

HOUSE BILL NO. 176

INTRODUCED BY J. COHENOUR

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

A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING AUTHORITY TO THE FISH, WILDLIFE, AND PARKS COMMISSION TO ADJUST HUNTING, FISHING, AND TRAPPING FEES, IF NECESSARY, THROUGH THE ADMINISTRATIVE RULEMAKING PROCESS; REQUIRING A REPORT TO EACH LEGISLATURE REGARDING ANY COMMISSION FEE INCREASE AND THE JUSTIFICATION FOR THE FEE INCREASE; INCREASING CERTAIN HUNTING AND FISHING FEES; AMENDING SECTIONS 87-2-113, 87-2-202, 87-2-301, 87-2-302, 87-2-304, 87-2-306, 87-2-307, 87-2-401, 87-2-402, 87-2-403, 87-2-404, 87-2-411, 87-2-501, 87-2-504, 87-2-505, 87-2-507, 87-2-508, 87-2-510, 87-2-521, 87-2-601, 87-2-602, 87-2-603, 87-2-701, 87-2-708, 87-2-711, 87-2-801, 87-2-803, 87-2-805, AND 87-3-236, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

WHEREAS, every 10 to 14 years, the Department of Fish, Wildlife, and Parks must ask the Legislature to raise hunting, fishing, and trapping license fees to adjust for increased costs, duties, and responsibilities; and

WHEREAS, increases every 10 to 14 years are relatively large and a burden on hunters, anglers, and trappers; and

WHEREAS, graduated increases, if needed, would be a better method and require more modest overall increases resulting from timely adjustments; and

WHEREAS, granting authority to the Fish, Wildlife, and Parks Commission to institute graduated increases through the rulemaking process, coupled with mandatory reporting requirements to the Legislature, would provide accountability and public input regarding potential fee increases, while giving the Legislature and the Commission the flexibility to relieve the burden of relatively large fee increases for hunters, anglers, and trappers every 10 to 14 years.

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

NEW SECTION. Section 1. Authority of commission to adjust license fees -- reporting requirements. (1) The commission may, by administrative rule, adjust hunting, fishing, and trapping license fees



1 by an amount that does not exceed the increase in the consumer price index since the prior license fee increase.

2 (2) The department shall report to each session of the legislature regarding any incremental fee increase
3 adopted by the commission and the justification for the fee increase.

4

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

6 **"87-2-113. Drawing and application fees.** (1) When the department determines a drawing is
7 necessary prior to issuance of hunting licenses for any game species during a hunting season, it shall collect
8 a \$3 ~~per~~ a species drawing fee with each application submitted, unless a different amount is established
9 pursuant to the commission fee adjustment authority in [section 1].

10 (2) (a) If a resident participates in a preference system adopted by the commission, the department shall
11 collect an additional application fee of \$2 for each application form to fund the administration of the preference
12 system, unless a different amount is established pursuant to the commission fee adjustment authority in [section
13 1].

14 (b) If a nonresident participates in a preference system adopted by the commission, the department
15 shall collect an additional application fee of \$20 for each application form to fund the administration of the
16 preference system, unless a different amount is established pursuant to the commission fee adjustment authority
17 in [section 1].

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

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

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

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

25 **"87-2-202. Application -- fee -- expiration.** (1) A wildlife conservation license must be sold upon written
26 application. The application must contain the applicant's name, age, [social security number,] occupation, street
27 address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana,
28 and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant
29 shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other
30 identification specified by the department to substantiate the required information when applying for a wildlife

1 conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity
2 and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license
3 agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the
4 time of application for licensure.

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

7 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of ~~\$6.25~~ \$8, unless a different
8 amount is established pursuant to the commission fee adjustment authority in [section 1], of which 25 cents is
9 a search and rescue surcharge.

10 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$9.25, unless a different
11 amount is established pursuant to the commission fee adjustment authority in [section 1], of which 25 cents is
12 a search and rescue surcharge.

13 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the
14 wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access
15 enhancement fee of \$2 is assessed, unless a different amount is established pursuant to the commission fee
16 adjustment authority in [section 1]. The additional fee may be used by the department only to encourage
17 enhanced hunting access through the hunter management and hunting access enhancement programs
18 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
19 the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only
20 once during any license year.

21 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses
22 the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced
23 outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access
24 enhancement fee of \$10 is assessed, unless a different amount is established pursuant to the commission fee
25 adjustment authority in [section 1]. The additional fee may be used by the department only to encourage
26 enhanced hunting access through the hunter management and hunting access enhancement programs
27 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
28 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable
29 only once during any license year.

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

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

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

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

11 **"87-2-301. Class A--resident fishing license.** Any resident, as defined by 87-2-102, upon payment
12 of a fee of ~~\$11 beginning March 1, 1992, and \$13 beginning March 1, 1994~~ \$18, unless a different amount is
13 established pursuant to the commission fee adjustment authority in [section 1], shall must receive a Class A
14 license ~~which shall entitle~~ that entitles the holder ~~thereof~~ of the license to fish with hook and line or rod as
15 authorized by regulations of the department."

16

17 **Section 5.** Section 87-2-302, MCA, is amended to read:

18 **"87-2-302. Class B--nonresident fishing license.** Any person not a resident, as defined in 87-2-102,
19 upon payment of ~~the sum a fee of \$60, unless a different amount is established pursuant to the commission fee~~
20 adjustment authority in [section 1], to any agent of the department authorized to issue fishing and hunting
21 licenses, is entitled to a Class B license that entitles the holder to fish with hook and line as authorized by the
22 rules and regulations of the department."

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24 **Section 6.** Section 87-2-304, MCA, is amended to read:

25 **"87-2-304. Class B-4--two-day nonresident fishing license.** Any person not a resident, as defined
26 in 87-2-102, who is a holder of a valid wildlife conservation license, upon payment of ~~the sum a fee of \$15,~~
27 unless a different amount is established pursuant to the commission fee adjustment authority in [section 1], to
28 any agent of the department authorized to issue fishing and hunting licenses, is entitled to a 2-day nonresident
29 fishing license that authorizes the holder to fish with hook and line, as prescribed by rules and regulations of the
30 department, for 2 calendar days as indicated on the license."

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Section 7. 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~~ \$10 for residents and \$15 for nonresidents, unless a different amount is established pursuant to the commission fee adjustment authority in [section 1]. 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 8. Section 87-2-307, MCA, is amended to read:

"87-2-307. Class B-5--ten-day nonresident fishing license. Any person not a resident, as defined in 87-2-102, who is a holder of a valid wildlife conservation license, upon payment of ~~the sum~~ a fee of \$43.50, unless a different amount is established pursuant to the commission fee adjustment authority in [section 1], to any agent of the department authorized to issue fishing and hunting licenses, is entitled to a 10-day nonresident fishing license that authorizes the holder to fish with hook and line, as prescribed by rules and regulations of the department, for 10 consecutive days as indicated on the license."

Section 9. 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~~ \$12, unless a different amount is established pursuant to the commission fee adjustment authority in [section 1], 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 10. Section 87-2-402, MCA, is amended to read:

"87-2-402. Class B-1--nonresident upland game bird license. 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

1 turn 12 years old before or during the season for which the license is issued, upon payment of a fee of \$110,
2 unless a different amount is established pursuant to the commission fee adjustment authority in [section 1]. may
3 receive a Class B-1 license that entitles a holder who is 12 years of age or older to hunt upland game birds and
4 possess the carcasses of upland game birds as authorized by department rules."
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6 **Section 11.** Section 87-2-403, MCA, is amended to read:

7 **"87-2-403. (Temporary) Wild turkey tags and fee.** (1) The department may issue wild turkey tags to
8 the holder of a valid Class A-1 or nonresident wildlife conservation license or as set out in subsection (3). Each
9 tag entitles the holder to hunt one wild turkey and possess the carcass of the turkey, during times and places
10 that the commission authorizes an open season on wild turkey.

11 (2) The fee for a wild turkey tag is ~~\$5~~ \$10 for a resident and \$115 for a nonresident, unless a different
12 amount is established pursuant to the commission fee adjustment authority in [section 1]. Turkey tags must be
13 issued either by a drawing system or in unlimited number as authorized by department rules.

14 (3) Subject to the provisions of subsection (2), a person who is 62 years of age or older as provided in
15 87-2-801, certified as disabled under 87-2-803, or a resident minor as described in 87-2-805 may purchase a
16 wild turkey tag upon presentation of that person's wildlife conservation license. (Terminates March 1, 2006--secs.
17 1, 2, Ch. 241, L. 1993.)

18 **87-2-403. (Effective March 1, 2006) Wild turkey tags and fee.** (1) The department may issue wild
19 turkey tags to the holder of a valid Class A-1 or nonresident wildlife conservation license or as set out in
20 subsection (3). Each tag entitles the holder to hunt one wild turkey and possess the carcass of the turkey, during
21 times and places that the commission authorizes an open season on wild turkey.

22 (2) The fee for a wild turkey tag is ~~\$5~~ \$10 for a resident and \$105 for a nonresident, unless a different
23 amount is established pursuant to the commission fee adjustment authority in [section 1]. Turkey tags must be
24 issued either by a drawing system or in unlimited number as authorized by department rules.

25 (3) Subject to the provisions of subsection (2), a person who is 62 years of age or older as provided in
26 87-2-801, certified as disabled under 87-2-803, or a resident minor as described in 87-2-805 may purchase a
27 wild turkey tag upon presentation of that person's wildlife conservation license."
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29 **Section 12.** Section 87-2-404, MCA, is amended to read:

30 **"87-2-404. Three-day nonresident captive-reared bird hunting stamp.** A person who is 12 years of

1 age or older or who will turn 12 years old before or during the season for which the license is issued and who
 2 is not a resident, as defined in 87-2-102, may, upon payment of a fee of \$20, unless a different amount is
 3 established pursuant to the commission fee adjustment authority in [section 1], receive a 3-day nonresident
 4 shooting preserve bird hunting stamp that authorizes a holder who is 12 years of age or older to hunt game
 5 specified under 87-4-522 on a shooting preserve licensed under 87-4-501 for 3 consecutive calendar days as
 6 indicated on the license."

7

8 **Section 13.** Section 87-2-411, MCA, is amended to read:

9 **"87-2-411. License required to hunt migratory game birds -- fees -- disposition of proceeds.** (1)

10 A person 16 years of age or older may not hunt migratory game birds without first having obtained a valid
 11 migratory bird license from the department. The fee for a resident to purchase the license is ~~\$5~~ \$7, unless a
 12 different amount is established pursuant to the commission fee adjustment authority in [section 1]. The fee for
 13 a nonresident to purchase the license is \$50, unless a different amount is established pursuant to the
 14 commission fee adjustment authority in [section 1].

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

18

19 **Section 14.** Section 87-2-501, MCA, is amended to read:

20 **"87-2-501. Class A-3, A-4, A-5, A-6, A-7, A-9--resident deer, elk, and bear licenses -- special Class**

21 **A-7 resident and nonresident license requirements and preference -- fees.** (1) Except as otherwise provided
 22 in this chapter, a resident, as defined by 87-2-102, or a nonresident who wishes to purchase a Class A-7 elk
 23 license only and who is 12 years of age or older or who will turn 12 years old before or during the season for
 24 which the license is issued, upon payment of the proper fee or fees, is entitled to purchase one each of the
 25 following licenses at the prescribed cost, unless a different cost is established pursuant to the commission fee
 26 adjustment authority in [section 1], that will entitle a holder who is 12 years of age or older to hunt the game
 27 animal or animals authorized by the license held and to possess the carcasses of those game animals as
 28 authorized by department rules:

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

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

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

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

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

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

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

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

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

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

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

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

24

25 **Section 15.** 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 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, unless a different amount is established pursuant to the commission
3 fee adjustment authority in [section 1];

4 (ii) Class B-8, deer B tag, \$75, unless a different amount is established pursuant to the commission fee
5 adjustment authority in [section 1].

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

8 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be
9 assigned for use in a specific administrative region or regions or a portion of a specific administrative region or
10 regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If
11 purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state,
12 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.

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

22 (i) Class B-7, deer A tag, \$250, unless a different amount is established pursuant to the commission
23 fee adjustment authority in [section 1];

24 (ii) Class B-8, deer B tag, \$75, unless a different amount is established pursuant to the commission fee
25 adjustment authority in [section 1].

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

28 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be
29 assigned for use in a specific administrative region or regions or a portion of a specific administrative region or
30 regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If

1 purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state,
2 except as provided in 87-2-512(1)(d).

3 (3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by
4 hunting districts, portions of a hunting district, groups of districts, or administrative regions."
5

6 **Section 16.** Section 87-2-505, MCA, is amended to read:

7 **"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as
8 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years
9 of age or older or who will turn 12 years old before or during the season for which the license is issued may,
10 upon payment of the fee of \$625, unless a different amount is established pursuant to the commission fee
11 adjustment authority in [section 1], plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), or
12 upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved
13 pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject
14 to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office,
15 Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is
16 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
17 license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500
18 unreserved Class B-10 licenses may be sold in any 1 license year.

19 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big
20 game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk
21 permits established by the commission, unless a different amount is established pursuant to the commission
22 fee adjustment authority in [section 1].

23 (3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12
24 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for
25 a Class B-12 license is \$270, unless a different amount is established pursuant to the commission fee
26 adjustment authority in [section 1]. The license entitles the holder to hunt in the hunting district or portion of a
27 hunting district and under the terms and conditions specified by the commission. (Terminates March 1,
28 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999; sec. 9, Ch. 216, L. 2001.)

29 **87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.** (1)
30 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who

1 is 12 years of age or older or who will turn 12 years old before or during the season for which the license is
 2 issued may, upon payment of the fee of \$550, unless a different amount is established pursuant to the
 3 commission fee adjustment authority in [section 1], and subject to the limitations prescribed by law and
 4 department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10
 5 nonresident big game combination license ~~which shall entitle~~ that entitles a holder who is 12 years of age or
 6 older to all the privileges of Class B, Class B-1, and Class B-7 licenses; and an elk tag. This license includes
 7 the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may
 8 be sold in any 1 license year.

9 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big
 10 game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk
 11 permits established by the commission, unless a different amount is established pursuant to the commission
 12 fee adjustment authority in [section 1].

13 (3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12
 14 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for
 15 a Class B-12 license is \$270, unless a different amount is established pursuant to the commission fee
 16 adjustment authority in [section 1]. The license entitles the holder to hunt in the hunting district or portion of a
 17 hunting district and under the terms and conditions determined by the commission."
 18

19 **Section 17.** Section 87-2-507, MCA, is amended to read:

20 **"87-2-507. (Temporary) Class D-1--nonresident mountain lion license.** Except as otherwise provided
 21 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
 22 will turn 12 years old before or during the season for which the license is issued, upon payment of a fee of \$320,
 23 unless a different amount is established pursuant to the commission fee adjustment authority in [section 1], may
 24 receive a Class D-1 license that entitles a holder who is 12 years of age or older to hunt mountain lion and
 25 possess the carcass of the mountain lion as authorized by department rules. If a holder of a valid mountain lion
 26 license under this section kills a mountain lion, the licensee shall purchase a trophy license for a fee of \$50,
 27 unless a different amount is established pursuant to the commission fee adjustment authority in [section 1],
 28 within 10 days after the date of kill. The trophy license authorizes the holder to possess and transport the trophy.
 29 (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

30 **87-2-507. (Effective March 1, 2006) Class D-1--nonresident mountain lion license.** Except as

1 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years
2 of age or older or who will turn 12 years old before or during the season for which the license is issued, upon
3 payment of a fee of \$300, unless a different amount is established pursuant to the commission fee adjustment
4 authority in [section 1], may receive a Class D-1 license that entitles a holder who is 12 years of age or older to
5 hunt mountain lion and possess the carcass of the mountain lion as authorized by department rules. If a holder
6 of a valid mountain lion license under this section kills a mountain lion, the licensee shall purchase a trophy
7 license for a fee of \$50, unless a different amount is established pursuant to the commission fee adjustment
8 authority in [section 1], within 10 days after the date of kill. The trophy license authorizes the holder to possess
9 and transport the trophy."
10

11 **Section 18.** Section 87-2-508, MCA, is amended to read:
12 **"87-2-508. Class D-2--resident mountain lion license.** Except as otherwise provided in this chapter,
13 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
14 old before or during the season for which the license is issued, upon payment of a fee of ~~\$15~~ \$20, unless a
15 different amount is established pursuant to the commission fee adjustment authority in [section 1], may receive
16 a Class D-2 license that entitles a holder who is 12 years of age or older to hunt mountain lion and possess the
17 carcass of the mountain lion as authorized by department rules. If a holder of a valid mountain lion license under
18 this section kills a mountain lion, the licensee shall purchase a trophy license for a fee of \$50 within 10 days after
19 the date of kill. The trophy license authorizes the holder to possess and transport the trophy."
20

21 **Section 19.** Section 87-2-510, MCA, is amended to read:
22 **"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as otherwise
23 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
24 older or who will turn 12 years old before or during the season for which the license is issued may, upon payment
25 of a fee of \$325, unless a different amount is established pursuant to the commission fee adjustment authority
26 in [section 1], plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), upon payment of the fee
27 established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants
28 indicating their intent to use the services of a licensed outfitter or upon payment of the fee of \$325, unless a
29 different amount is established pursuant to the commission fee adjustment authority in [section 1], plus the
30 nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant

1 to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor
2 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks
3 office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder
4 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
5 license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

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

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

12 **87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license.** (1) Except
13 as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years
14 of age or older or who will turn 12 years old before or during the season for which the license is issued may,
15 upon payment of a fee of \$300, unless a different amount is established pursuant to the commission fee
16 adjustment authority in [section 1], purchase a Class B-11 nonresident deer combination license that entitles a
17 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
18 fee for a Class B-11 license is \$300, unless a different amount is established pursuant to the commission fee
19 adjustment authority in [section 1], if the license is one of the 4,000 reserved pursuant to 87-2-511 for applicants
20 indicating their intent either to use the services of a licensed outfitter or to hunt with a resident sponsor on land
21 owned by that sponsor. The license is subject to the limitations prescribed by law and department regulation.
22 A person may apply for a license to the fish, wildlife, and parks office, Helena, Montana. This license includes
23 the nonresident wildlife conservation license as prescribed in 87-2-202.

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

25 (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer
26 combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits
27 established by the commission, unless a different amount is established pursuant to the commission fee
28 adjustment authority in [section 1]."

29

30 **Section 20.** Section 87-2-521, MCA, is amended to read:

1 **"87-2-521. Class D-3--resident hound training license.** A person who is a resident, as defined in
 2 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
 3 the license is issued, upon payment of a fee of \$5, unless a different amount is established pursuant to the
 4 commission fee adjustment authority in [section 1], may receive a Class D-3 hound training license that entitles
 5 the holder to use a dog or dogs to aid in pursuing mountain lions or bobcats during the training season
 6 established in 87-3-124(3)(c)."

7
 8 **Section 21.** Section 87-2-601, MCA, is amended to read:
 9 **"87-2-601. Class C--trapper's license.** Except as otherwise provided in this chapter, a resident, as
 10 defined in 87-2-102, who is 12 years of age or older, upon making application and payment of a fee of \$20 to
 11 the department, unless a different amount is established pursuant to the commission fee adjustment authority
 12 in [section 1], may receive a Class C license that authorizes the holder to trap fur-bearing animals and hunt
 13 bobcat, wolverine, and Canada lynx within the state at the times and in the manner provided by law and the
 14 regulations of the commission and at the places ~~that may be~~ designated in the license."

15
 16 **Section 22.** Section 87-2-602, MCA, is amended to read:
 17 **"87-2-602. Class C-1--landowner's trapping license.** Except as otherwise provided in this chapter,
 18 any individual who owns land in this state or any tenant or member of the immediate family of ~~said the~~ owner
 19 or tenant, upon making application to the department and payment of the fee of \$1, unless a different amount
 20 is established pursuant to the commission fee adjustment authority in [section 1], may receive a Class C-1
 21 license ~~which shall entitle~~ that entitles the holder ~~thereof of the license~~ to trap any fur-bearing animal and to hunt
 22 bobcat, wolverine, and lynx on land owned or leased by ~~him or his~~ the individual or tenant or the individual's or
 23 tenant's immediate family at ~~such times and in such the manner as may be lawful so to do under the laws of the~~
 24 ~~state~~ provided by law and the regulations of the department and at ~~such places as may be~~ designated in ~~said~~
 25 the license."

26
 27 **Section 23.** Section 87-2-603, MCA, is amended to read:
 28 **"87-2-603. Class C-2--nonresident trapper's license.** (1) A person not a resident, as defined in
 29 87-2-102, who is 12 years of age or older, upon making application and payment of a fee of \$250 to the
 30 department, unless a different amount is established pursuant to the commission fee adjustment authority in

1 [section 1], is entitled to a nonresident trapper's license that authorizes the holder to trap and snare predatory
2 animals and nongame wildlife within the state. The trapping or snaring is permitted only after October 15 of each
3 license year and in the manner provided by law and the rules of the commission and at the places ~~that may be~~
4 designated in the license.

5 (2) A person not a resident whose state of residence does not sell nonresident trapper's licenses to
6 Montanans may not be issued a Class C-2 license under subsection (1)."

7

8 **Section 24.** Section 87-2-701, MCA, is amended to read:

9 **"87-2-701. (Temporary) Special licenses.** (1) An applicant who is 12 years of age or older or who will
10 turn 12 years old before or during the season for which the license is issued and is the holder of a resident
11 wildlife conservation license or a nonresident wildlife conservation license may apply for a special license that,
12 in the judgment of the department, is to be issued and shall pay the following fees, unless a different amount
13 is established pursuant to the commission fee adjustment authority in [section 1]:

- 14 (a) moose--resident, \$75; nonresident, ~~\$750~~ \$980;
- 15 (b) mountain goat--resident, \$75; nonresident, ~~\$750~~ \$980;
- 16 (c) mountain sheep--resident, \$75; nonresident, ~~\$750~~ \$980;
- 17 (d) antelope--resident, ~~\$44~~ \$15; nonresident, \$200;
- 18 (e) grizzly bear--resident, \$50; nonresident, \$300;
- 19 (f) black bear--nonresident, \$350;
- 20 (g) wild buffalo or bison--resident, \$75; nonresident, ~~\$750~~ \$980.

21 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear,
22 the person shall purchase a trophy license for a fee of \$25, unless a different amount is established pursuant
23 to the commission fee adjustment authority in [section 1], within 10 days after the date of the kill. The trophy
24 license authorizes the holder to possess and transport the trophy.

25 (3) Special licenses must be issued in a manner prescribed by the department. (Terminates March 1,
26 2006--secs. 1, 2, Ch. 241, L. 1993.)

27 **87-2-701. (Effective March 1, 2006) Special licenses.** (1) An applicant who is 12 years of age or older
28 or who will turn 12 years old before or during the season for which the license is issued and is the holder of a
29 resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special
30 license that, in the judgment of the department, is to be issued and shall pay the following fees, unless a different

1 amount is established pursuant to the commission fee adjustment authority in [section 1]:

- 2 (a) moose--resident, \$75; nonresident, \$980;
 3 (b) mountain goat--resident, \$75; nonresident, \$980;
 4 (c) mountain sheep--resident, \$75; nonresident, \$980;
 5 (d) antelope--resident, ~~\$14~~ \$15; nonresident, ~~\$180~~ \$200;
 6 (e) grizzly bear--resident, \$50; nonresident, \$300;
 7 (f) black bear--nonresident, ~~\$330~~ \$350;
 8 (g) wild buffalo or bison--resident, \$75; nonresident, ~~\$750~~ \$980.

9 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear,
 10 the person shall purchase a trophy license for a fee of \$25, unless a different amount is established pursuant
 11 to the commission fee adjustment authority in [section 1], within 10 days after the date of the kill. The trophy
 12 license authorizes the holder to possess and transport the trophy.

13 (3) Special licenses must be issued in a manner prescribed by the department."
 14

15 **Section 25.** Section 87-2-708, MCA, is amended to read:

16 **"87-2-708. Class A-2--special bow and arrow license.** A holder of a valid hunting license for which
 17 a special archery season is set by the department may receive, upon payment of an additional fee of \$8, unless
 18 a different amount is established pursuant to the commission fee adjustment authority in [section 1], a Class A-2
 19 license that authorizes the holder to hunt with bow and arrow the game animals authorized by the licenses held
 20 and to possess the carcass of the game animals during seasons and in areas designated by the department."
 21

22 **Section 26.** Section 87-2-711, MCA, is amended to read:

23 **"87-2-711. (Temporary) Class AAA--combination sports license.** (1) A resident, as defined by
 24 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
 25 license is issued is entitled to:

26 (a) upon payment of ~~the sum of \$54~~ a fee of \$70, unless a different amount is established pursuant to
 27 the commission fee adjustment authority in [section 1], plus the resident hunting access enhancement fee in
 28 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise
 29 all rights granted to holders of Class A, A-1, A-3, A-5, and resident conservation licenses as prescribed in
 30 87-2-202; or

1 (b) upon payment of ~~the sum of \$64~~ a fee of \$85, unless a different amount is established pursuant to
 2 the commission fee adjustment authority in [section 1], plus the resident hunting access enhancement fee in
 3 87-2-202(3)(c), a combination sports license that permits a holder who is 12 years of age or older to exercise
 4 all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

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

7 **87-2-711. (Effective March 1, 2006) Class AAA--combination sports license.** (1) A resident, as
 8 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
 9 for which the license is issued is entitled to:

10 (a) upon payment of ~~the sum of \$54~~ a fee of \$70, unless a different amount is established pursuant to
 11 the commission fee adjustment authority in [section 1], a combination sports license that permits a holder who
 12 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
 13 conservation licenses as prescribed in 87-2-202; or

14 (b) upon payment of ~~the sum of \$64~~ a fee of \$85, unless a different amount is established pursuant to
 15 the commission fee adjustment authority in [section 1], a combination sports license that permits a holder who
 16 is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to
 17 holders of a Class A-6 license.

18 (2) The department may furnish each holder of a combination sports license an appropriate decal."
 19

20 **Section 27.** Section 87-2-801, MCA, is amended to read:

21 **"87-2-801. Residents over sixty-two years of age -- resident or nonresident legion of valor**
 22 **members.** (1) A resident, as defined in 87-2-102, who is 62 years of age or older is entitled to fish and hunt
 23 game birds with a conservation license issued by the department. The form of the license must be prescribed
 24 by the department.

25 (2) A resident who is 62 years of age or older is also entitled to purchase ~~regular resident deer and elk~~
 26 ~~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~~
 27 ~~years of age~~ a Class A-3 deer A tag for \$8 and a Class A-5 elk tag for \$10, unless a different amount is
 28 established pursuant to the commission fee adjustment authority in [section 1].

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

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Section 28. Section 87-2-803, MCA, is amended to read:

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

(2) A resident of Montana who is certified as disabled by the department and who is not residing in an institution may purchase ~~regular resident deer and elk licenses at one-half the fee paid by a resident who is 15 years of age or older and who is under 62 years of age~~ a Class A-3 deer A tag for \$8 and a Class A-5 elk tag for \$10, unless a different amount is established pursuant to the commission fee adjustment authority in [section 1]. A person who has purchased a conservation license and a resident deer license or resident elk license for a particular license year and who is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously purchased and reissuance of the license for that license year at the rate established in this subsection.

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

(4) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection as a permitholder, may hunt by shooting a firearm from the shoulder, berm, or barrow pit right-of-way of a public highway, as defined in 61-1-202, except a state or federal highway, or may hunt by shooting a firearm from within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way in a manner that will not impede traffic or endanger motorists or that is parked in an area, not a public highway, where hunting is permitted. This subsection does not allow a permitholder to shoot across the roadway of any public highway

1 or to hunt on private property without permission of the landowner. A permit holder must have a companion to
2 assist in immediately dressing any killed game animal. The companion may also assist the permit holder by
3 hunting a game animal that has been wounded by the permit holder when the permit holder is unable to pursue
4 and kill the wounded game animal. Any vehicle from which a permit holder is hunting must be conspicuously
5 marked with an orange-colored international symbol of persons with disabilities on the front, rear, and each side
6 of the vehicle, or as prescribed by the department.

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

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

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

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

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

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

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

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

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

30 (10) A person who disagrees with a determination of eligibility for a permit to hunt from a vehicle may

1 request a review by a voluntary board of review pursuant to subsection (3)."

2

3 **Section 29.** Section 87-2-805, MCA, is amended to read:

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

13 (2) A resident, as defined by 87-2-102, who is 12 years of age or older and under 15 years of age may
14 purchase a Class A-3 deer A tag for \$8 and a Class A-5 licenses at a price equal to one-half the fee paid by a
15 resident who is 15 years of age or older and under 62 years of age elk tag for \$10, unless a different amount
16 is established pursuant to the commission fee adjustment authority in [section 1].

17 (3) (a) A resident who is 12 years of age or older and under 18 years of age may purchase a youth
18 combination sports license ~~at a price that, rounded to the nearest dollar, is 46% of the fee paid for the Class AAA~~
19 ~~combination sports license by a resident who is 18 years of age or older and under 62 years of age for \$25,~~
20 unless a different amount is established pursuant to the commission fee adjustment authority in [section 1]. A
21 resident who is 12 years of age or older and under 18 years of age and who applies for any hunting license for
22 the first time is entitled to receive a youth combination sports license free of charge.

23 (b) The youth combination sports license includes:

24 (i) a conservation license;

25 (ii) a fishing license;

26 (iii) an upland game bird license;

27 (iv) an elk license; and

28 (v) a deer license.

29 (c) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A fishing
30 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~~

1 ~~of age for \$8, unless a different amount is established pursuant to the commission fee adjustment authority in~~
 2 ~~[section 1].~~

3 (d) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A-1
 4 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~~
 5 ~~of age for \$5, unless a different amount is established pursuant to the commission fee adjustment authority in~~
 6 ~~[section 1].~~

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 **Section 30.** Section 87-3-236, MCA, is amended to read:

21 **"87-3-236. Warm water game fish surcharge and stamp -- warm water game fish defined --**
 22 **accounts established -- dedication of revenue to Fort Peck multispecies fish hatchery.** (1) A person who
 23 is required to be licensed in order to fish in Montana and who desires to fish for warm water game fish in waters
 24 listed pursuant to subsection (9) shall, upon purchase of a Class A, Class B, Class B-4, Class B-5, or Class A-8
 25 fishing license, pay a warm water game fish surcharge of \$5, unless a different amount is established pursuant
 26 to the commission fee adjustment authority in [section 1]. The surcharge is in addition to the license fee
 27 established for each class of license and entitles the holder to fish for warm water game fish as authorized by
 28 the department. Payment of the surcharge must be indicated by placement of a warm water game fish stamp
 29 on the fishing license.

30 (2) A warm water game fish stamp is valid for the license year in which it is purchased.

1 (3) Revenue from the warm water game fish surcharge must be placed in the account created in
2 subsection (5) and may be used only for the purposes set out in subsection (7).

3 (4) As used in this section, "warm water game fish" includes but is not limited to all species of the
4 genera *Stizostedion*, *Esox*, *Micropterus*, and *Lota* and includes largemouth bass (*Micropterus salmoides*),
5 smallmouth bass (*Micropterus dolomieu*), walleye (*Stizostedion vitreum*), sauger (*Stizostedion canadense*),
6 black crappie (*Pomoxis nigromaculatus*), white crappie (*Pomoxis annularis*), channel catfish (*Ictalurus*
7 *punctatus*), yellow perch (*Perca flavescens*), northern pike (*Esox lucius*), and tiger muskellunge.

8 (5) There is an account into which must be deposited:

9 (a) all proceeds from the warm water game fish surcharge established in subsection (1); and

10 (b) money received by the department in the form of gifts, grants, reimbursements, or appropriations
11 from any source intended to be used for the Fort Peck multispecies fish hatchery.

12 (6) The department shall administer the account within the state special revenue fund established in
13 17-2-102.

14 (7) Subject to the provisions of subsection (8), revenue collected under subsection (5) must be used
15 by the department for the construction, operation, maintenance, and personnel costs of the Fort Peck
16 multispecies fish hatchery established in 87-3-235, which may include a cost-share agreement with the federal
17 government for construction of the Fort Peck multispecies fish hatchery, and beginning October 1, 2005, for the
18 costs incurred in eradicating illegally introduced warm water species from Montana waters. No more than 15%
19 of available revenue may be dedicated to eradication efforts.

20 (8) The department may not use any nonfederal funds for the hatchery authorized in 87-3-235 other
21 than those in the account provided for in subsection (5). There is an account in the federal special revenue fund
22 into which must be deposited all federal money received for purposes of the Fort Peck multispecies fish hatchery
23 and from which the department may use funds for the hatchery authorized in 87-3-235.

24 (9) The department shall prepare a list of all waters into which fish from the Fort Peck multispecies fish
25 hatchery will be planted. The waters designated in the list are the only waters for which a warm water game fish
26 stamp is required."
27

28 **NEW SECTION. Section 31. Codification instruction.** [Section 1] is intended to be codified as an
29 integral part of Title 87, chapter 1, part 3, and the provisions of Title 87, chapter 1, part 3, apply to [section 1].
30

