

Exhibit Number: 6

18 pages HB 172

The following exhibit is a draft – for reference only. There are colored portions, which turn black when scanned. This exhibit exceeds the maximum amount that can be scanned therefore only a small portion will be scanned to aid in your research. The exhibit is on file at the Montana Historical Society and can be viewed there.

DRAFT—FOR REFERENCE ONLY

06=green 08=red both versions=blue

HOUSE BILL NO. 172

INTRODUCED BY J. COHENOUR

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT ~~INCREASING~~ REVISING CERTAIN RESIDENT AND NONRESIDENT FISHING AND HUNTING LICENSE AND DRAWING FEES; AMENDING SECTIONS 87-2-113, 87-2-202, 87-2-301, 87-2-306, 87-2-401, 87-2-403, 87-2-411, 87-2-501, 87-2-505, 87-2-508, 87-2-510, 87-2-701, 87-2-704, 87-2-706, 87-2-711, 87-2-801, 87-2-803, AND 87-2-805, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

New Section. Section 1. Resident senior combination license. A resident, as defined in 87-2-102, who is 62 years of age or older or who will turn 62 years old before or during the season for which the license is issued may purchase a resident senior combination license for \$55. The resident senior combination license entitles the holder to exercise all rights granted to holders of Class A, Class A-1, and Class A-3 licenses, and includes an elk tag and a resident wildlife conservation license.

Section 2. Section 87-2-113, MCA, is amended to read:

"87-2-113. Drawing and application fees. (1) When the department determines a drawing is necessary prior to issuance of hunting licenses for any game species during a hunting season, it shall collect a ~~\$3~~ \$5 per species drawing fee with each application submitted.

(2) (a) If a resident participates in a preference system adopted by the commission, the department shall collect an additional application fee of \$2 for each application form to fund the administration of the preference system.

(b) If a nonresident participates in a preference system adopted by the commission, the department shall collect an additional application fee of \$20 for each application form to fund the administration of the preference system.

(3) Drawing fees collected pursuant to this section must be deposited in the state special revenue fund to the credit of the department as set forth in 87-1-601.

(4) The payment of a drawing fee confers no hunting rights or privileges.

(5) The commission may waive the provisions of subsection (1) when a drawing is required for a special season under 87-1-304."

Section 4 3. Section 87-2-202, MCA, is amended to read:

"87-2-202. Application -- fee -- expiration. (1) A wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of ~~\$6.25~~ \$8, of which 25 cents is a search and rescue surcharge.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~\$9.25~~ \$10, of which 25 cents is a search and rescue surcharge.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-

267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

[(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Subsections (3)(c) and (3)(d) terminate March 1, 2006--sec. 9, Ch. 216, L. 2001; bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001; the \$2 wildlife conservation license fee increases in subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

Section 2 4. Section 87-2-301, MCA, is amended to read:

"87-2-301. Class A--resident fishing license. Any A resident, as defined by 87-2-102, upon payment of a fee of ~~\$11 beginning March 1, 1992, and \$13 beginning March 1, 1994~~ \$20 , and \$22 beginning March 1, 2008, shall is entitled to receive a Class A license ~~which shall entitle that authorizes~~ the holder ~~thereof of the license~~ to fish with hook and line or rod as ~~authorized by regulations prescribed by rules~~ of the department."

Section 3 5. Section 87-2-306, MCA, is amended to read:

"87-2-306. Paddlefish tags. (1) The department may issue paddlefish tags to persons listed in subsection (2) for a fee of ~~\$5 \$40 \$6.50, and \$7 beginning March 1, 2008~~, for residents and \$15 for nonresidents. Each tag authorizes the holder to fish with hook and line for paddlefish as prescribed by rules of the department.

(2) The following persons may obtain paddlefish tags pursuant to this section:

- (a) holders of valid Class A, Class A-8, Class B, Class B-4, and Class B-5 fishing licenses;
- (b) residents under 15 years of age with a valid wildlife conservation license; and
- (c) residents 62 years of age or older with a valid wildlife conservation license."

Section 4 6. Section 87-2-401, MCA, is amended to read:

"87-2-401. Class A-1--resident upland game bird license. Except as otherwise provided, a resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of ~~\$6~~ \$20 ~~\$7.50~~, and ~~\$8~~ beginning March 1, 2008, for a resident who is less than 62 years of age, receive a Class A-1 license that entitles a holder who is 12 years of age or older to hunt upland game birds and possess the carcasses of upland game birds as authorized by department rules."

Section 5 7. Section 87-2-403, MCA, is amended to read:

"87-2-403. (Temporary) Wild turkey tags and fee. (1) The department may issue wild turkey tags to the holder of a valid Class A-1 or nonresident wildlife conservation license or as set out in subsection (3). Each tag entitles the holder to hunt one wild turkey and possess the carcass of the turkey, during times and places that the commission authorizes an open season on wild turkey.

(2) The fee for a wild turkey tag is ~~\$5~~ \$10 ~~\$6.50~~, and ~~\$7~~ beginning March 1, 2008, for a resident and \$115 for a nonresident. Turkey tags must be issued either by a drawing system or in unlimited number as authorized by department rules.

(3) Subject to the provisions of subsection (2), a person who is 62 years of age or older as provided in 87-2-801, certified as disabled under 87-2-803, or a resident minor as described in 87-2-805 may purchase a wild turkey tag upon presentation of that person's wildlife conservation license. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

87-2-403. (Effective March 1, 2006) Wild turkey tags and fee. (1) The department may issue wild turkey tags to the holder of a valid Class A-1 or nonresident wildlife conservation license or as set out in subsection (3). Each tag entitles the holder to hunt one wild turkey and possess the carcass of the turkey, during times and places that the commission authorizes an open season on wild turkey.

(2) The fee for a wild turkey tag is ~~\$5~~ \$10 ~~\$6.50~~, and ~~\$7~~ beginning March 1, 2008, for a resident and \$105 for a nonresident. Turkey tags must be issued either by a drawing system or in unlimited number as authorized by department rules.

(3) Subject to the provisions of subsection (2), a person who is 62 years of age or older as provided in 87-2-801, certified as disabled under 87-2-803, or a resident minor as described in

87-2-805 may purchase a wild turkey tag upon presentation of that person's wildlife conservation license."

Section 6 8. Section 87-2-411, MCA, is amended to read:

"87-2-411. License required to hunt migratory game birds -- fees -- disposition of proceeds. (1) A person 16 years of age or older may not hunt migratory game birds without first having obtained a valid migratory bird license from the department. The fee for a resident to purchase the license is ~~\$5 \$7~~ \$6.50, and \$7 beginning March 1, 2008. The fee for a nonresident to purchase the license is \$50.

(2) Money received from the sale of migratory game bird licenses must be deposited in an account in the state special revenue fund for the use of the department and may be expended only for the protection, conservation, and development of wetlands in Montana."

Section 7 9. Section 87-2-501, MCA, is amended to read:

"87-2-501. Class A-3, A-4, A-5, A-6, A-7, A-9--resident deer, elk, and bear licenses -- special Class A-7 resident and nonresident license requirements and preference -- fees. (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 and who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued, upon payment of the proper fee or fees, is entitled to purchase one each of the following licenses at the prescribed cost that will entitle a holder who is 12 years of age or older to hunt 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, ~~\$13 \$20~~ \$16, and \$17 beginning March 1, 2008;
- (b) Class A-4, deer B tag, ~~\$8~~ \$10;
- (c) Class A-5, elk tag, ~~\$16 \$25~~ \$20, and \$21 beginning March 1, 2008;
- (d) Class A-6, black bear tag, ~~\$15 \$20~~ \$19, and \$20 beginning March 1, 2008;
- (e) Class A-7, antlerless elk tag, ~~\$16 \$25~~ \$20, and \$21 beginning March 1, 2008;
- (f) Class A-9, resident antlerless elk B tag, ~~\$16 \$20~~ , and \$21 beginning March 1, 2008.

(2) (a) The holder of a Class A-7 antlerless elk license who is 12 years of age or older is entitled to hunt antlerless elk in areas designated by the commission and at the times and upon the terms set forth by the commission.

(b) Subject to the management provisions provided in 87-1-321 through 87-1-325, a person may not take more than two elk during any license year, only one of which may be antlered. A person holding a Class A-7 antlerless elk tag may not take an elk during the same license year with a Class A-5 license or nonresident elk tag. The use of Class A-7 antlerless elk licenses does not preclude the department's use of special elk permits.

(c) Subject to the management provisions provided in 87-1-321 through 87-1-325, a nonresident shall hold a nonresident Class B-10 license as a prerequisite to application for a Class A-7 license.

(3) Subject to the limitation of subsection (5), a person who owns or is contracting to purchase 640 acres or more of contiguous land, at least some of which is used by elk, in a hunting district where Class A-7 licenses are awarded under this section must be issued, upon application, a Class A-7 license.

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

(5) Subject to the management provisions provided in 87-1-321 through 87-1-325, 15% of the Class A-7 licenses available each year under this section in a hunting district must be available to landowners under subsection (3)."

Section 8 10. Section 87-2-505, MCA, is amended to read:

"87-2-505. (Temporary) Class B-10--nonresident big game combination license. (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of ~~\$625~~ \$628 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the

limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class B-10 licenses may be sold in any 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission.

(3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is ~~\$270~~ \$273. The license entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions specified by the commission. (Terminates March 1, 2006—secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999; sec. 9, Ch. 216, L. 2001.)

87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license. (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of ~~\$550~~ \$553 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license ~~which shall entitle~~ that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 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 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission.

(3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is ~~\$270~~ \$273. The license entitles the holder to hunt in

the hunting district or portion of a hunting district and under the terms and conditions ~~determined~~ specified by the commission."

Section 9 11. Section 87-2-508, MCA, is amended to read:

"87-2-508. Class D-2--resident mountain lion license. Except as otherwise provided in this chapter, a person who is a resident, as defined in 87-2-102, and who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued, upon payment of a fee of ~~\$15 \$20~~ \$19, and \$20 beginning March 1, 2008, may receive a Class D-2 license that entitles a holder who is 12 years of age or older to hunt mountain lion and possess the carcass of the mountain lion as authorized by department rules. If a holder of a valid mountain lion license under this section kills a mountain lion, the licensee shall purchase a trophy license for a fee of \$50 within 10 days after the date of kill. The trophy license authorizes the holder to possess and transport the trophy."

Section 40 12. Section 87-2-510, MCA, is amended to read:

"87-2-510. (Temporary) Class B-11--nonresident deer combination license. (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of ~~\$325~~ \$328 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), upon payment of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter or upon payment of the fee of ~~\$325~~ \$328 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999; sec. 9, Ch. 216, L. 2001.)

87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license.

(1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of ~~\$300~~ \$303, purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. The fee for a Class B-11 license is ~~\$300~~ \$303 if the license is one of the 4,000 reserved pursuant to 87-2-511 for applicants indicating their intent either to use the services of a licensed outfitter or to hunt with a resident sponsor on land owned by that sponsor. The license is subject to the limitations prescribed by law and department regulation. A person may apply for a license to the fish, wildlife, and parks office, Helena, Montana. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Six thousand Class B-11 licenses are authorized for sale each license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

Section 44 13. Section 87-2-701, MCA, is amended to read:

"87-2-701. (Temporary) Special licenses. (1) An applicant who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the department, is to be issued and shall pay the following fees:

(a) moose--resident, ~~\$75~~ \$150 \$125; nonresident, ~~\$750~~ \$980 \$750;

(b) mountain goat--resident, ~~\$75~~ \$150 \$125; nonresident, ~~\$750~~ \$980 \$750;

(c) mountain sheep--resident, ~~\$75~~ \$150 \$125; nonresident, ~~\$750~~ \$980 \$750;

(d) antelope--resident, ~~\$14~~ \$20 \$14, and \$15 beginning March 1, 2008; nonresident, \$200;