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INTRODUCED BY

*Senate* BILL NO. 394

*Ream*

*Bishop*

*DeWitt*

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE FISH, WILDLIFE, AND PARKS COMMISSION TO SEPARATE NONRESIDENT DEER LICENSES FROM THE NONRESIDENT BIG GAME COMBINATION LICENSES FOR THE PURPOSE OF DEER MANAGEMENT; ALLOWING THE COMMISSION TO SET FEES FOR THE LICENSES, TO DETERMINE THE NUMBER OF LICENSES WITHIN ESTABLISHED LIMITS, AND TO SET CONDITIONS ON THE USE OF THE LICENSES; AMENDING SECTIONS 87-1-301 AND 87-2-504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

#### STATEMENT OF INTENT

This bill establishes the authority of the fish, wildlife, and parks commission to modify, by rule, the structure of nonresident elk and deer licenses within the general framework established by law as needed for the effective management of big game animals. It is the intent of the legislature that in its initial rulemaking process, the commission utilize an advisory committee, including representatives of hunting and fishing organizations, outfitters, and landowners, to make recommendations regarding the structure of nonresident hunting licenses as authorized by this bill. It is also the intent of the legislature that commission rules not authorize more nonresident elk and deer hunters than are prescribed by current law.

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

**Section 1.** Section 87-1-301, MCA, is amended to read:

**"87-1-301. Powers of commission.** (1) The commission shall:

- (a) set the policies for the protection, preservation, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department as provided by law;
- (b) establish the hunting, fishing, and trapping rules of the department;
- (c) establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;
- (d) have the power within the department to establish wildlife refuges and bird and game preserves;

- 1 (e) approve all acquisitions or transfers by the department of interests in land or water;
- 2 (f) review and approve the budget of the department prior to its transmittal to the budget office;
- 3 and
- 4 (g) review and approve construction projects whose estimated cost is more than \$1,000 but less
- 5 than \$5,000.

6 (2) The commission may adopt rules regarding the use and type of archery equipment that may

7 be employed for hunting and fishing purposes, taking into account applicable standards as technical

8 innovations in archery equipment change.

9 (3) The commission may adopt rules regarding the establishment of special licenses or permits,

10 seasons, conditions, programs, or other provisions that the commission considers appropriate to promote

11 or enhance hunting by Montana's youth.

12 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

13 (i) separate deer licenses from nonresident elk combination licenses;

14 (ii) set the fees for the separated deer licenses and the combination elk licenses without the deer

15 tag;

16 (iii) condition the use of the deer licenses; and

17 (iv) limit the number of licenses sold.

18 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary

19 and appropriate to regulate the harvest by nonresident big game combination license holders for the

20 biologically sound management of big game populations of deer and elk and to control the impacts of those

21 deer and elk populations on uses of private property."

22

23 **Section 2.** Section 87-2-504, MCA, is amended to read:

24 **"87-2-504. (Temporary) Class B-7 and B-8--nonresident deer licenses. (1) (a)** Except as otherwise

25 provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who will be 12 years

26 of age or older prior to September 15 of the season for which the license is issued and is a holder of a

27 nonresident conservation license may, upon payment of the proper fee or fees and subject to the limitations

28 prescribed by law and department regulation, be entitled to apply to the fish and game office, Helena,

29 Montana, to purchase one each of the following licenses:

30 (i) Class B-7, deer A tag, ~~\$150~~ at a fee set by the commission;

1 (ii) Class B-8, deer B tag, \$50; and will entitle at a fee set by the commission.

2 (b) The license entitles the holder to hunt the game animal or animals authorized by the license ~~held~~  
3 and to possess the carcasses of those animals as authorized by ~~department~~ commission rules.

4 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license ~~must~~ may  
5 be assigned for use in a specific administrative region or regions or a portion of a specific administrative  
6 region or regions or in a specific hunting district or districts or a portion of a specific hunting district or  
7 districts. If purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid  
8 throughout the state, except as provided in [section 3(1)(d)]. Not more than 5,000 Class B-7 licenses may  
9 be sold in any license year. ~~Money received from the sale of Class B-7 licenses in excess of 1,700 must~~  
10 ~~be used as provided in 87-1-242(1).~~

11 (3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by  
12 hunting districts, portions of a hunting district, groups of districts, or administrative regions. (Terminates  
13 March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

14 **87-2-504. (Effective March 1, 2006) Class B-7 and B-8--nonresident deer licenses.** (1) (a) Except  
15 as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who will  
16 be 12 years of age or older prior to September 15 of the season for which the license is issued and is a  
17 holder of a nonresident conservation license may, upon payment of the proper fee or fees and subject to  
18 the limitations prescribed by law and department regulation, be entitled to apply to the fish and game office,  
19 Helena, Montana, to purchase one each of the following licenses:

20 (i) Class B-7, deer A tag, \$100 at a fee set by the commission;

21 (ii) Class B-8, deer B tag, \$50; and will entitle at a fee set by the commission.

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26 region or regions or in a specific hunting district or districts or a portion of a specific hunting district or  
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28 throughout the state, except as provided in [section 3(1)(d)].

29 (3) The commission may condition the use of and set quotas for the sale of Class B-8 licenses by  
30 hunting districts, portion of a hunting district, groups of districts, or administrative regions."

1           **NEW SECTION. Section 3. Separation of Class B-7 license from Class B-10 license for deer**  
2 **management purposes -- disposition of license revenue.** (1) The commission may by rule separate the Class  
3 B-7 license from the Class B-10 license and sell the separated Class B-7 license, giving a preference to any  
4 Class B-10 license holder to purchase one of the separated Class B-7 licenses. In the case of separated  
5 Class B-7 licenses that are not purchased by Class B-10 license holders, the commission, for purposes of  
6 sound deer management:

7           (a) may authorize the sale of not more than 5,000 Class B-7 licenses that have been separated from  
8 the Class B-10 licenses, as limited by 87-2-504;

9           (b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11  
10 combination licenses;

11           (c) shall set the fees for the separated licenses as follows:

12           (i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in  
13 87-2-505 for licenses in the general category and may not be more than the fee set by the commission for  
14 licenses in the outfitter-sponsored category as specified in 87-1-268; and

15           (ii) the fee for the separated Class B-7 or Class B-11 licenses may not be more than the fees  
16 specified in 87-2-510 for licenses in the general and landowner-sponsored categories and may not be more  
17 than the fee set by the commission for licenses in the outfitter-sponsored category as specified in  
18 87-1-268;

19           (d) may assign the separated Class B-7 or Class B-11 licenses for use in specific administrative  
20 regions, portions of administrative regions, hunting districts, or portions of hunting districts;

21           (e) may allocate a portion of the separated Class B-7 or Class B-11 licenses among the general and  
22 landowner-sponsored categories established in 87-2-510 and 87-2-511 but not count those licenses as part  
23 of the statutory quotas, with the Class B-7 licenses then subject to the requirements and procedures of  
24 87-2-511;

25           (f) may allocate a portion of the separated Class B-7 or Class B-11 licenses to the  
26 outfitter-sponsored category subject to the requirements and procedures of 87-2-511, except that licenses  
27 in the outfitter-sponsored category may not comprise more than one-third of the licenses issued pursuant  
28 to this section and the number issued, when added to the number of Class B-11 licenses issued under  
29 87-1-268, may not exceed 2,300 in any license year; and

30           (g) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary

1 to manage the harvest of deer.

2 (2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses  
3 must be deposited in the state special revenue account to the credit of the department and not allocated  
4 pursuant to other statutory requirements generally applicable to Class B-11 licenses. The revenue from  
5 Class B-10 licenses sold without a deer tag must be allocated in the same manner as revenue from Class  
6 B-10 licenses sold with a deer tag.

7  
8 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an  
9 integral part of Title 87, chapter 2, part 5, and the provisions of Title 87, chapter 2, part 5, apply to  
10 [section 3].

11

12 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

13

14 **NEW SECTION. Section 6. Termination.** [This act] terminates October 1, 2001.

15

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0394, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

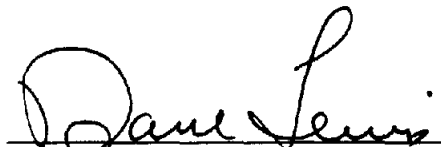
A bill for an act authorizing the Fish, Wildlife, and Parks Commission to separate non-resident deer licenses from the nonresident big game combination licenses for the purpose of deer management.

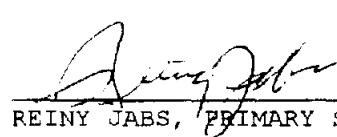
ASSUMPTIONS:

1. Total non-resident hunters will not exceed limits currently establish by law.
2. The prices of the deerless B-10 and new B-7 or B-11 will be set to minimize the desirability to separate the B-10. The price of the 'elk-only' B-10 will be \$700 in the outfitter sponsored category and \$400 in the open category.
3. All new deer licenses will be sold as B-11 at the current prices and the revenue will be distributed 100% to the general license account.
4. The intent is not to have any account receive less than before so the excess general license revenue may be used to offset any loss that a particular account might experience.
5. There will be additional administrative costs associated with processing and tracking of these new licenses. Also one time computer enhancement costs in fiscal year 1998.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
Computer changes	5,500	0
Processing costs	<u>3,100</u>	<u>3,100</u>
Total	8,600	3,100
<u>Funding:</u>		
General License (02)	12,600	12,600
<u>Net Impact on Fund Balance:</u> (Revenue minus expense)		
General License (02)	4,000	9,500

 3.18.97  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

 3/18/97  
 REINY JABS, PRIMARY SPONSOR      DATE

Fiscal Note for SB0394, as introduced  
**SB 394**

SENATE BILL NO. 394

INTRODUCED BY JABS, REAM, BISHOP, DOHERTY

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE FISH, WILDLIFE, AND PARKS COMMISSION TO SEPARATE NONRESIDENT DEER LICENSES FROM THE NONRESIDENT BIG GAME COMBINATION LICENSES FOR THE PURPOSE OF DEER MANAGEMENT; ALLOWING THE COMMISSION TO SET FEES FOR ~~THE LICENSES~~ THE FEE FOR THE NONRESIDENT ELK COMBINATION LICENSE WITHOUT A DEER TAG AND FOR THE SEPARATED NONRESIDENT DEER COMBINATION LICENSE, TO DETERMINE THE NUMBER OF LICENSES WITHIN ESTABLISHED LIMITS, AND TO SET CONDITIONS ON THE USE OF THE LICENSES; AMENDING SECTIONS 87-1-301 AND 87-2-504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

STATEMENT OF INTENT

This bill establishes the authority of the fish, wildlife, and parks commission to modify, by rule, the structure of nonresident elk and deer licenses within the general framework established by law as needed for the effective management of big game animals. It is the intent of the legislature that in its initial rulemaking process, the commission utilize an advisory committee, including representatives of hunting and fishing organizations, outfitters, and landowners, to make recommendations regarding the structure of nonresident hunting licenses as authorized by this bill. It is also the intent of the legislature that commission rules not authorize more nonresident elk and deer hunters than are prescribed by current law.

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**Section 1.** Section 87-1-301, MCA, is amended to read:

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(b) establish the hunting, fishing, and trapping rules of the department;

(c) establish the rules of the department governing the use of lands owned or controlled by the

1 department and waters under the jurisdiction of the department;

2 (d) have the power within the department to establish wildlife refuges and bird and game preserves;

3 (e) approve all acquisitions or transfers by the department of interests in land or water;

4 (f) review and approve the budget of the department prior to its transmittal to the budget office;

5 and

6 (g) review and approve construction projects whose estimated cost is more than \$1,000 but less  
7 than \$5,000.

8 (2) The commission may adopt rules regarding the use and type of archery equipment that may  
9 be employed for hunting and fishing purposes, taking into account applicable standards as technical  
10 innovations in archery equipment change.

11 (3) The commission may adopt rules regarding the establishment of special licenses or permits,  
12 seasons, conditions, programs, or other provisions that the commission considers appropriate to promote  
13 or enhance hunting by Montana's youth.

14 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

15 (i) separate deer licenses from nonresident elk combination licenses;

16 (ii) set the fees for the separated deer COMBINATION licenses and the ~~combination~~ elk  
17 COMBINATION licenses without the deer tag;

18 (iii) condition the use of the deer licenses; and

19 (iv) limit the number of licenses sold.

20 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary  
21 and appropriate to regulate the harvest by nonresident big game combination license holders for the  
22 biologically sound management of big game populations of deer and elk and to control the impacts of those  
23 deer and elk populations on uses of private property."

24

25 **Section 2.** Section 87-2-504, MCA, is amended to read:

26 **"87-2-504. (Temporary) Class B-7 and B-8--nonresident deer licenses. (1) (a)** Except as otherwise  
27 provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who will be 12 years  
28 of age or older prior to September 15 of the season for which the license is issued and is a holder of a  
29 nonresident conservation license may, upon payment of the proper fee or fees and subject to the limitations  
30 prescribed by law and department regulation, be entitled to apply to the fish and game office, Helena,



1 Montana, to purchase one each of the following licenses:

2 (i) Class B-7, deer A tag, ~~\$150 at a fee set by the commission~~ \$175;

3 (ii) Class B-8, deer B tag, ~~\$50; and will entitle at a fee set by the commission~~ \$75.

4 (b) The license entitles the holder to hunt the game animal or animals authorized by the license ~~held~~  
5 and to possess the carcasses of those animals as authorized by ~~department~~ commission rules.

6 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license ~~must~~ may  
7 be assigned for use in a specific administrative region or regions or a portion of a specific administrative  
8 region or regions or in a specific hunting district or districts or a portion of a specific hunting district or  
9 districts. If purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid  
10 throughout the state, except as provided in [section 3(1)(d)]. Not more than 5,000 Class B-7 licenses may  
11 be sold in any license year. ~~Money received from the sale of Class B-7 licenses in excess of 1,700 must~~  
12 ~~be used as provided in 87-1-242(1).~~

13 (3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by  
14 hunting districts, portions of a hunting district, groups of districts, or administrative regions. (Terminates  
15 March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

16 **87-2-504. (Effective March 1, 2006) Class B-7 and B-8--nonresident deer licenses.** (1) (a) Except  
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21 Helena, Montana, to purchase one each of the following licenses:

22 (i) Class B-7, deer A tag, ~~\$100 at a fee set by the commission~~ \$175;

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30 throughout the state, except as provided in [section 3(1)(d)].

1           (3) The commission may condition the use of and set quotas for the sale of Class B-8 licenses by  
 2 hunting districts, portion of a hunting district, groups of districts, or administrative regions."

3

4           **NEW SECTION. Section 3. Separation of Class B-7 license from Class B-10 license for deer**  
 5 **management purposes -- disposition of license revenue.** (1) The commission may by rule separate the Class  
 6 B-7 license from the Class B-10 license and sell the separated Class B-7 license, giving a preference to any  
 7 Class B-10 license holder to purchase one of the separated Class B-7 licenses. In the case of separated  
 8 Class B-7 licenses that are not purchased by Class B-10 license holders, the commission, for purposes of  
 9 sound deer management:

10           (a) may authorize the sale of not more than 5,000 Class B-7 licenses that have been separated from  
 11 the Class B-10 licenses, as limited by 87-2-504;

12           (b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11  
 13 combination licenses;

14           (c) shall set the fees for the separated licenses as follows:

15           (i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in  
 16 87-2-505 for licenses in the general category and may not be more than the fee set by the commission for  
 17 licenses in the outfitter-sponsored category as specified in 87-1-268; and

18           (ii) the fee for the separated ~~Class B-7 or~~ Class B-11 licenses may not be more than the fees  
 19 specified in 87-2-510 for licenses in the general and landowner-sponsored categories and may not be more  
 20 than the fee set by the commission for licenses in the outfitter-sponsored category as specified in  
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 25 landowner-sponsored categories established in 87-2-510 and 87-2-511 but not count those licenses as part  
 26 of the statutory quotas, with the Class B-7 licenses then subject to the requirements and procedures of  
 27 87-2-511;

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 29 outfitter-sponsored category subject to the requirements and procedures of 87-2-511, except that licenses  
 30 in the outfitter-sponsored category may not comprise more than one-third of the licenses issued pursuant

1 to this section and the number issued, when added to the number of Class B-11 licenses issued under  
2 87-1-268, may not exceed 2,300 in any license year; and

3 (g) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary  
4 to manage the harvest of deer, INCLUDING RESTRICTING THE USE OF A LICENSE TO EITHER MULE DEER  
5 OR WHITETAIL DEER.

6 (2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses  
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11

12 NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an  
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14 [section 3].

15

16 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

17

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19

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## 1 SENATE BILL NO. 394

2 INTRODUCED BY JABS, REAM, BISHOP, DOHERTY

3  
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 7 ~~THE LICENSES~~ THE FEE FOR THE NONRESIDENT ELK COMBINATION LICENSE WITHOUT A DEER TAG  
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12 ~~be used as provided in 87-1-242(1).~~

13 (3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by  
14 hunting districts, portions of a hunting district, groups of districts, or administrative regions. (Terminates  
15 March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

16 **87-2-504. (Effective March 1, 2006) Class B-7 and B-8--nonresident deer licenses.** (1) (a) Except  
17 as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who will  
18 be 12 years of age or older prior to September 15 of the season for which the license is issued and is a  
19 holder of a nonresident conservation license may, upon payment of the proper fee or fees and subject to  
20 the limitations prescribed by law and department regulation, be entitled to apply to the fish and game office,  
21 Helena, Montana, to purchase one each of the following licenses:

22 (i) Class B-7, deer A tag, ~~\$100 at a fee set by the commission~~ \$175;

23 (ii) Class B-8, deer B tag, ~~\$50; and will entitle at a fee set by the commission~~ \$75.

24 (b) The license entitles the holder to hunt the game animal or animals authorized by the license ~~held~~  
25 and to possess the carcasses of those animals as authorized by ~~department~~ commission rules.

26 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license ~~must~~ may  
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30 throughout the state, except as provided in [section 3(1)(d)].

1           (3) The commission may condition the use of and set quotas for the sale of Class B-8 licenses by  
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4           **NEW SECTION. Section 3. Separation of Class B-7 license from Class B-10 license for deer**  
5 **management purposes -- disposition of license revenue.** (1) The commission may by rule separate the Class  
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7 Class B-10 license holder to purchase one of the separated Class B-7 licenses. In the case of separated  
8 Class B-7 licenses that are not purchased by Class B-10 license holders, the commission, for purposes of  
9 sound deer management:

10           (a) may authorize the sale of not more than 5,000 Class B-7 licenses that have been separated from  
11 the Class B-10 licenses, as limited by 87-2-504;

12           (b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11  
13 combination licenses;

14           (c) shall set the fees for the separated licenses as follows:

15           (i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in  
16 87-2-505 for licenses in the general category and may not be more than the fee set by the commission for  
17 licenses in the outfitter-sponsored category as specified in 87-1-268; and

18           (ii) the fee for the separated ~~Class B-7~~ or Class B-11 licenses may not be more than the fees  
19 specified in 87-2-510 for licenses in the general and landowner-sponsored categories and may not be more  
20 than the fee set by the commission for licenses in the outfitter-sponsored category as specified in  
21 87-1-268;

22           (d) may assign the separated Class B-7 or Class B-11 licenses for use in specific administrative  
23 regions, portions of administrative regions, hunting districts, or portions of hunting districts;

24           (e) may allocate a portion of the separated Class B-7 or Class B-11 licenses among the general and  
25 landowner-sponsored categories established in 87-2-510 and 87-2-511 but not count those licenses as part  
26 of the statutory quotas, with the Class B-7 licenses then subject to the requirements and procedures of  
27 87-2-511;

28           (f) may allocate a portion of the separated Class B-7 or Class B-11 licenses to the  
29 outfitter-sponsored category subject to the requirements and procedures of 87-2-511, except that licenses  
30 in the outfitter-sponsored category may not comprise more than one-third of the licenses issued pursuant

1 to this section and the number issued, when added to the number of Class B-11 licenses issued under  
2 87-1-268, may not exceed 2,300 in any license year; and

3 (g) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary  
4 to manage the harvest of deer, INCLUDING RESTRICTING THE USE OF A LICENSE TO EITHER MULE DEER  
5 OR WHITETAIL DEER.

6 (2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses  
7 must be deposited in the state special revenue account to the credit of the department and not allocated  
8 pursuant to other statutory requirements generally applicable to Class B-11 licenses. The revenue from  
9 Class B-10 licenses sold without a deer tag must be allocated in the same manner as revenue from Class  
10 B-10 licenses sold with a deer tag.

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12 NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an  
13 integral part of Title 87, chapter 2, part 5, and the provisions of Title 87, chapter 2, part 5, apply to  
14 [section 3].

15  
16 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

17  
18 NEW SECTION. Section 6. Termination. [This act] terminates October 1, 2001.

19 -END-



## 1 SENATE BILL NO. 394

2 INTRODUCED BY JABS, REAM, BISHOP, DOHERTY

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE FISH, WILDLIFE, AND PARKS COMMISSION  
 5 TO SEPARATE NONRESIDENT DEER LICENSES FROM THE NONRESIDENT BIG GAME COMBINATION  
 6 LICENSES FOR THE PURPOSE OF DEER MANAGEMENT; ALLOWING THE COMMISSION TO SET ~~FEES FOR~~  
 7 THE LICENSES THE FEE FOR THE NONRESIDENT ELK COMBINATION LICENSE WITHOUT A DEER TAG  
 8 AND FOR THE SEPARATED NONRESIDENT DEER COMBINATION LICENSE, TO DETERMINE THE NUMBER  
 9 OF LICENSES WITHIN ESTABLISHED LIMITS, AND TO SET CONDITIONS ON THE USE OF THE LICENSES;  
 10 AMENDING SECTIONS 87-1-301 AND 87-2-504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE  
 11 AND A TERMINATION DATE."  
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## 13 STATEMENT OF INTENT

14 This bill establishes the authority of the fish, wildlife, and parks commission to modify, by rule, the  
 15 structure of nonresident elk and deer licenses within the general framework established by law as needed  
 16 for the effective management of big game animals. It is the intent of the legislature that in its initial  
 17 rulemaking process, the commission utilize an advisory committee, including representatives of hunting and  
 18 fishing organizations, outfitters, and landowners, to make recommendations regarding the structure of  
 19 nonresident hunting licenses as authorized by this bill. It is also the intent of the legislature that commission  
 20 rules not authorize more nonresident elk and deer hunters than are prescribed by current law.  
 21

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

23  
 24 **Section 1.** Section 87-1-301, MCA, is amended to read:  
 25 **"87-1-301. Powers of commission.** (1) The commission shall:  
 26 (a) set the policies for the protection, preservation, and propagation of the wildlife, fish, game,  
 27 furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all  
 28 other responsibilities of the department as provided by law;  
 29 (b) establish the hunting, fishing, and trapping rules of the department;  
 30 (c) establish the rules of the department governing the use of lands owned or controlled by the

1 department and waters under the jurisdiction of the department;

2 (d) have the power within the department to establish wildlife refuges and bird and game preserves;

3 (e) approve all acquisitions or transfers by the department of interests in land or water;

4 (f) review and approve the budget of the department prior to its transmittal to the budget office;

5 and

6 (g) review and approve construction projects whose estimated cost is more than \$1,000 but less  
7 than \$5,000.

8 (2) The commission may adopt rules regarding the use and type of archery equipment that may  
9 be employed for hunting and fishing purposes, taking into account applicable standards as technical  
10 innovations in archery equipment change.

11 (3) The commission may adopt rules regarding the establishment of special licenses or permits,  
12 seasons, conditions, programs, or other provisions that the commission considers appropriate to promote  
13 or enhance hunting by Montana's youth.

14 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

15 (i) separate deer licenses from nonresident elk combination licenses;

16 (ii) set the fees for the separated deer COMBINATION licenses and the combination elk  
17 COMBINATION licenses without the deer tag;

18 (iii) condition the use of the deer licenses; and

19 (iv) limit the number of licenses sold.

20 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary  
21 and appropriate to regulate the harvest by nonresident big game combination license holders for the  
22 biologically sound management of big game populations of deer and elk and to control the impacts of those  
23 deer and elk populations on uses of private property."

24

25 **Section 2.** Section 87-2-504, MCA, is amended to read:

26 **"87-2-504. (Temporary) Class B-7 and B-8--nonresident deer licenses. (1) (a)** Except as otherwise  
27 provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who will be 12 years  
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1 Montana, to purchase one each of the following licenses:

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11 be sold in any license year. ~~Money received from the sale of Class B-7 licenses in excess of 1,700 must~~  
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13 (3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by  
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## 1 SENATE BILL NO. 394

2 INTRODUCED BY JABS. REAM, BISHOP, DOHERTY

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 7 ~~THE LICENSES~~ THE FEE FOR THE NONRESIDENT ELK COMBINATION LICENSE WITHOUT A DEER TAG  
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 17 rulemaking process, the commission utilize an advisory committee, including representatives of hunting and  
 18 fishing organizations, outfitters, and landowners, to make recommendations regarding the structure of  
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 28 other responsibilities of the department as provided by law;
- 29 (b) establish the hunting, fishing, and trapping rules of the department;
- 30 (c) establish the rules of the department governing the use of lands owned or controlled by the

1 department and waters under the jurisdiction of the department;

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24

25 **Section 2.** Section 87-2-504, MCA, is amended to read:

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