

1 HOUSE BILL NO. 286

2 INTRODUCED BY C. CLARK

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; TRANSFERRING GENERAL LICENSE
7 ACCOUNT FUNDS FOR WOLF MANAGEMENT; AMENDING SECTIONS 87-1-601 AND 87-2-202, MCA; AND
8 PROVIDING AN EFFECTIVE DATE."

9

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

11

12 **Section 1.** Section 87-1-601, MCA, is amended to read:

13 **"87-1-601. (Temporary) Use of fish and game money.** (1) (a) Except as provided in [section 3] and
14 subsections (7) and (9) of this section, all money collected or received from the sale of hunting and fishing
15 licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and
16 game laws of this state, or from appropriations or received by the department from any other state source must
17 be turned over to the department of revenue and placed in the state special revenue fund to the credit of the
18 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 3, 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~~ \$9, of which \$1 is to be
 29 used for wildlife population management pursuant to [section 3] and 25 cents is a search and rescue surcharge.

30 (b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~\$10~~ \$11, of which \$1 is to

1 be used for wildlife population management pursuant to [section 3] and 25 cents is a search and rescue
2 surcharge.

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

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

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

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

22 (6) The department shall delete the applicant's social security number in any electronic database [5 years
23 after the date that application is made for the most recent license]. (Bracketed language terminates or is amended
24 on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in
25 subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch.
26 596, L. 2003.)

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

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

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

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

13 (b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~\$10~~ \$11, of which \$1 is to
14 be used for wildlife population management pursuant to [section 3] and 25 cents is a search and rescue
15 surcharge.

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

23 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses
24 the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access
25 enhancement fee of \$10 is assessed. 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 years
5 after the date that application is made for the most recent license]. (Bracketed language terminates or is amended
6 on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in
7 subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch.
8 596, L. 2003.)"

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10 **NEW SECTION. Section 3. Wildlife population management account.** (1) There is an account in the
11 state special revenue fund established by 17-2-102 called the wildlife population management account. It is the
12 legislature's intent that:

13 (a) funds deposited in this account be used by the department only as specified in subsection (2); and

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

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

18 (a) \$1 from the sale of each wildlife conservation license sold pursuant to 87-2-202, which may be used
19 by the department only to manage populations of predatory animals, as defined in 87-2-101, mountain lions, and
20 bears at levels that do not threaten elk, deer, and antelope population objectives established pursuant to
21 87-1-323. The department shall give priority to expending funds deposited under this subsection (2)(a) to manage
22 coyotes and shall contract with the United States department of agriculture wildlife services for this purpose.

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

24 (c) interest earned on the account; and

25 (d) funds received from any source intended to be used for the purposes of this section.

26 (3) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the
27 account.

28

29 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an
30 integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to [section 3].

1

2 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2011.

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- END -