

## 1 SENATE BILL NO. 55

2 INTRODUCED BY B. TASH

3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ISSUANCE OF A FREE RESIDENT  
6 WILDLIFE CONSERVATION LICENSE TO A RESIDENT MONTANA NATIONAL GUARD OR FEDERAL  
7 RESERVES MEMBER WHO HAS BEEN MOBILIZED FOR FEDERAL MILITARY SERVICE, UPON THE  
8 MEMBER'S RETURN; PROVIDING THAT THE FREE WILDLIFE CONSERVATION LICENSE IS AVAILABLE  
9 DURING THE LICENSE YEAR THAT THE MEMBER RETURNS OR THE LICENSE YEAR AFTER THE  
10 MEMBER RETURNS; SPECIFYING NECESSARY DOCUMENTATION TO BE PROVIDED BY THE MEMBER  
11 TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS HEADQUARTERS OR TO ANY REGIONAL  
12 OFFICE; AND AMENDING SECTIONS 87-2-202 AND 87-2-711, MCA."

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

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16 **Section 1.** Section 87-2-202, MCA, is amended to read:

17 **"87-2-202. Application -- fee -- expiration.** (1) ~~A~~ Except as provided in subsection (7), a wildlife  
18 conservation license must be sold upon written application. The application must contain the applicant's name,  
19 age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying  
20 length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien  
21 and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana  
22 driver's examiner's identification card, or other identification specified by the department to substantiate the  
23 required information when applying for a wildlife conservation license. It is the applicant's burden to provide  
24 documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license  
25 or to receive a free wildlife conservation license pursuant to subsection (7). It is unlawful and a misdemeanor  
26 for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required  
27 identification at the time of application for licensure.

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

30 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$6.25, of which 25 cents

1 is a search and rescue surcharge.

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

4 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the  
5 wildlife conservation license as a prerequisite to purchase a hunting license, including a free wildlife conservation  
6 license received pursuant to subsection (7), an additional hunting access enhancement fee of \$2 is assessed.  
7 The additional fee may be used by the department only to encourage enhanced hunting access through the  
8 hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The  
9 wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid.  
10 The resident hunting access enhancement fee is chargeable only once during any license year.

11 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses  
12 the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced  
13 outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access  
14 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage  
15 enhanced hunting access through the hunter management and hunting access enhancement programs  
16 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when  
17 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable  
18 only once during any license year.

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

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

23 (6) The department shall delete the applicant's social security number in any electronic database [5  
24 years after the date that application is made for the most recent license].

25 (7) (a) A Montana resident who is a member of the Montana national guard or federal reserves and who  
26 is mobilized for federal service must, upon request and upon presentation of the documentation described in  
27 subsection (7)(b), be issued, at the member's election, a resident wildlife conservation license free of charge in  
28 the license year that the member returns from federal military service or in the license year after the member  
29 returns.

30 (b) To be eligible for the free wildlife conservation license provided for in subsection (7)(a), a Montana

1 national guard or federal reserves member shall, in addition to the written application and proof of residency  
 2 required in subsection (1), provide to the department's headquarters in Helena, Montana, or to any regional fish,  
 3 wildlife, and parks office the member's DD form 214 verifying the member's release or discharge from active  
 4 duty. The DD form 214 must indicate that the member was mobilized through a congressional declaration of war  
 5 or national emergency pursuant to 10 U.S.C. 12301, through a presidential declaration of national emergency  
 6 pursuant to 10 U.S.C. 12302, or through a presidential selective reserve callup pursuant to 10 U.S.C. 12304.  
 7 (Subsections (3)(c) and (3)(d) terminate March 1, 2006--sec. 9, Ch. 216, L. 2001; bracketed language terminates  
 8 or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001; the \$2 wildlife conservation license fee  
 9 increases in subsections (3)(a) and (3)(b) void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

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

12 **"87-2-711. (Temporary) Class AAA--combination sports license.** (1) A resident, as defined by  
 13 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  
 14 license is issued is entitled to:

15 (a) ~~upon payment of the sum of \$54, plus the resident hunting access enhancement fee in~~  
 16 ~~87-2-202(3)(c);~~ a combination sports license that permits a holder who is 12 years of age or older to exercise  
 17 all rights granted to holders of Class A, A-1, A-3, and A-5; and resident conservation licenses as prescribed in  
 18 87-2-202 upon payment of the sum of \$54, plus the resident hunting access enhancement fee provided for in  
 19 87-2-202(3)(c), unless the resident is eligible for a free wildlife conservation license pursuant to 87-2-202(7), in  
 20 which case the cost of the combination sports license must be reduced by the amount chargeable for a resident  
 21 wildlife conservation license; or

22 (b) ~~upon payment of the sum of \$64, plus the resident hunting access enhancement fee in~~  
 23 ~~87-2-202(3)(c);~~ a combination sports license that permits a holder who is 12 years of age or older to exercise  
 24 all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license upon  
 25 payment of the sum of \$64, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c),  
 26 unless the resident is eligible for a free wildlife conservation license pursuant to 87-2-202(7), in which case the  
 27 cost of the combination sports license must be reduced by the amount chargeable for a resident wildlife  
 28 conservation license.

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

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

4           (a) ~~upon payment of the sum of \$54,~~ a combination sports license that permits a holder who is 12 years  
5 of age or older to exercise all rights granted to holders of Class A, A-1, A-3, and A-5; and resident conservation  
6 licenses as prescribed in 87-2-202 upon payment of the sum of \$54, unless the resident is eligible for a free  
7 wildlife conservation license pursuant to 87-2-202(7), in which case the cost of the combination sports license  
8 must be reduced by the amount chargeable for a resident wildlife conservation license; or

9           (b) ~~upon payment of the sum of \$64,~~ a combination sports license that permits a holder who is 12 years  
10 of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of  
11 a Class A-6 license upon payment of the sum of \$64, unless the resident is eligible for a free wildlife  
12 conservation license pursuant to 87-2-202(7), in which case the cost of the combination sports license must be  
13 reduced by the amount chargeable for a resident wildlife conservation license.

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