

## SENATE BILL NO. 122

INTRODUCED BY TASH

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

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE FISH, WILDLIFE, AND PARKS COMMISSION TO AUTHORIZE THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ISSUE LICENSES ENTITLING THE HOLDER OF A CLASS A-5 ~~OR~~, CLASS A-7, OR CLASS B-10 LICENSE TO TAKE A SECOND ELK, WHICH MUST BE ANTLERLESS; ESTABLISHING A FEE AND ELIGIBILITY REQUIREMENTS FOR A CLASS ~~A-8~~; A-9 RESIDENT ANTLERLESS ELK B TAG AND A CLASS B-12 NONRESIDENT ANTLERLESS ELK B TAG; AUTHORIZING THE FISH, WILDLIFE, AND PARKS COMMISSION TO ESTABLISH A WAITING PERIOD FOR ELIGIBILITY FOR CERTAIN ANTLERED BULL ELK PERMITS; AMENDING SECTIONS 87-2-104, 87-2-501, 87-2-505, 87-2-702, AND 87-2-704, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 87-2-104, MCA, is amended to read:

**"87-2-104. Number of licenses allowed -- fees.** (1) It is unlawful for any person to apply for, purchase, or possess more than one license of any one class or more than one special license for any one species listed in 87-2-701. This provision does not apply to Class B-4 licenses or to licenses issued under subsection (3) for game management purposes. However, when more than one license is authorized by the commission, it is unlawful to apply for, purchase, or possess more licenses than are authorized.

(2) The department may prescribe rules and regulations for the issuance or sale of a replacement license in the event the original license is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

(3) When authorized by the commission for game management purposes, the department may issue more than one Class A-3, Class A-4, Class B-7, Class B-8, or special antelope license to an applicant. An applicant for these game management licenses is not at the time of application required to hold any license or permit of that class.

(4) When authorized by the commission for game management purposes, the department may issue Class ~~A-8~~, A-9, RESIDENT antlerless elk B tag licenses AND CLASS B-12 NONRESIDENT ANTLERLESS ELK B TAG LICENSES entitling the holder to take an antlerless elk. An applicant must have a Class A-5 or Class A-7 license to be eligible for a ~~Class A-8 license~~. CLASS A-9 LICENSE. AN APPLICANT MUST HAVE A CLASS B-10 LICENSE TO BE

ELIGIBLE FOR A CLASS B-12 LICENSE. The commission shall determine the hunting districts or portions of hunting districts for which Class ~~A-8~~ A-9 AND CLASS B-12 licenses are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the ~~license~~ LICENSES.

~~(4)~~(5) The fee for any resident or nonresident license of any class issued under subsection (3) must be set annually by the department and may not exceed the regular fee provided by law for that class or species."

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

**"87-2-501. Class A-3, A-4, A-5, A-6, A-7, ~~A-8~~ 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;
- (b) Class A-4, deer B tag, \$8;
- (c) Class A-5, elk tag, \$16;
- (d) Class A-6, black bear tag, \$15;
- (e) Class A-7, antlerless elk tag, \$16;
- (f) Class ~~A-8~~, A-9, RESIDENT antlerless elk B tag, \$16.

(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) A person may not take more than ~~one~~ two elk during any license year, only one of which may be antlered. ~~and a~~ 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) 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) Fifteen percent 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 3. 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 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. 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 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 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. The license entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions determined by the commission."

**Section 4.** 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, an elk, or an antelope, during the current license year is not permitted to receive a special license under this chapter to hunt or kill a second game animal of the same species.

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

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

(4) (a) A person who receives a moose, mountain goat, or limited mountain sheep license, with the exception of an adult ewe license, as authorized by 87-2-701, is not eligible to receive another special license for that species for the next 7 years. For the purposes of this subsection ~~(a)~~ (4)(a), "limited mountain sheep license" means a license that is valid for an area in which the number of licenses issued is restricted.

(b) A person who takes a mountain sheep using an unlimited mountain sheep license, with the exception of a mountain sheep taken pursuant to an adult ewe license, as authorized by 87-2-701, is not eligible to receive another special license for that species for the next 7 years. For the purposes of this subsection ~~(b)~~ (4)(b), "unlimited mountain sheep license" means a license that is valid for an area in which the number of licenses issued is not restricted."

**Section 5.** Section 87-2-704, MCA, is amended to read:

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

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

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

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

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

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

(3) The commission may establish a waiting period during which a person who has received a special elk permit that is valid for an antlered bull may not receive another special elk permit that is valid for an antlered bull. The commission may specify which special elk permits are subject to the waiting period, by hunting district or portion of a hunting district.

~~(3)(4)~~ The fee for a special elk permit is \$2 beginning March 1, 1992, and \$3 beginning March 1, 1994.

~~(4)(5)~~ The department may adopt rules necessary to implement this section."

NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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