

HOUSE BILL NO. 268

INTRODUCED BY K. FLYNN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO HUNTING ACCESS PROGRAM FUNDING; CREATING THE BLOCK MANAGEMENT STAMP; ASSESSING FEES; PROVIDING EXCEPTIONS; ELIMINATING THE HUNTING ACCESS ENHANCEMENT FEE; AMENDING SECTIONS 87-1-270, 87-1-290, 87-2-202, 87-2-505, 87-2-510, 87-2-514, 87-2-522, 87-2-711, AND 87-2-803, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. Section 1. Block management stamp. (1) Except as provided in subsection (2), to be eligible to hunt on lands enrolled in the block management program, a person must first purchase a block management stamp for \$25 in accordance with 87-2-202.

(2) A person under 18 years of age may receive a free block management stamp with the purchase of a wildlife conservation license for use by that person.

(3) The fee paid for the purchase of a block management stamp must be deposited in the hunting access account established in 87-1-290.

Section 2. Section 87-1-270, MCA, is amended to read:

"87-1-270. (Temporary) Allocation of nonresident upland game bird license fees to hunting access enhancement program. (†) Except as provided in 87-2-805(1)(b)(ii), the amount of \$55 from the sale of each Class B-1 nonresident upland game bird license and \$25 from the sale of each Class B-2 3-day nonresident upland game bird license must be used by the department to encourage public access to private lands for hunting purposes in accordance with 87-1-265 through 87-1-267.

~~(2) The resident hunting access enhancement fee in 87-2-202(3)(c) and the nonresident hunting access enhancement fee in 87-2-202(3)(d) must be used by the department to encourage public access to private and public lands for hunting purposes in accordance with 87-1-265 through 87-1-267. (Terminates June 30, 2019--sec. 6, Ch. 204, L. 2013.)~~

87-1-270. (Effective July 1, 2019) Allocation of nonresident upland game bird license fees to



1 **hunting access enhancement program.** ~~(1)~~ Except as provided in 87-2-805(1)(b)(ii), the amount of \$55 from
 2 the sale of each Class B-1 nonresident upland game bird license must be used by the department to encourage
 3 public access to private lands for hunting purposes in accordance with 87-1-265 through 87-1-267.

4 ~~(2) The resident hunting access enhancement fee in 87-2-202(3)(c) and the nonresident hunting access~~
 5 ~~enhancement fee in 87-2-202(3)(d) must be used by the department to encourage public access to private and~~
 6 ~~public lands for hunting purposes in accordance with 87-1-265 through 87-1-267."~~

7

8 **Section 3.** Section 87-1-290, MCA, is amended to read:

9 **"87-1-290. Hunting access account.** (1) There is a hunting access account in the state special revenue
 10 fund. Funds deposited in this account may be used only for the purpose of funding any hunting access program
 11 established by law or by the department through administrative rule.

12 (2) The following funds must be deposited in the account:

13 (a) 25% of the fee for Class B-10 nonresident big game combination licenses pursuant to 87-2-505(1)(c)
 14 and 25% of the fee for Class B-11 nonresident deer combination licenses pursuant to 87-2-510(1)(b);

15 (b) 25% of the fee for hunting licenses issued to nonresident relatives of a resident pursuant to 87-2-514;

16 and

17 ~~(c) the hunting access enhancement fees assessed pursuant to 87-2-202(3)(c) and (3)(d)~~

18 (c) fees for the block management stamp collected pursuant to [section 1] and 87-2-202.

19 (3) Any interest or income earned on the account must be deposited in the account."

20

21 **Section 4.** Section 87-2-202, MCA, is amended to read:

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

1 to 87-2-803(12).

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

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

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

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

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

22 (4) (a) Except as provided in [section 1(2)] and unless a person exercises the option in subsection (4)(b)
23 of this section, the first time in any license year that a person uses the wildlife conservation license as a
24 prerequisite to purchase a hunting license, an additional block management stamp fee of \$25 is assessed. The
25 fee must be used by the department in accordance with 87-1-290. The wildlife conservation license must be
26 marked appropriately when the block management stamp fee is paid. The block management stamp fee is
27 chargeable only once during a license year.

28 (b) A person who will not hunt on lands enrolled in the block management program may elect not to pay
29 the \$25 block management stamp fee collected in subsection (4)(a). If a person elects not to pay, the fee may
30 not be collected during any subsequent use of the wildlife conservation license to purchase a hunting license

1 unless the person elects to pay the additional fee at that time.

2 ~~(4)~~(5) Licenses issued are void after the last day of February next succeeding their issuance.

3 ~~(5)~~(6) The department shall keep the applicant's social security number confidential, except that the
4 number may be provided to the department of public health and human services for use in administering Title
5 IV-D of the Social Security Act.]

6 ~~(6)~~(7) The department shall delete the applicant's social security number in any electronic database [5
7 years after the date that application is made for the most recent license]. (Bracketed language terminates or is
8 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) enacted by Ch. 596, L. 2003, are void on occurrence of
10 contingency--sec. 8, Ch. 596, L. 2003.)"

11

12 **Section 5.** Section 87-2-505, MCA, is amended to read:

13 **"87-2-505. Class B-10--nonresident big game combination license.** (1) (a) Except as otherwise
14 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
15 older or who will turn 12 years old before or during the season for which the license is issued may, upon payment
16 of the fee of \$897 ~~plus the nonresident hunting access enhancement fee in 87-2-202(3)(d)~~ and subject to the
17 limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena,
18 Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years
19 of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license
20 includes the nonresident conservation license as prescribed in 87-2-202.

21 (b) Not more than 17,000 Class B-10 licenses may be sold in any 1 license year.

22 (c) Of the fee paid for the purchase of a Class B-10 nonresident big game combination license pursuant
23 to subsection (1)(a), 25% must be deposited in the account established in 87-1-290.

24 (d) The cost of the Class B-10 nonresident big game combination license must be adjusted annually
25 based on any change to the consumer price index from the previous year. The consumer price index to be used
26 for calculations is the consumer price index for all urban consumers (CPI-U).

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

30

1 **Section 6.** Section 87-2-510, MCA, is amended to read:

2 **"87-2-510. Class B-11--nonresident deer combination license.** (1) (a) Except as otherwise provided
3 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
4 will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of
5 \$527 ~~plus the nonresident hunting access enhancement fee in 87-2-202(3)(d)~~ and subject to the limitations
6 prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to
7 purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older
8 to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident
9 wildlife conservation license as prescribed in 87-2-202.

10 (b) Of the fee paid for the purchase of a Class B-11 nonresident deer combination license pursuant to
11 subsection (1)(a), 25% must be deposited in the account established in 87-1-290.

12 (c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually based
13 on any change to the consumer price index from the previous year. The consumer price index to be used for
14 calculations is the consumer price index for all urban consumers (CPI-U).

15 (2) Not more than 4,600 unreserved Class B-11 licenses may be sold in any 1 license year.

16 (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer
17 combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits
18 established by the commission."
19

20 **Section 7.** Section 87-2-514, MCA, is amended to read:

21 **"87-2-514. Nonresident relative of resident allowed to purchase nonresident licenses at reduced**
22 **cost -- definitions.** (1) For the purposes of this section, the following definitions apply:

23 (a) "Nonresident relative of a resident" means a person born in Montana who is the natural or adoptive
24 child, sibling, or parent of a resident but is not a resident.

25 (b) "Resident" means a resident as defined in 87-2-102.

26 (2) Except as otherwise provided in this chapter, a nonresident relative of a resident who meets the
27 qualifications of subsection (5) may purchase:

28 (a) a Class B nonresident fishing license;

29 (b) a Class B-1 nonresident upland game bird license;

30 (c) a Class B-7 nonresident deer A tag; and

1 (d) a Class B-15 nonresident elk license as provided in 87-2-515.

2 (3) This section does not allow a nonresident relative of a resident to purchase nonresident combination
3 licenses at a reduced price.

4 (4) The fee for a nonresident license purchased pursuant to subsection (2) is four times the amount
5 charged for an equivalent resident license. The nonresident relative of a resident shall also purchase a
6 nonresident wildlife conservation license as prescribed in 87-2-202 ~~and pay the nonresident hunting access
7 enhancement fee in 87-2-202(3)(d)~~ if the nonresident relative of a resident purchases a hunting license.

8 (5) To qualify for a license pursuant to subsection (2), a nonresident relative of a resident shall apply at
9 any department regional office or at the department's state office in Helena and present proof of the following:

10 (a) a birth certificate verifying the applicant's birth in Montana or documentation that the applicant was
11 born to parents who were residents at the time of birth;

12 (b) evidence that the person previously held a Montana resident hunting or fishing license or has passed
13 a hunter safety course in Montana pursuant to 87-2-105; and

14 (c) proof that the applicant is a nonresident relative of a resident."
15

16 **Section 8.** Section 87-2-522, MCA, is amended to read:

17 **"87-2-522. Class B-13--nonresident youth big game combination license.** (1) Except as otherwise
18 provided in this chapter, a person who is not a resident, as defined in 87-2-102, and who is 12 years of age or
19 older or will turn 12 years old before or during the season for which the license is issued and who is under 18
20 years of age may, upon payment of a fee of one-half the cost of a regularly priced Class B-10 nonresident big
21 game combination license, ~~plus the nonresident hunting access enhancement fee in 87-2-202(3)(d)~~, and subject
22 to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office in
23 Helena, Montana, to purchase a Class B-13 nonresident youth big game combination license.

24 (2) The holder of a Class B-13 license is entitled to all the privileges of a Class B license, a Class B-1
25 license, a Class B-7 license, an elk tag, and a nonresident wildlife conservation license. When using a Class B-13
26 license, the holder must be accompanied by an adult immediate family member who is the holder of a valid Class
27 B-7, Class B-10, Class B-11, or Class B-15 license or who is the holder of a valid resident deer or elk tag. As
28 used in this subsection, an adult immediate family member means an applicant's natural or adoptive parent,
29 grandparent, brother, or sister who is 18 years of age or older.

30 (3) Class B-13 licenses are not included in the limit on the number of available Class B-10 nonresident

1 big game combination licenses issued pursuant to 87-2-505.

2 (4) The holder of a valid Class B-13 license may apply for a Class B-12 nonresident elk B tag license
3 when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is \$270. The license
4 entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions
5 specified by the commission."

6

7 **Section 9.** Section 87-2-711, MCA, is amended to read:

8 **"87-2-711. Class AAA--combination sports license.** (1) A resident, as defined by 87-2-102, who is
9 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued
10 is entitled to:

11 (a) except as provided in 87-2-803(12), a combination sports license that permits a holder who is 12
12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, and A-5 licenses and the
13 resident wildlife conservation licenses license as prescribed in 87-2-202 upon payment of the sum of \$70, ~~plus~~
14 ~~the resident hunting access enhancement fee provided for in 87-2-202(3)(c)~~, or, if the resident is a service
15 member eligible for a combination sports license pursuant to 87-2-803(12), upon payment of the resident hunting
16 ~~access enhancement fee provided for in 87-2-202(3)(c)~~; or

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

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

21

22 **Section 10.** Section 87-2-803, MCA, is amended to read:

23 **"87-2-803. Persons with disabilities -- service members -- definitions.** (1) Persons with disabilities
24 are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if they are
25 residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental
26 rule. A person who has purchased a conservation license and a resident fishing license or game bird license for
27 a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing license
28 or game bird license previously purchased for that license year. A person who is certified as disabled pursuant
29 to subsection (3) and who was issued a permit to hunt from a vehicle for license year 2014 or a subsequent
30 license year is automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria

1 for obtaining a permit does not change.

2 (2) A resident of Montana who is certified as disabled by the department and who is not residing in an
3 institution may purchase a Class A-3 deer A tag for \$6.50 and a Class A-5 elk tag for \$8. A person who has
4 purchased a conservation license and a resident deer license or resident elk license for a particular license year
5 and who is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously
6 purchased and reissuance of the license for that license year at the rate established in this subsection.

7 (3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle,
8 on a form prescribed by the department, if the person meets the requirements of subsection (9).

9 (4) (a) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection
10 (4) as a permitholder, may hunt by shooting a firearm from:

11 (i) the shoulder, berm, or barrow pit right-of-way of a public highway, as defined in 61-1-101, except a
12 state or federal highway;

13 (ii) within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way
14 in a manner that will not impede traffic or endanger motorists or that is parked in an area, not a public highway,
15 where hunting is permitted; or

16 (iii) an off-highway vehicle or snowmobile, as defined in 61-1-101, in any area where hunting is permitted
17 and that is open to motorized use, unless otherwise prohibited by law, as long as the off-highway vehicle or
18 snowmobile is marked as described in subsection (4)(d) of this section.

19 (b) This subsection (4) does not allow a permitholder to shoot across the roadway of any public highway
20 or to hunt on private property without permission of the landowner.

21 (c) A permitholder must have a companion to assist in immediately dressing any killed game animal. The
22 companion may also assist the permitholder by hunting a game animal that has been wounded by the
23 permitholder when the permitholder is unable to pursue and kill the wounded game animal.

24 (d) Any vehicle from which a permitholder is hunting must be conspicuously marked with an
25 orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle,
26 or as prescribed by the department.

27 (5) A veteran or a disabled member of the armed forces who meets the qualifications in subsection (9)
28 as a result of a combat-connected injury may apply at a fish, wildlife, and parks office for a regular Class A-3 deer
29 A tag, a Class A-4 deer B tag, a Class B-7 deer A tag, a Class B-8 deer B tag, and a special antelope license at
30 one-half the license fee. Fifty licenses of each license type must be made available annually. Licenses issued

1 to veterans or disabled members of the armed forces under this part do not count against the number of special
2 antelope licenses reserved for people with permanent disabilities, as provided in 87-2-706.

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

8 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may
9 be issued regular resident deer and elk licenses, in the manner provided in subsection (2) of this section, and
10 must be accompanied by a companion, as provided in subsection (4)(c) of this section.

11 (7) The department shall adopt rules to establish the qualifications that a person must meet to be a
12 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled
13 person.

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

17 (9) (a) A person qualifies for a permit to hunt from a vehicle if the person is certified by a licensed
18 physician, a licensed chiropractor, a licensed physician assistant, or an advanced practice registered nurse to
19 be nonambulatory, to have substantially impaired mobility, or to have a documented genetic condition that limits
20 the person's ability to walk or carry significant weight for long distances.

21 (b) For the purposes of this subsection (9), the following definitions apply:

22 (i) "Advanced practice registered nurse" means a registered professional nurse who has completed
23 educational requirements related to the nurse's specific practice role, as specified by the board of nursing
24 pursuant to 37-8-202, in addition to completing basic nursing education.

25 (ii) "Chiropractor" means a person who has a valid license to practice chiropractic in this state pursuant
26 to Title 37, chapter 12, part 3.

27 (iii) "Documented genetic condition" means a diagnosis derived from genetic testing and confirmed by
28 a licensed physician.

29 (iv) "Nonambulatory" means permanently, physically reliant on a wheelchair or a similar compensatory
30 appliance or device for mobility.

1 (v) "Physician" means a person who holds a degree as a doctor of medicine or doctor of osteopathy and
2 who has a valid license to practice medicine or osteopathic medicine in this state.

3 (vi) "Physician assistant" has the meaning provided in 37-20-401.

4 (vii) "Substantially impaired mobility" means virtual inability to move on foot due to permanent physical
5 reliance on crutches, canes, prosthetic appliances, or similar compensatory appliances or devices.

6 (10) Certification under subsection (9) must be on a form provided by the department.

7 (11) The department or a person who disagrees with a determination of disability or eligibility for a permit
8 to hunt from a vehicle may request a review by the board of medical examiners pursuant to 37-3-203.

9 (12) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as
10 provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency
11 operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the
12 state, upon request and upon presentation of the documentation described in subsection (12)(b), must be issued
13 a free resident wildlife conservation license or a free Class AAA resident combination sports license, which may
14 not include a bear license, ~~upon payment of the resident hunting access enhancement fee provided for in~~
15 ~~87-2-202(3)(e);~~ in the license year that the member returns from military service or in the year following the
16 member's return, based on the member's election, and in any of the 4 years after the member's election. ~~A~~
17 ~~member who participated in a contingency operation after September 11, 2001, that required the member to~~
18 ~~serve at least 2 months outside of the state may make an election in 2007 or in the year following the member's~~
19 ~~return, based on the member's election, and in any of the 4 years after the member's election and be entitled to~~
20 ~~a free resident wildlife conservation license or a free Class AAA resident combination sports license in the year~~
21 ~~of election and in any of the 4 years after the member's election.~~

22 (b) To be eligible for the free resident wildlife conservation license or free Class AAA resident
23 combination sports license provided for in subsection (12)(a), an applicant shall, in addition to the written
24 application and proof of residency required in 87-2-202(1), provide to any regional department office or to the
25 department headquarters in Helena, by mail or in person, the member's DD form 214 verifying the member's
26 release or discharge from active duty. The applicant is responsible for providing documentation showing that the
27 applicant participated in a contingency operation as provided in 10 U.S.C. 101(a)(13).

28 (c) A Montana resident who meets the service qualifications of subsection (12)(a) and the documentation
29 required in subsection (12)(b) is entitled to a free Class A resident fishing license in the license year that the
30 member returns from military service or in the year following the member's return, based on the member's

1 election, and in any of the 4 years after the member's election.

2 (d) The department's general license account must be reimbursed by a quarterly transfer of funds from
3 the general fund to the general license account for costs associated with the free licenses granted pursuant to
4 this subsection (12) during the preceding calendar quarter. Reimbursement costs must be designated as license
5 revenue.

6 (13) A member of the armed forces who forfeited a license or permit issued through a drawing as a result
7 of deployment outside of the continental United States in support of a contingency operation as provided in 10
8 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, upon application in the year
9 of the member's return from deployment or in the first year that the license or permit is made available after the
10 member's return."

11
12 **NEW SECTION. Section 11. Codification instruction.** [Section 1] is intended to be codified as an
13 integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 1].

14

15 **NEW SECTION. Section 12. Effective date.** [This act] is effective March 1, 2016.

16

- END -