rules necessary to implement this section."

3 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0339, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the system of issuance of special permits issued by drawing by the Department of Fish, Wildlife and Parks (FWP) by providing that nonresidents may receive not more than 10% of the total special permits; providing that special permits must be issued on a district basis rather than on a regional basis; and prohibiting a person who receives a special elk permit in certain designated areas from applying for a similar permit in any designated area for 5 years.

ASSUMPTIONS:

1. The 10% limitation on nonresident permits applies to moose, goat, sheep, antelope and elk.
2. Revenue is projected on a two year average of the difference between what was received and what FWP would receive under the proposed changes. Revenues will vary based on quotas set.
3. FWP will be able to issue all licenses to residents that formerly were issued to nonresidents.
4. FWP receives 68,000 applications for elk permits each year. This number will not change due to the new recruitment of applicants.
5. FWP will make one-time computer changes and have ongoing records, hunter notification and management costs.
6. Revenue from nonresident hunters will decrease by \$460,045 and revenue from resident hunters will increase by \$31,320.

FISCAL IMPACT:

| | <u>FY96</u> | <u>FY97</u> |
|------------------------|-------------------|-------------------|
| | <u>Difference</u> | <u>Difference</u> |
| <u>Expenditures:</u> | | |
| Operating Expenditures | 49,730 | 18,450 |
| <u>Funding:</u> | | |
| General License (02) | 49,730 | 18,450 |
| <u>Revenues:</u> | | |
| General License (02) | (428,725) | (428,725) |
| <u>New Impact:</u> | | |
| General License (02) | (478,455) | (447,175) |

TECHNICAL NOTES:

1. It is not clear if the 10% restriction applies to all licenses sold under chapter two or just those issued through a drawing.
2. It is not clear if the 10% restriction is to be applied only on a district basis or if it can be applied to any administrative region, hunting district or other designated area.

Dave Lewis 2-2-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

BRAD MOLNAR, PRIMARY SPONSOR DATE

Fiscal Note for HB0339, as introduced

HB 339

APPROVED BY COM
ON FISH & GAME

HOUSE BILL NO. 339

INTRODUCED BY MOLNAR, MCGEE, MILLS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SYSTEM OF ISSUANCE OF SPECIAL PERMITS ISSUED BY DRAWING BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS BY PROVIDING THAT NONRESIDENTS MAY RECEIVE NOT MORE THAN 10 PERCENT OF THE TOTAL SPECIAL PERMITS; PROVIDING THAT SPECIAL PERMITS MUST BE ISSUED ON A DISTRICT BASIS RATHER THAN ON A REGIONAL BASIS; PROHIBITING A PERSON WHO RECEIVES A SPECIAL ELK PERMIT IN CERTAIN DESIGNATED AREAS FROM APPLYING FOR A SIMILAR PERMIT IN ANY DESIGNATED AREA FOR 5 YEARS; AND AMENDING SECTIONS 87-2-506, SECTION 87-2-702, AND 87-2-704, MCA."

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~~(2) (a) When Except as provided in subsection (2)(b), when the number of valid resident applications for big game licenses or permits of a single class or type exceeds the number of licenses or permits that the department desires to issue in an administrative region, hunting district, or other designated area, then the number of big game licenses or permits issued to nonresident license holders or permit holders permitholders in the region, district, or area may not exceed 10% of the total issued.~~

~~(b) In the case of special permits that are initially offered through a drawing, the number that may be issued at any time to nonresident permitholders in any administrative region, hunting district, or other designated area may not exceed 10% of the total issued.~~

Section 1. Section 87-2-702, MCA, is amended to read:

"87-2-702. Restrictions on special licenses. (1) A person who has killed or taken any game animal, except a deer or an antelope, during the current license year is not permitted to receive a special license

1 under this chapter to hunt or kill a second game animal of the same species.

2 (2) The commission may require applicants for special permits authorized by this chapter to obtain
3 a valid big game license for that species for the current year prior to applying for a special permit.

4 (3) Special permits authorized by this chapter must be issued on a district basis rather than on a
5 regional basis.

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9 exception of an adult ewe license, as authorized by 87-2-701, is not eligible to receive another special
10 license for that species for the next ~~succeeding~~ 7 years."

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12 ~~Section 3. Section 87-2-704, MCA, is amended to read:~~

13 ~~"87-2-704. Regulation of special elk permits. (1) The department may:~~

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15 ~~in hunting districts where there is no general elk hunting and set time limits and describe area restrictions;~~
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17 (b) ~~designate special elk permit areas where priority will be given to applicants who have not held~~
18 ~~special elk permits for a period of years to be determined by the department.~~

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20 ~~elk during the regular hunting season is:~~

21 (a) ~~limited to the hunting and taking of only an antlerless elk in the hunting district or portion of~~
22 ~~a hunting district where the permit is valid; and~~

23 (b) ~~entitled to the general elk hunting privileges for a holder of a Class A-5 license in all other~~
24 ~~hunting districts.~~

25 (3) ~~The fee for a special elk permit is \$2 beginning March 1, 1992, and \$3 beginning March 1,~~
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28 ~~which hunting districts the odds of an applicant drawing a special elk permit are greater than 15 to 1. Those~~
29 ~~hunting districts must be designated as "golden areas" on the department's hunting map. A person who~~
30 ~~receives a special elk permit for a hunting district designated as a golden area under the provisions of this~~

1 ~~subsection may not apply for another special elk permit for any golden area for the next 5 years.~~

2 ~~(5) The department may adopt rules necessary to implement this section."~~

3 ~~-END-~~