

HOUSE BILL NO. 172

INTRODUCED BY 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; CREATING A RESIDENT SENIOR COMBINATION LICENSE; 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, 87-2-708, 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.

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

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

4

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

6 **"87-2-202. Application -- fee -- expiration.** (1) A wildlife conservation license must be sold upon written
7 application. The application must contain the applicant's name, age, [social security number,] occupation, street
8 address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana,
9 and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant
10 shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other
11 identification specified by the department to substantiate the required information when applying for a wildlife
12 conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity
13 and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license
14 agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the
15 time of application for licensure.

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

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

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

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

29 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses
30 the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced

1 outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access
 2 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage
 3 enhanced hunting access through the hunter management and hunting access enhancement programs
 4 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
 5 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable
 6 only once during any license year.

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

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

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

16

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

18 **"87-2-301. Class A--resident fishing license.** Any A resident, as defined by 87-2-102, upon payment
 19 of a fee of ~~\$11 beginning March 1, 1992, and \$13 beginning March 1, 1994~~ \$20 \$18, shall is entitled to receive
 20 a Class A license ~~which shall entitle~~ that authorizes the holder ~~thereof~~ of the license to fish with hook and line
 21 or rod as ~~authorized by regulations~~ prescribed by rules of the department."

22

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

24 **"87-2-306. Paddlefish tags.** (1) The department may issue paddlefish tags to persons listed in
 25 subsection (2) for a fee of ~~\$5 \$10~~ \$6.50 for residents and \$15 for nonresidents. Each tag authorizes the holder
 26 to fish with hook and line for paddlefish as prescribed by rules of the department.

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

1 **"87-2-411. License required to hunt migratory game birds -- fees -- disposition of proceeds. (1)**

2 A person 16 years of age or older may not hunt migratory game birds without first having obtained a valid
3 migratory bird license from the department. The fee for a resident to purchase the license is ~~\$5~~ ~~\$7~~ \$6.50. The
4 fee for a nonresident to purchase the license is \$50.

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

8

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

10 **"87-2-501. Class A-3, A-4, A-5, A-6, A-7, A-9--resident deer, elk, and bear licenses -- special Class**

11 **A-7 resident and nonresident license requirements and preference -- fees. (1)** Except as otherwise provided
12 in this chapter, a resident, as defined by 87-2-102, or a nonresident who wishes to purchase a Class A-7 elk
13 license only and who is 12 years of age or older or who will turn 12 years old before or during the season for
14 which the license is issued, upon payment of the proper fee or fees, is entitled to purchase one each of the
15 following licenses at the prescribed cost that will entitle a holder who is 12 years of age or older to hunt the game
16 animal or animals authorized by the license held and to possess the carcasses of those game animals as
17 authorized by department rules:

18 (a) Class A-3, deer A tag, ~~\$13~~ ~~\$20~~ \$16;

19 (b) Class A-4, deer B tag, ~~\$8~~ \$10;

20 (c) Class A-5, elk tag, ~~\$16~~ ~~\$25~~ \$20;

21 (d) Class A-6, black bear tag, ~~\$15~~ ~~\$20~~ \$19;

22 (e) Class A-7, antlerless elk tag, ~~\$16~~ ~~\$25~~ \$20;

23 (f) Class A-9, resident antlerless elk B tag, ~~\$16~~ \$20.

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

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

1 permits.

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

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

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

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

13

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

15 **"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as
16 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years
17 of age or older or who will turn 12 years old before or during the season for which the license is issued may,
18 upon payment of the fee of ~~\$625~~ \$628 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d)
19 or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved
20 pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject
21 to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office,
22 Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is
23 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
24 license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500
25 unreserved Class B-10 licenses may be sold in any 1 license year.

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

29 (3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12
30 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for

1 a Class B-12 license is ~~\$270~~ \$273. The license entitles the holder to hunt in the hunting district or portion of a
 2 hunting district and under the terms and conditions specified by the commission. (Terminates March 1,
 3 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999; sec. 9, Ch. 216, L. 2001.)

4 **87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license. (1)**
 5 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who
 6 is 12 years of age or older or who will turn 12 years old before or during the season for which the license is
 7 issued may, upon payment of the fee of ~~\$550~~ \$553 and subject to the limitations prescribed by law and
 8 department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10
 9 nonresident big game combination license ~~which shall entitle~~ that entitles a holder who is 12 years of age or
 10 older to all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes
 11 the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may
 12 be sold in any 1 license year.

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

16 (3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12
 17 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for
 18 a Class B-12 license is ~~\$270~~ \$273. The license entitles the holder to hunt in the hunting district or portion of a
 19 hunting district and under the terms and conditions ~~determined~~ specified by the commission."
 20

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

22 **"87-2-508. Class D-2--resident mountain lion license.** Except as otherwise provided in this chapter,
 23 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
 24 old before or during the season for which the license is issued, upon payment of a fee of ~~\$15~~ ~~\$20~~ \$19, may
 25 receive a Class D-2 license that entitles a holder who is 12 years of age or older to hunt mountain lion and
 26 possess the carcass of the mountain lion as authorized by department rules. If a holder of a valid mountain lion
 27 license under this section kills a mountain lion, the licensee shall purchase a trophy license for a fee of \$50
 28 within 10 days after the date of kill. The trophy license authorizes the holder to possess and transport the trophy."
 29

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

1 **"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as otherwise
2 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
3 older or who will turn 12 years old before or during the season for which the license is issued may, upon payment
4 of a fee of ~~\$325~~ \$328 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), upon payment
5 of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for
6 applicants indicating their intent to use the services of a licensed outfitter or upon payment of the fee of ~~\$325~~
7 \$328 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those
8 reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned
9 by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish,
10 wildlife, and parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that
11 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
12 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

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

14 (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer
15 combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits
16 established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L.
17 1999; sec. 9, Ch. 216, L. 2001.)

18 **87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license.** (1) Except
19 as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years
20 of age or older or who will turn 12 years old before or during the season for which the license is issued may,
21 upon payment of a fee of ~~\$300~~ \$303, purchase a Class B-11 nonresident deer combination license that entitles
22 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.
23 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
24 for applicants indicating their intent either to use the services of a licensed outfitter or to hunt with a resident
25 sponsor on land owned by that sponsor. The license is subject to the limitations prescribed by law and
26 department regulation. A person may apply for a license to the fish, wildlife, and parks office, Helena, Montana.
27 This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

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

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

1 established by the commission."

2

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

4 **"87-2-701. (Temporary) Special licenses.** (1) An applicant who is 12 years of age or older or who will
5 turn 12 years old before or during the season for which the license is issued and is the holder of a resident
6 wildlife conservation license or a nonresident wildlife conservation license may apply for a special license that,
7 in the judgment of the department, is to be issued and shall pay the following fees:

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

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

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

11 (d) antelope--resident, ~~\$11 \$20~~ \$14; nonresident, \$200;

12 (e) grizzly bear--resident, \$50; nonresident, \$300;

13 (f) black bear--nonresident, ~~\$350 \$300~~ \$350;

14 (g) wild buffalo or bison--resident, ~~\$75 \$150~~ \$125; nonresident, ~~\$750 \$980~~ \$750.

15 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear,
16 the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy
17 license authorizes the holder to possess and transport the trophy.

18 (3) Special licenses must be issued in a manner prescribed by the department. (Terminates March 1,
19 2006--secs. 1, 2, Ch. 241, L. 1993.)

20 **87-2-701. (Effective March 1, 2006) Special licenses.** (1) An applicant who is 12 years of age or older
21 or who will turn 12 years old before or during the season for which the license is issued and is the holder of a
22 resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special
23 license that, in the judgment of the department, is to be issued and shall pay the following fees:

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

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

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

27 (d) antelope--resident, ~~\$11 \$20~~ \$14; nonresident, ~~\$180~~ \$200;

28 (e) grizzly bear--resident, \$50; nonresident, \$300;

29 (f) black bear--nonresident, ~~\$330 \$350~~ \$300 \$350;

30 (g) wild buffalo or bison--resident, ~~\$75 \$150~~ \$125; nonresident, ~~\$750 \$980~~ \$750.

1 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear,
 2 the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy
 3 license authorizes the holder to possess and transport the trophy.

4 (3) Special licenses must be issued in a manner prescribed by the department."
 5

6 **SECTION 14. SECTION 87-2-704, MCA, IS AMENDED TO READ:**

7 **"87-2-704. Regulation of special elk permits.** (1) The department may:

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

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

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

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

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

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

22 (4) The fee for a special elk permit is ~~\$3~~ \$4.

23 (5) The department may adopt rules necessary to implement this section."
 24

25 **SECTION 15. SECTION 87-2-708, MCA, IS AMENDED TO READ:**

26 **"87-2-708. Class A-2--special bow and arrow license.** A holder of a valid hunting license for which
 27 a special archery season is set by the department may receive, upon payment of an additional fee of ~~\$8~~ \$10,
 28 a Class A-2 license that authorizes the holder to hunt with bow and arrow the game animals authorized by the
 29 licenses held and to possess the carcass of the game animals during seasons and in areas designated by the
 30 department."

1

2 **Section 16.** Section 87-2-711, MCA, is amended to read:

3 **"87-2-711. (Temporary) Class AAA--combination sports license.** (1) A resident, as defined by
4 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
5 license is issued is entitled to:

6 (a) upon payment of the sum of ~~\$54~~ ~~\$75~~ \$70, plus the resident hunting access enhancement fee in
7 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise
8 all rights granted to holders of Class A, A-1, A-3, A-5, and resident conservation licenses as prescribed in
9 87-2-202; or

10 (b) upon payment of the sum of ~~\$64~~ ~~\$95~~ \$85, plus the resident hunting access enhancement fee in
11 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise
12 all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

13 (2) The department may furnish each holder of a combination sports license an appropriate decal.
14 (Terminates March 1, 2006--sec. 9, Ch. 216, L. 2001.)

15 **87-2-711. (Effective March 1, 2006) Class AAA--combination sports license.** (1) A resident, as
16 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
17 for which the license is issued is entitled to:

18 (a) upon payment of the sum of ~~\$54~~ ~~\$75~~ \$70, a combination sports license that permits a holder who
19 is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, A-5, and resident
20 conservation licenses as prescribed in 87-2-202; or

21 (b) upon payment of the sum of ~~\$64~~ ~~\$95~~ \$85, a combination sports license that permits a holder who
22 is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to
23 holders of a Class A-6 license.

24 (2) The department may furnish each holder of a combination sports license an appropriate decal."
25

26 **Section 17.** Section 87-2-801, MCA, is amended to read:

27 **"87-2-801. Residents over sixty-two years of age -- resident or nonresident legion of valor**
28 **members.** (1) A resident, as defined in 87-2-102, who is 62 years of age or older is entitled to fish and hunt
29 game birds, not including wild turkeys, with a conservation license issued by the department. The form of the
30 license must be prescribed by the department.

1 (2) A resident who is 62 years of age or older is also entitled to purchase ~~regular resident deer and elk~~
 2 ~~tags at a price that is one-half of the fee paid by a resident who is 15 years old or older and who is under 62~~
 3 ~~years of age~~ a Class A-3 deer A tag for \$8 \$10 and a Class A-5 elk tag for \$10 \$12.

4 (3) Regardless of age, a resident, as defined in 87-2-102, or a nonresident who is a legion of valor
 5 member is entitled to fish with a conservation license issued by the department."
 6

7 **Section 18.** Section 87-2-803, MCA, is amended to read:

8 **"87-2-803. Persons with disabilities -- definitions.** (1) Persons with disabilities are entitled to fish and
 9 to hunt game birds, not including turkeys, with only a conservation license if they are residents of Montana not
 10 residing in an institution and are certified as disabled as prescribed by departmental rule. A person who has
 11 purchased a conservation license and a resident fishing license or game bird license for a particular license year
 12 and who is subsequently certified as disabled is entitled to a refund for the fishing license or game bird license
 13 previously purchased for that license year. A person who is certified as disabled pursuant to subsection (3) and
 14 who was issued a permit to hunt from a vehicle for license year 2000 or a subsequent license year is
 15 automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria for obtaining
 16 a permit does not change.

17 (2) A resident of Montana who is certified as disabled by the department and who is not residing in an
 18 institution may purchase ~~regular resident deer and elk licenses at one-half the fee paid by a resident who is 15~~
 19 ~~years of age or older and who is under 62 years of age~~ a Class A-3 deer A tag for \$8 \$6.50 and a Class A-5 elk
 20 tag for \$10 \$8. A person who has purchased a conservation license and a resident deer license or resident elk
 21 license for a particular license year and who is subsequently certified as disabled is entitled to a refund for the
 22 deer license or elk license previously purchased and reissuance of the license for that license year at the rate
 23 established in this subsection.

24 (3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle,
 25 on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to
 26 subsection (8). The department shall adopt rules to establish a voluntary board or boards of review to resolve
 27 any disputes over whether a person meets the criteria established in subsection (8). Each board must have at
 28 least one Montana-licensed physician as a member.

29 (4) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection as
 30 a permitholder, may hunt by shooting a firearm from the shoulder, berm, or barrow pit right-of-way of a public

1 highway, as defined in 61-1-202, except a state or federal highway, or may hunt by shooting a firearm from
2 within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way in a manner
3 that will not impede traffic or endanger motorists or that is parked in an area, not a public highway, where hunting
4 is permitted. This subsection does not allow a permitholder to shoot across the roadway of any public highway
5 or to hunt on private property without permission of the landowner. A permitholder must have a companion to
6 assist in immediately dressing any killed game animal. The companion may also assist the permitholder by
7 hunting a game animal that has been wounded by the permitholder when the permitholder is unable to pursue
8 and kill the wounded game animal. Any vehicle from which a permitholder is hunting must be conspicuously
9 marked with an orange-colored international symbol of persons with disabilities on the front, rear, and each side
10 of the vehicle, or as prescribed by the department.

11 (5) (a) A resident of Montana who is certified by the department as experiencing blindness, as defined
12 in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee of \$10. The
13 license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by department
14 rule. An applicant for a license under this subsection need not obtain a wildlife conservation license as a
15 prerequisite to licensure.

16 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may
17 be issued regular resident deer and elk licenses in the manner provided in subsection (2); and must be
18 accompanied by a companion, as provided in subsection (4).

19 (6) The department shall adopt rules to establish the qualifications that a person must meet to be a
20 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled
21 person.

22 (7) As used in this section, "disabled person", "person with a disability", or "disabled" means or refers
23 to a person experiencing a condition medically determined to be permanent and substantial and resulting in
24 significant impairment of the person's functional ability.

25 (8) A person is entitled to a permit to hunt from a vehicle if the person:

26 (a) is certified by a licensed physician to be dependent on an oxygen device or dependent on a
27 wheelchair, crutch, or cane for mobility;

28 (b) is an amputee above the wrist or ankle; or

29 (c) is certified by a licensed physician to be unable to walk, unassisted, 600 yards over rough and
30 broken ground while carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25

1 pounds.

2 (9) Certification by a licensed physician under subsection (8) must be on a form provided by the
3 department.

4 (10) A person who disagrees with a determination of eligibility for a permit to hunt from a vehicle may
5 request a review by a voluntary board of review pursuant to subsection (3)."

6

7 **Section 19.** Section 87-2-805, MCA, is amended to read:

8 **"87-2-805. Persons under eighteen years of age -- youth combination sports license.** (1) Resident
9 minors who are 12 years of age or older and under 15 years of age may fish and may hunt upland game and
10 migratory game birds during the open season with only a conservation license. Resident minors who are 15
11 years of age may hunt migratory game birds with only a conservation license. Resident minors who are under
12 12 years of age may fish without a license. A nonresident person under 15 years of age may not fish in or on
13 any Montana waters without first having obtained a Class B, B-4, or B-5 fishing license unless the nonresident
14 person under 15 years of age is in the company of an adult in possession of a valid Montana fishing license. The
15 limit of fish for the nonresident person and the accompanying adult combined may not exceed the limit for one
16 adult as established by law or by rule of the department.

17 (2) A resident, as defined by 87-2-102, who is 12 years of age or older and under 15 years of age may
18 purchase a Class A-3 deer A tag for \$8 \$6.50 and a Class A-5 elk tag for \$10 \$8 licenses at a price equal to
19 one-half the fee paid by a resident who is 15 years of age or older and under 62 years of age.

20 (3) (a) A resident who is 12 years of age or older and under 18 years of age may purchase a youth
21 combination sports license at a price that, rounded to the nearest dollar, is 46% of the fee paid for the Class AAA
22 combination sports license by a resident who is 18 years of age or older and under 62 years of age for \$30 \$25.
23 A resident who is 12 years of age or older and under 18 years of age and who applies for any hunting license
24 for the first time is entitled to receive a youth combination sports license free of charge.

25 (b) The youth combination sports license includes:

26 (i) a conservation license;

27 (ii) a fishing license;

28 (iii) an upland game bird license;

29 (iv) an elk license; and

30 (v) a deer license.

1 (c) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A fishing
2 license at a price that is 50% of the fee paid by a resident who is 18 years of age or older and under 62 years
3 of age for ~~\$10~~ \$8.

4 (d) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A-1
5 upland game bird license at 50% of the fee paid by a resident who is 18 years of age or older and under 62 years
6 of age for ~~\$5~~ \$3.

7 (e) A person who lawfully purchases or is granted a free youth combination sports license at 17 years
8 of age, but who reaches 18 years of age during that license year, may legally use the license during that license
9 year. A person who hunts or fishes using a youth combination sports license purchased or granted free after the
10 person reaches 18 years of age is guilty of a misdemeanor and shall be subject to any of the following penalties
11 by the sentencing court:

12 (i) revocation of the person's hunting and fishing privileges for at least 5 years, revocation of the
13 person's hunting and fishing privileges for more than 5 years, or revocation of the person's hunting and fishing
14 privileges for life; and

15 (ii) a monetary fine of not less than \$500 and not more than \$5,000 in addition to the fine imposed on
16 a person under this chapter for the specific hunting or fishing violation.

17 (f) This section does not prohibit a resident minor from purchasing any individual licenses for which the
18 minor may be eligible under this chapter if the minor does not purchase the youth combination sports license."
19

20 NEW SECTION. SECTION 20. CODIFICATION INSTRUCTION. [SECTION 1] IS INTENDED TO BE CODIFIED AS AN
21 INTEGRAL PART OF TITLE 87, CHAPTER 2, PART 8, AND THE PROVISIONS OF TITLE 87, CHAPTER 2, PART 8, APPLY TO
22 [SECTION 1].

23
24 COORDINATION SECTION. Section 21. Coordination instruction. If __ Bill No. __ [LC 0234] is not
25 passed and approved, then 87-2-504 must be 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 is 12 years of age or
28 older or who will turn 12 years old before or during the season for which the license is issued and is a holder of
29 a 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, wildlife, and parks office, Helena,

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

2 (i) Class B-7, deer A tag, \$250;

3 (ii) Class B-8, deer B tag, \$75.

4 (b) The license entitles a holder who is 12 years of age or older to hunt the game animal or animals
5 authorized by the license and to possess the carcasses of those animals as authorized by commission rules.

6 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be
7 assigned for use in a specific administrative region or regions or a portion of a specific administrative region or
8 regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If
9 purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state,
10 except as provided in 87-2-512(1)(d). Not more than 5,000 Class B-7 licenses may be sold in any license year.

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 March
13 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 is 12 years
16 of age or older or who will turn 12 years old before or during the season for which the license is issued and is
17 a holder of a nonresident conservation license may, upon payment of the proper fee or fees and subject to the
18 limitations prescribed by law and department regulation, be entitled to apply to the fish, wildlife, and parks office,
19 Helena, Montana, to purchase one each of the following licenses:

20 (i) Class B-7, deer A tag, \$250;

21 (ii) Class B-8, deer B tag, \$75.

22 (b) The license entitles a holder who is 12 years of age or older to hunt the game animal or animals
23 authorized by the license and to possess the carcasses of those animals as authorized by commission rules.

24 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be
25 assigned for use in a specific administrative region or regions or a portion of a specific administrative region or
26 regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If
27 purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state,
28 except as provided in 87-2-512(1)(d). Not more than 5,000 Class B-7 licenses may be sold in any license year.

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

1

2 NEW SECTION. **Section 22. Effective date.** [This act] is effective March 1, 2006.

3

- END -