

## SENATE BILL NO. 390

INTRODUCED BY JONES

1  
2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO WILDLIFE POPULATION  
5 MANAGEMENT FUNDING; ESTABLISHING THE WILDLIFE POPULATION MANAGEMENT ACCOUNT;  
6 ~~INCREASING THE WILDLIFE CONSERVATION LICENSE FEE~~ CREATING A DONATION OPTION;  
7 AUTHORIZING USE OF STATE FUNDS FOR COLLARING WOLVES; TRANSFERRING FUNDS FOR WOLF  
8 MANAGEMENT, COLLARING, AND LETHAL ACTION; AMENDING SECTIONS 87-1-601, ~~87-2-202~~, 87-2-903,  
9 AND 87-5-132, MCA; AND PROVIDING AN EFFECTIVE DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 **Section 1.** Section 87-1-601, MCA, is amended to read:  
14 **"87-1-601. (Temporary) Use of fish and game money.** (1) (a) Except as provided in subsections (7)  
15 and (9), all money collected or received from the sale of hunting and fishing licenses or permits, from the sale  
16 of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from  
17 appropriations or received by the department from any other state source must be turned over to the department  
18 of revenue and placed in the state special revenue fund to the credit of the department.  
19 ~~\_\_\_\_\_ (b) Any money received from federal sources must be deposited in the federal special revenue fund to~~  
20 ~~the credit of the department.~~  
21 ~~\_\_\_\_\_ (c) All interest earned on money from the following sources must be placed in the state special revenue~~  
22 ~~fund to the credit of the department:~~  
23 ~~\_\_\_\_\_ (i) the general license account;~~  
24 ~~\_\_\_\_\_ (ii) the license drawing account;~~  
25 ~~\_\_\_\_\_ (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,~~  
26 ~~87-2-722, and 87-2-724; and~~  
27 ~~\_\_\_\_\_ (iv) money received from the sale of any other hunting and fishing license.~~  
28 ~~\_\_\_\_\_ (2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart~~  
29 ~~and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be~~  
30 ~~made by the department under the terms of this title. The money described in subsection (1) must be spent for~~

1 those purposes by the department, subject to appropriation by the legislature.

2 ~~———(3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special~~  
3 ~~revenue fund and the federal special revenue fund.~~

4 ~~———(4) Except as provided in subsections (7) and (8), all money collected or received from fines and forfeited~~  
5 ~~bonds, except money collected or received by a justice's court, that relates to violations of state fish and game~~  
6 ~~laws under Title 87 must be deposited by the department of revenue and credited to the department in a state~~  
7 ~~special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and~~  
8 ~~game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the~~  
9 ~~fine is not imposed in addition to the costs of prosecution.~~

10 ~~———(5) (a) Except as provided in 87-1-621 and section 2(3), Chapter 560, Laws of 2005, money must be~~  
11 ~~deposited in an account in the permanent fund if it is received by the department from:~~

12 ~~———(i) the sale of surplus real property;~~

13 ~~———(ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department,~~  
14 ~~except royalties or other compensation based on production; and~~

15 ~~———(iii) leases of interests in department real property not contemplated at the time of acquisition.~~

16 ~~———(b) The interest derived from the account, but not the principal, may be used only for the purpose of~~  
17 ~~operation, development, and maintenance of real property of the department and only upon appropriation by the~~  
18 ~~legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or~~  
19 ~~state statutes specifically naming the department or money received by the department, then the use of this~~  
20 ~~money must be limited in the manner, method, and amount to those uses that do not result in a violation.~~

21 ~~———(6) Money received from the collection of license drawing applications is subject to the deposit~~  
22 ~~requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit~~  
23 ~~schedule pursuant to 17-6-105(8).~~

24 ~~———(7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or~~  
25 ~~rules adopted under 77-1-804 must be deposited in the state general fund.~~

26 ~~———(8) The department of revenue shall deposit in the state general fund one-half of the money received~~  
27 ~~from the fines pursuant to 87-1-102.~~

28 ~~———(9) (a) The department shall deposit all money received from the search and rescue surcharge in~~  
29 ~~87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as~~  
30 ~~provided for in 10-3-801.~~

1 ~~—— (b) Upon certification by the department of reimbursement requests submitted by the department of~~  
2 ~~military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the~~  
3 ~~department may transfer funds from the special revenue account to the search and rescue account provided for~~  
4 ~~in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.~~

5 ~~—— (c) Using funds in the department's search and rescue account that are not already committed to~~  
6 ~~reimbursement for search and rescue missions, the department may provide matching funds to the department~~  
7 ~~of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion~~  
8 ~~that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears~~  
9 ~~to the statewide total of search and rescue missions.~~

10 ~~—— (d) Any money deposited in the special revenue account is available for reimbursement of search and~~  
11 ~~rescue missions and to provide matching funds to reimburse counties for search and rescue training and~~  
12 ~~equipment costs.~~

13 **87-1-601. (Effective March 1, 2011) Use of fish and game money.** (1) (a) Except as provided in  
14 87-1-290, [section 4 5], and subsections (7) and (9) of this section, all money collected or received from the sale  
15 of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for  
16 violations of the fish and game laws of this state, or from appropriations or received by the department from any  
17 other state source must be turned over to the department of revenue and placed in the state special revenue fund  
18 to the credit of the department.

19 (b) Any money received from federal sources must be deposited in the federal special revenue fund to  
20 the credit of the department.

21 (c) All interest earned on money from the following sources must be placed in the state special revenue  
22 fund to the credit of the department:

23 (i) the general license account;

24 (ii) the license drawing account;

25 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,  
26 87-2-722, and 87-2-724; and

27 (iv) money received from the sale of any other hunting and fishing license.

28 (2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart  
29 and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be  
30 made by the department under the terms of this title. The money described in subsection (1) must be spent for

1 those purposes by the department, subject to appropriation by the legislature.

2 (3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special  
3 revenue fund and the federal special revenue fund.

4 (4) Except as provided in subsections (7) and (8), all money collected or received from fines and forfeited  
5 bonds, except money collected or received by a justice's court, that relates to violations of state fish and game  
6 laws under Title 87 must be deposited by the department of revenue and credited to the department in a state  
7 special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and  
8 game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the  
9 fine is not imposed in addition to the costs of prosecution.

10 (5) (a) Except as provided in 87-1-621 and section 2(3), Chapter 560, Laws of 2005, money must be  
11 deposited in an account in the permanent fund if it is received by the department from:

12 (i) the sale of surplus real property;

13 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department,  
14 except royalties or other compensation based on production; and

15 (iii) leases of interests in department real property not contemplated at the time of acquisition.

16 (b) The interest derived from the account, but not the principal, may be used only for the purpose of  
17 operation, development, and maintenance of real property of the department and only upon appropriation by the  
18 legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or  
19 state statutes specifically naming the department or money received by the department, then the use of this  
20 money must be limited in the manner, method, and amount to those uses that do not result in a violation.

21 (6) Money received from the collection of license drawing applications is subject to the deposit  
22 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit  
23 schedule pursuant to 17-6-105(8).

24 (7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or  
25 rules adopted under 77-1-804 must be deposited in the state general fund.

26 (8) The department of revenue shall deposit in the state general fund one-half of the money received  
27 from the fines pursuant to 87-1-102.

28 (9) (a) The department shall deposit all money received from the search and rescue surcharge in  
29 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as  
30 provided for in 10-3-801.

1 (b) Upon certification by the department of reimbursement requests submitted by the department of  
 2 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the  
 3 department may transfer funds from the special revenue account to the search and rescue account provided for  
 4 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

5 (c) Using funds in the department's search and rescue account that are not already committed to  
 6 reimbursement for search and rescue missions, the department may provide matching funds to the department  
 7 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion  
 8 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears  
 9 to the statewide total of search and rescue missions.

10 (d) Any money deposited in the special revenue account is available for reimbursement of search and  
 11 rescue missions and to provide matching funds to reimburse counties for search and rescue training and  
 12 equipment costs."

13

14 ~~Section 2. Section 87-2-202, MCA, is amended to read:~~

15 ~~"87-2-202. (Temporary) Application -- fee -- expiration. (1) Except as provided in 87-2-803(12), a~~  
 16 ~~wildlife conservation license must be sold upon written application. The application must contain the applicant's~~  
 17 ~~name, age, [last four digits of the applicant's social security number,] occupation, street address of permanent~~  
 18 ~~residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen~~  
 19 ~~of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid~~  
 20 ~~Montana driver's license, a Montana driver's examiner's identification card, a tribal identification card, or other~~  
 21 ~~identification specified by the department to substantiate the required information when applying for a wildlife~~  
 22 ~~conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity~~  
 23 ~~and qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license~~  
 24 ~~pursuant to 87-2-803(12). It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation~~  
 25 ~~license to an applicant who fails to produce the required identification at the time of application for licensure.~~

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

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

30 ~~(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is~~

1 a search and rescue surcharge.

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

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

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

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

21 ~~———— (6) The department shall delete the applicant's social security number in any electronic database [5 years~~  
 22 ~~after the date that application is made for the most recent license]. (Bracketed language terminates or is amended~~  
 23 ~~on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in~~  
 24 ~~subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch.~~  
 25 ~~596, L. 2003.)~~

26 ~~———— **87-2-202. (Effective March 1, 2011) Application -- fee -- expiration.** (1) Except as provided in~~  
 27 ~~87-2-803(12), a wildlife conservation license must be sold upon written application. The application must contain~~  
 28 ~~the applicant's name, age, [last four digits of the applicant's social security number,] occupation, street address~~  
 29 ~~of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and~~  
 30 ~~status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall~~

1 present a valid Montana driver's license, a Montana driver's examiner's identification card, a tribal identification  
2 card, or other identification specified by the department to substantiate the required information when applying  
3 for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the  
4 applicant's identity and qualifications to purchase a wildlife conservation license or to receive a free wildlife  
5 conservation license pursuant to 87-2-803(12). It is unlawful and a misdemeanor for a license agent to sell a  
6 wildlife conservation license to an applicant who fails to produce the required identification at the time of  
7 application for licensure.

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

10 ——— (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8 ~~\$9~~, of which ~~\$1 is to be~~  
11 ~~used for wildlife population management pursuant to [section 4] and 25 cents is a search and rescue surcharge.~~

12 ——— (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10 ~~\$11~~, of which ~~\$1 is to~~  
13 ~~be used for wildlife population management pursuant to [section 4] and 25 cents is a search and rescue~~  
14 ~~surcharge.~~

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

22 ——— (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses  
23 the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access  
24 enhancement fee of \$10 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 nonresident hunting access enhancement fee is chargeable  
28 only once during any license year.

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

30 ——— [(5) The department shall keep the applicant's social security number confidential, except that the

1 number may be provided to the department of public health and human services for use in administering Title  
2 IV-D of the Social Security Act.]

3 ~~———(6) The department shall delete the applicant's social security number in any electronic database [5 years  
4 after the date that application is made for the most recent license]. (Bracketed language terminates or is amended  
5 on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in  
6 subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch.  
7 596, L. 2003.)"~~

8

9 **SECTION 2. SECTION 87-2-903, MCA, IS AMENDED TO READ:**

10 **"87-2-903. Compensation, fees, and duties of agents -- penalty for late submission of license**  
11 **money.** (1) License agents, except salaried employees of the department, must receive for all services rendered  
12 a commission of 50 cents for each transaction, plus any additional amount as determined by rules adopted  
13 pursuant to subsection (9).

14 (2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a  
15 purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit  
16 collection of the convenience fee provided for in this subsection.

17 (3) Each license agent shall submit to the department the money received from the sale of licenses and  
18 donations received pursuant to [section 4], less the appropriate commission and convenience fee.

19 (4) Each license agent shall submit to the department copies of each paper license sold.

20 (5) The department may charge license agents appointed after March 1, 1998, an electronic license  
21 system fee not to exceed actual costs.

22 (6) The department may designate classes of license agents and may establish a protocol for each class  
23 of agent. Each license agent shall keep the license account open at all reasonable hours to inspection by the  
24 department, the director, the wardens, or the legislative auditor.

25 (7) For purposes of this section, the term "transaction" includes the sale of any license or permit,  
26 collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not  
27 include donations collected pursuant to [section 4].

28 (8) If a license agent fails to submit to the department all money received from the declared sale of  
29 licenses and donations received pursuant to [section 4], less the appropriate commission and convenience fee,  
30 by the deadline established by the department, an interest charge equal to the rate charged under 15-1-216 may

1 be assessed. Acceptance of late payments with interest does not preclude the department from summarily  
 2 revoking the appointment of a license agent under 87-2-904.

3 (9) The department may adopt rules necessary to implement this section."  
 4

5 **Section 3.** Section 87-5-132, MCA, is amended to read:

6 **"87-5-132. Use of radio-tracking collars for monitoring wolf packs.** (1) As part of a wolf management  
 7 plan approved by the department, a radio-tracking collar or a collar that uses global positioning system technology  
 8 must be attached to at least one wolf in each wolf pack that is active near livestock or near a population center  
 9 in areas where depredations are chronic or likely.

10 (2) The department shall expend ~~only the state and~~ state and federal funds for ~~wolf management purposes~~ to fulfill  
 11 the requirements of this section.

12 (3) The department may collaborate and cooperate with other state and federal agencies to fulfill the  
 13 requirements of this section."  
 14

15 **NEW SECTION. SECTION 4. DONATION OPTION FOR WILDLIFE POPULATION MANAGEMENT. A PERSON WHO**  
 16 **APPLIES FOR OR PURCHASES A DEER OR ELK LICENSE MAY DONATE \$1, IN ADDITION TO THE PRICE OF EACH LICENSE, FOR**  
 17 **THE PURPOSES OF WILDLIFE POPULATION MANAGEMENT AS PROVIDED IN [SECTION 5].**  
 18

19 **NEW SECTION. Section 5. Wildlife population management account.** (1) There is a wildlife  
 20 population management account in the state special revenue fund provided for in 17-2-102. It is the legislature's  
 21 intent that:

22 (a) funds deposited in this account be used by the department only as specified in subsections (2) and  
 23 (3); and

24 (b) the department work cooperatively and enter into agreements with the United States department of  
 25 agriculture wildlife services for any predatory animal control and wolf management activities necessary to meet  
 26 the requirements of subsection (2).

27 (2) The department shall deposit into this account:

28 (a) \$1 from ~~the sale of each wildlife conservation license sold pursuant to 87-2-202~~ DONATIONS RECEIVED  
 29 PURSUANT TO [SECTION 4], which may be used by the department only to manage populations of predatory  
 30 animals, as defined in 87-2-101, mountain lions, and bears at levels that do not threaten elk, deer, and antelope

1 population objectives established pursuant to 87-1-323. The department shall give priority to expending funds  
 2 deposited under this subsection (2)(a) to manage coyote, mountain lion, and bear populations and shall contract  
 3 with the United States department of agriculture wildlife services for this purpose.

4 (b) \$110,000 annually from the general license account for use by the department to manage wolves;

5 ~~(c) \$90,000 annually from total funds received by the department under any contract with the United~~  
 6 ~~States fish and wildlife service. Money deposited under this subsection (2)(c) must be used by the department,~~

7 INCLUDING THE AUTHORITY to collar wolves pursuant to 87-5-132 and to take lethal action against problem wolves  
 8 that attack livestock as authorized by 87-1-217;

9 ~~(d)~~(C) interest earned on the account; and

10 ~~(e)~~(D) funds received from any source intended to be used for the purposes of this section, including  
 11 proceeds from the sale of land the department is unable to adequately maintain or operate.

12 (3) The department may not expend more than 10% of the money deposited pursuant to subsection (2)  
 13 on administrative costs related to implementing the provisions of subsection (2).

14 (4) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the  
 15 account.

16  
 17 NEW SECTION. Section 6. Codification instruction. ~~[Section 4] is~~ [SECTIONS 4 AND 5] ARE intended  
 18 to be codified as an integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6,  
 19 apply to ~~[section 4]~~ [SECTIONS 4 AND 5].

20

21 NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2011.

22

- END -