

HOUSE BILL NO. 254
INTRODUCED BY D. HEDGES

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN ANNUAL RECREATION AND PARKS LICENSE THAT WILL ALLOW THE PURCHASER TO USE STATE LANDS FOR GENERAL RECREATIONAL PURPOSES AND TO USE STATE PARKS; ELIMINATING THE STATE LANDS RECREATIONAL USE LICENSE, THE STATE PARKS ANNUAL LICENSE, AND THE WILDLIFE CONSERVATION LICENSE; SETTING A FEE FOR THE RECREATION AND PARKS LICENSE AND ALLOCATING THE LICENSE FEE REVENUE; REVISING LICENSING PROVISIONS THAT PREVIOUSLY ALLOWED CERTAIN HUNTING AND FISHING ACTIVITIES WITH ONLY THE PURCHASE OF A WILDLIFE CONSERVATION LICENSE; REVISING FEES FOR A WILD TURKEY TAG; REVISING CERTAIN LICENSING PROVISIONS REGARDING RESIDENTS OVER 62 YEARS OF AGE AND LEGION OF VALOR MEMBERS; REVISING LICENSING REQUIREMENTS OF OUTFITTERS AND GUIDES; PROVIDING THAT A TRAPPER MAY IDENTIFY TRAPS THROUGH THE RECREATION AND PARKS LICENSE NUMBER; AMENDING SECTIONS 37-47-302, 37-47-303, 37-47-304, 70-16-302, 77-1-801, 77-1-802, 77-1-808, 87-1-270, 87-2-106, 87-2-202, 87-2-205, 87-2-304, 87-2-306, 87-2-308, 87-2-403, 87-2-504, 87-2-505, 87-2-510, 87-2-701, 87-2-711, 87-2-801, 87-2-803, 87-2-805, AND 87-3-504, MCA; REPEALING SECTIONS 87-2-201, 87-2-203, AND 87-2-204, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 37-47-302, MCA, is amended to read:

"37-47-302. Outfitter's qualifications. An applicant for an outfitter's license or renewal of a license must meet the following qualifications:

(1) be 18 years of age or older, be physically capable and mentally competent to perform the duties of an outfitter, and meet experience, training, and testing requirements as prescribed by board rule;

(2) own or hold under written lease or represent a company, corporation, or partnership who owns or holds under written lease the equipment and facilities that are necessary to provide the services advertised, contracted for, or agreed upon between the outfitter and the outfitter's clients (all equipment and facilities are subject to inspection at all reasonable times and places by the board or its designated agent);

(3) have demonstrated a respect for and compliance with the laws of any state or of the United States and all rules promulgated under those laws related to fish and game, conservation of natural resources, and

preservation of the natural ecosystem without pollution of the ecosystem;

(4) have not, at any time, practiced fraud, deception, or material misrepresentation in procuring any previous outfitter's, guide's, professional guide's, or ~~conservation~~ hunting, fishing, or trapping license from the state of Montana;

(5) have not, at any time, promulgated any false or misleading advertising relating to the business of outfitting."

Section 2. Section 37-47-303, MCA, is amended to read:

"37-47-303. Guide's and professional guide's qualifications. (1) An applicant for a guide's or professional guide's license must meet the following qualifications:

(a) be 18 years of age or older and be physically capable and mentally competent to perform the duties of a guide or professional guide;

(b) be endorsed and recommended by an outfitter with a valid license; and

(c) have been issued a valid ~~wildlife-conservation~~ recreation and parks license.

(2) In addition to the requirements listed in subsection (1), an applicant for licensure as a professional guide must meet additional experience requirements, to be set by board rule, and may be required to show proof of training or pass a qualifying examination when required by board rule."

Section 3. Section 37-47-304, MCA, is amended to read:

"37-47-304. Application. (1) Each applicant for an outfitter's, guide's, or professional guide's license shall make application for license on a form prescribed and furnished by the board.

(2) The application for an outfitter's license forms the basis for the outfitter's operations plan and must include:

(a) the applicant's full name, residence, address, ~~conservation~~ recreation and parks license number, driver's license number, birth date, physical description, and telephone number;

(b) the address of the applicant's principal place of business in the state of Montana;

(c) the amount and kind of property and equipment owned and used in the outfitting business of the applicant;

(d) the experience of the applicant, including years of experience as an outfitter, guide, or professional guide; the applicant's knowledge of areas in which the applicant has operated and intends to operate; and the applicant's ability to cope with weather conditions and terrain;

(e) a signed statement of the licensed outfitter for each guide and professional guide to be employed or retained as an independent contractor, stating that the guide or professional guide is to be employed by the outfitter and stating that the outfitter recommends the guide or professional guide for licensure;

(f) an affidavit by the outfitter to the board that the equipment listed on the application is in fact owned or leased by the applicant, is in good operating condition, and is sufficient and satisfactory for the services advertised or contemplated to be performed by the applicant;

(g) a statement of the maximum number of participants to be accompanied at any one time;

(h) the written approval of the appropriate agency or landowner on whose lands the applicant will provide services or establish hunting camps; and

(i) the boundaries of the proposed operation, stating when applicable:

(i) the name and portion of the river;

(ii) the county of location;

(iii) the legal owner of the property;

(iv) the name of the ranch;

(v) the proposed service, including the type of game sought;

(vi) the name of the agency granting use authority; and

(vii) other means of identifying boundaries as established by board rule.

(3) Applications for an outfitter's license must be in the name of an individual person only. Applications involving corporations, proprietorships, or partnerships must be made by one individual person who qualifies under the provisions of this part. A license issued pursuant to this part must be in the name of that person. The license must specifically state that the license is issued for the use and benefit of the named corporation, proprietorship, or partnership involved. Any revocation or suspension of a license is binding upon the individual person and the corporation, proprietorship, or partnership for the use and benefit of which the license was originally issued.

(4) Application must be made to and filed with the board.

(5) Only one application for an outfitter's license may be made in any license year. If an application is denied, subsequent applications by the same applicant for the license year involved are void, except as provided in 37-47-308."

Section 4. Section 70-16-302, MCA, is amended to read:

"70-16-302. Restriction on liability of landowner. (1) A person who uses property, including property

owned or leased by a public entity, for recreational purposes, with or without permission, does so without any assurance from the landowner that the property is safe for any purpose if the person does not give a valuable consideration to the landowner in exchange for the recreational use of the property. The landowner owes the person no duty of care with respect to the condition of the property, except that the landowner is liable to the person for any injury to person or property for an act or omission that constitutes willful or wanton misconduct. For purposes of this section, valuable consideration does not include the ~~state land recreational use~~ recreation and parks license fee imposed under 77-1-802.

(2) As used in this part, "landowner" means a person or entity of any nature, whether private, governmental, or quasi-governmental, and includes the landowner's agent, tenant, lessee, occupant, grantee of conservation easement, water users' association, irrigation district, drainage district, and persons or entities in control of the property or with an agreement to use or occupy property.

(3) As used in this part, "property" means land, roads, water, watercourses, and private ways. The term includes any improvements, buildings, structures, machinery, and equipment on property.

(4) The department of fish, wildlife, and parks, when operating under an agreement with a landowner or tenant to provide recreational snowmobiling opportunities, including but not limited to a snowmobile area, subject to the provisions of subsection (1), on the landowner's property and when not also acting as a snowmobile area operator on the property, does not extend any assurance that the property is safe for any purpose, and the department, the landowner, or the landowner's tenant may not be liable to any person for any injury to person or property resulting from any act or omission of the department unless the act or omission constitutes willful or wanton misconduct."

Section 5. Section 77-1-801, MCA, is amended to read:

"77-1-801. ~~Recreational use~~ Recreation and parks license required to use state parks and state lands for general recreational purposes -- penalty. (1) Beginning March 1, 2004, A a person 12 years of age or older shall obtain an annual ~~recreational use~~ recreation and parks license pursuant to 77-1-802 to use state lands, as defined in 77-1-101, for general recreational purposes. In lieu of day-use fees, the annual recreation and parks license may also be obtained by a person 12 years of age or older to use state parks. The license must be applied on a per vehicle basis in state parks.

(2) A person using state lands or state parks shall, upon the request of a peace officer or fish and game warden, present for inspection ~~his recreational use~~ a recreation and parks license.

(3) A violator of subsection (1) or (2) is guilty of a misdemeanor and shall be fined not less than \$50 or

more than \$500, imprisoned in the county jail for not more than 6 months, or both."

Section 6. Section 77-1-802, MCA, is amended to read:

"77-1-802. ~~Recreational use~~ Recreation and parks license -- fee. (1) The fee for a ~~recreational use~~ recreation and parks license ~~must attain full market value~~ is \$25.

(2) Money received by the department from the sale of ~~recreational use~~ recreation and parks licenses must be credited as follows:

(a) ~~Except as provided in subsection (2)(b), license fees~~ Thirteen dollars of the recreation and parks license fee must be apportioned on a pro rata basis to the land trusts, in proportion to the respective trust's percentage contribution to the total acreage of all state land trusts. The legislature finds that this portion of the recreation and parks license constitutes fair market value for the recreational use of state lands under present circumstances.

(b) Two dollars from the fee for each license, less 50 cents to be returned to the license dealer as a commission, must be deposited in the state lands recreational use account established by 77-1-808.

(c) Ten dollars from the fee for each license must be placed in a state special revenue fund account to the credit of the department of fish, wildlife, and parks for the acquisition, development, or maintenance of state parks and fishing access sites as provided in Title 23, chapter 1, part 1.

(3) The department may contract with the department of fish, wildlife, and parks for the distribution and sale of ~~recreational use~~ recreation and parks licenses through the license agents appointed by and the administrative offices of the department of fish, wildlife, and parks and in accordance with the provisions of Title 87, chapter 2, part 9."

Section 7. Section 77-1-808, MCA, is amended to read:

"77-1-808. State lands recreational use account. (1) There is a state lands recreational use account in the state special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

(a) all revenue received from the ~~recreational use~~ recreation and parks license ~~established by pursuant to 77-1-802(2)(b);~~ and

(b) money received by the department in the form of legislative appropriations, reimbursements, gifts, federal funds, or appropriations from any source intended to be used for the purposes of this account.

(3) Money deposited in the state lands recreational use account must be used by the department for the

following purposes:

- (a) compensation pursuant to 77-1-809 for damage to the improvements of leases that has been proved to be caused by recreational users;
- (b) assistance in weed control management necessary as a result of recreational use of state lands;
- (c) protection of the resource value of the trust assets; and
- (d) administration and management for the implementation of recreational use of state lands."

Section 8. Section 87-1-270, MCA, is amended to read:

"87-1-270. (Temporary) Allocation of license fees to hunting access enhancement program. (1)

The amount of \$55 from the sale of each Class B-1 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)(e)~~(3)(a) and the nonresident hunting access enhancement fee in 87-2-202~~(3)(d)~~(3)(b) 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 March 1, 2006--sec. 8, Ch. 544, L. 1999; sec. 9, Ch. 216, L. 2001.)"

Section 9. Section 87-2-106, MCA, is amended to read:

"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges. (1) A license may be procured from the director, a warden, or an authorized agent of the director. The applicant shall state the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and other facts, data, or descriptions as may be required by the department. An applicant for a resident license shall present a valid Montana driver's license, Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a license. It is unlawful and a misdemeanor for a license agent to sell a hunting, fishing, or trapping license to an applicant who fails to produce the required identification at the time of application for licensure. Except as provided in subsections (2) through (4), the statements made by the applicant must be subscribed to before the officer or agent issuing the license.

(2) Except as provided in subsection (3), department employees or officers may issue licenses by mail.

Statements on an application for a license to be issued by mail need not be subscribed to before the employee or officer.

(3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the director and shall submit at the time of application a notarized affidavit that attests to fulfillment of the requirements of 87-2-102(7). The director shall process the application in an expedient manner.

(4) A resident may apply for and purchase a ~~wildlife conservation license~~, hunting license, or fishing license for the resident's spouse, parent, child, brother, or sister who is otherwise qualified to obtain the license.

(5) A license is void unless subscribed to by the licensee and by an employee or officer of the department or by a license agent or an authorized representative of the license agent.

(6) It is unlawful to subscribe to any statement, on an application or license, that is materially false. Any material false statement contained in an application renders the license issued pursuant to it void. A person violating any provision of this subsection is guilty of a misdemeanor.

(7) (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of affirming to a false statement to obtain a resident license shall be:

(i) fined not less than the greater of \$100 or twice the cost of the nonresident license that authorized the sought-after privilege or more than \$1,000;

(ii) imprisoned in the county jail for not more than 6 months; or

(iii) both fined and imprisoned.

(b) In addition to the penalties specified in subsection (7)(a), upon conviction or forfeiture of bond or bail, the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt, fish, and trap in Montana for not less than 18 months.

(8) It is unlawful and a misdemeanor for a person to purposely or knowingly assist an unqualified applicant in obtaining a resident license in violation of this section.

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

(10) The department shall delete an applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)"

Section 10. Section 87-2-202, MCA, is amended to read:

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

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

(3) (a) ~~Resident wildlife conservation licenses may be purchased for a fee of \$4.~~

~~_____ (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$7.~~

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

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

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

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

(6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Terminates March 1, 2006--sec. 9, Ch. 216, L. 2001; bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)

87-2-202. (Effective March 1, 2006) Application -- fee -- expiration. (1) A ~~wildlife conservation~~ hunting, fishing, or trapping license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a ~~wildlife conservation~~ hunting, fishing, or trapping license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a ~~wildlife conservation~~ hunting, fishing, or trapping license. It is unlawful and a misdemeanor for a license agent to sell a ~~wildlife conservation~~ hunting, fishing, or trapping license to an applicant who fails to produce the required identification at the time of application for licensure.

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

(3) ~~(a) Resident wildlife conservation licenses may be purchased for a fee of \$4.~~

~~————(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$7.~~

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

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

(6)(5) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)"

Section 11. Section 87-2-205, MCA, is amended to read:

"87-2-205. False statement in license application. It is unlawful to subscribe to any false statement

in an application for a ~~wildlife conservation~~ hunting, fishing, or trapping license."

Section 12. Section 87-2-304, MCA, is amended to read:

"87-2-304. Class B-4--two-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 of \$15 to any agent of the department authorized to issue fishing and hunting licenses, is entitled to a 2-day nonresident fishing license that authorizes the holder to fish with hook and line, as prescribed by rules and regulations of the department, for 2 calendar days as indicated on the license."

Section 13. 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 for residents and \$15 for nonresidents. 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~~ Holders of valid Class A, Class B, and Class B-4 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~~ may obtain paddlefish tags pursuant to this section."

Section 14. Section 87-2-308, MCA, is amended to read:

"87-2-308. Class A-8--resident temporary fishing license. (1) Any resident, as defined in 87-2-102, ~~who is a holder of a valid wildlife conservation license~~ is entitled to a resident temporary fishing license authorizing the holder to fish with hook and line in designated waters, for a period of time determined by the commission and indicated on the license, upon payment to any agent of the department authorized to issue fishing licenses of the amount determined by the commission. Cost of the license and length of time for which the license is effective must be set:

- (a) at an amount that is less than the Class A resident fishing license; and
- (b) at an amount and for a length of time that the commission determines will serve at a reasonable price the needs of residents who fish occasionally.

(2) Terms and conditions of the license must be prescribed by rules of the commission."

Section 15. Section 87-2-403, MCA, is amended to read:

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

(2) The fee for a wild turkey tag is \$5 for a resident and \$115 for a nonresident. Turkey tags must be issued either by a drawing system or in unlimited number as authorized by department rules.

(3) Subject to the provisions of subsection (2), a person ~~who is 62 years of age or older as provided in 87-2-804,~~ certified as disabled under 87-2-803; or a resident minor as described in 87-2-805 may purchase a wild turkey tag upon presentation of that person's wildlife conservation license for one-half of the resident fee provided for in subsection (2). (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

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

(2) The fee for a wild turkey tag is \$5 for a resident and \$105 for a nonresident. Turkey tags must be issued either by a drawing system or in unlimited number as authorized by department rules.

(3) Subject to the provisions of subsection (2), a person ~~who is 62 years of age or older as provided in 87-2-804,~~ certified as disabled under 87-2-803; or a resident minor as described in 87-2-805 may purchase a wild turkey tag upon presentation of that person's wildlife conservation license for one-half of the resident fee provided for in subsection (2)."

Section 16. Section 87-2-504, MCA, is amended to read:

"87-2-504. (Temporary) Class B-7 and B-8--nonresident deer licenses. (1) (a) 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 turn 12 years old before or during the season for which the license is issued ~~and is a holder of a nonresident conservation license~~ may, upon payment of the proper fee or fees and subject to the limitations prescribed by law and department regulation, be entitled to apply to the fish, wildlife, and parks office, Helena, Montana, to purchase one each of the following licenses:

- (i) Class B-7, deer A tag, \$250;
- (ii) Class B-8, deer B tag, \$75.

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

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

(3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by hunting districts, portions of a hunting district, groups of districts, or administrative regions. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

87-2-504. (Effective March 1, 2006) Class B-7 and B-8--nonresident deer licenses. (1) (a) 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 turn 12 years old before or during the season for which the license is issued ~~and is a holder of a nonresident conservation license~~ may, upon payment of the proper fee or fees and subject to the limitations prescribed by law and department regulation, be entitled to apply to the fish, wildlife, and parks office, Helena, Montana, to purchase one each of the following licenses:

(i) Class B-7, deer A tag, \$250;

(ii) Class B-8, deer B tag, \$75.

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

(2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be assigned for use in a specific administrative region or regions or a portion of a specific administrative region or regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state, except as provided in 87-2-512(1)(d).

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

Section 17. Section 87-2-505, MCA, is amended to read:

"87-2-505. (Temporary) Class B-10--nonresident big game combination license. (1) 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 turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$625 plus the nonresident hunting access enhancement fee in 87-2-202~~(3)(d)(3)(b)~~ or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 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 license includes the nonresident conservation license as prescribed in 87-2-202.~~ Not more than 11,500 unreserved Class B-10 licenses may be sold in any 1 license year.

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

87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license. (1) 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 turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$550 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license ~~which shall entitle~~ that entitles a holder who is 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 license includes the nonresident conservation license as prescribed in 87-2-202.~~ Not more than 17,000 Class B-10 licenses may be sold in any 1 license year.

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

Section 18. Section 87-2-510, MCA, is amended to read:

"87-2-510. (Temporary) Class B-11--nonresident deer combination license. (1) 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 turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of \$325 plus the nonresident hunting access enhancement fee in 87-2-202~~(3)(d)(3)(b)~~, upon payment of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for

applicants indicating their intent to use the services of a licensed outfitter, or upon payment of the fee of \$325 plus the nonresident hunting access enhancement fee in 87-2-202~~(3)(d)(3)(b)~~, if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a 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. ~~This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.~~

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

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

87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license. (1) 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 turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of \$300, purchase a Class B-11 nonresident deer combination license that entitles a 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 fee for a Class B-11 license is \$300 if the license is one of the 4,000 reserved pursuant to 87-2-511 for applicants indicating their intent either to use the services of a licensed outfitter or to hunt with a resident sponsor on land owned by that sponsor. The license is subject to the limitations prescribed by law and department regulation. A person may apply for a license to the fish, wildlife, and parks office, Helena, Montana. ~~This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.~~

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

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

Section 19. Section 87-2-701, MCA, is amended to read:

"87-2-701. (Temporary) Special licenses. (1) An applicant 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 ~~and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license~~ may apply for a special license that, in the

judgment of the department, is to be issued and shall pay the following fees:

- (a) moose--resident, \$75; nonresident, \$750;
- (b) mountain goat--resident, \$75; nonresident, \$750;
- (c) mountain sheep--resident, \$75; nonresident, \$750;
- (d) antelope--resident, \$11; nonresident, \$200;
- (e) grizzly bear--resident, \$50; nonresident, \$300;
- (f) black bear--nonresident, \$350.

(2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear, the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy license authorizes the holder to possess and transport the trophy.

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

87-2-701. (Effective March 1, 2006) Special licenses. (1) An applicant 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 ~~and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license~~ may apply for a special license that, in the judgment of the department, is to be issued and shall pay the following fees:

- (a) moose--resident, \$75; nonresident, \$980;
- (b) mountain goat--resident, \$75; nonresident, \$980;
- (c) mountain sheep--resident, \$75; nonresident, \$980;
- (d) antelope--resident, \$11; nonresident, \$180;
- (e) grizzly bear--resident, \$50; nonresident, \$300;
- (f) black bear--nonresident, \$330.

(2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear, the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy license authorizes the holder to possess and transport the trophy.

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

Section 20. Section 87-2-711, MCA, is amended to read:

"87-2-711. (Temporary) Class AAA--combination sports license. (1) 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 is entitled to:

(a) upon payment of the sum of \$54, plus the resident hunting access enhancement fee in 87-2-202~~(3)(e)(3)(a)~~, a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, and A-5, ~~and resident conservation licenses as prescribed in 87-2-202~~; or

(b) upon payment of the sum of \$64, plus the resident hunting access enhancement fee in 87-2-202~~(3)(e)(3)(a)~~, a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

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

87-2-711. (Effective March 1, 2006) Class AAA--combination sports license. (1) 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 is entitled to:

(a) upon payment of the sum of \$54, a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, and A-5, ~~and resident conservation licenses as prescribed in 87-2-202~~; or

(b) upon payment of the sum of \$64, a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

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

Section 21. Section 87-2-801, MCA, is amended to read:

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

~~—(2) A resident who is 62 years of age or older is also entitled to purchase regular resident deer and elk 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 years of age.~~

~~(3)(2) Regardless of age, a resident, as defined in 87-2-102, or a nonresident who is a legion of valor member is entitled to fish with a conservation license issued by the department~~ purchase a fishing license for one-half of the regular license fee."

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

"87-2-803. Persons with disabilities -- definitions. (1) Persons with disabilities ~~are entitled to~~ may purchase a license to fish and to hunt game birds, ~~not including turkeys, with only a conservation license for one-half of the regular license fee~~ 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 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 or to hunt on private property without permission of the landowner. A permitholder must have a companion to assist in immediately dressing any killed game animal. The companion may also assist the permitholder by hunting a game animal that has been wounded by the permitholder when the permitholder is unable to pursue and kill the wounded game animal. Any vehicle from which a permitholder is hunting must be conspicuously marked with an

orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle, or as prescribed by the department.

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

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

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

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

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

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

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

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

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

(10) A person who disagrees with a determination of eligibility for a permit to hunt from a vehicle may request a review by a voluntary board of review pursuant to subsection (3)."

Section 23. Section 87-2-805, MCA, is amended to read:

"87-2-805. Persons under eighteen years of age -- youth combination sports license. (1) Resident minors who are 12 years of age or older and under 15 years of age may purchase a license for one-half of the resident license fee to fish and ~~may~~ hunt upland game and migratory game birds during the open season ~~with~~

~~only a conservation license.~~ Resident minors who are 15 years of age may purchase a license for one-half of the resident license fee to hunt migratory game birds ~~with only a conservation license.~~ Resident minors who are under 12 years of age may fish without a license. A nonresident person under 15 years of age may not fish in or on any Montana waters without first having obtained a Class B or B-4 fishing license unless the nonresident person under 15 years of age is in the company of an adult in possession of a valid Montana fishing license. The limit of fish for the nonresident person and the accompanying adult combined may not exceed the limit for one adult as established by law or by rule of the department.

(2) A resident, as defined by 87-2-102, under 15 years of age may purchase Class A-3 and A-5 licenses at a price equal to one-half the fee paid by a resident who is 15 years of age or older and under 62 years of age.

(3) (a) A resident who is 12 years of age or older and under 18 years of age may purchase a youth combination sports license at a price that, rounded to the nearest dollar, is 46% of the fee paid for the Class AAA combination sports license by a resident who is 18 years of age or older and under 62 years of age.

(b) The youth combination sports license includes:

~~(i) a conservation license;~~

~~(ii)(i) a fishing license;~~

~~(iii)(ii) an upland game bird license;~~

~~(iv)(iii) an elk license; and~~

~~(v)(iv) a deer license.~~

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

(d) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A-1 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 of age.

(e) A person who lawfully purchases a youth combination sports license at 17 years of age, but who reaches 18 years of age during that license year, may legally use the license during that license year. A person who hunts or fishes using a youth combination sports license purchased after the person reaches 18 years of age is guilty of a misdemeanor and shall be subject to any of the following penalties by the sentencing court:

(i) revocation of the person's hunting and fishing privileges for at least 5 years, revocation of the person's hunting and fishing privileges for more than 5 years, or revocation of the person's hunting and fishing privileges for life; and

(ii) a monetary fine of not less than \$500 and not more than \$5,000 in addition to the fine imposed on a person under this chapter for the specific hunting or fishing violation.

(f) This section does not prohibit a resident minor from purchasing any individual licenses for which the minor may be eligible under this chapter if the minor does not purchase the youth combination sports license."

Section 24. Section 87-3-504, MCA, is amended to read:

"87-3-504. Metal tags required on traps. A person trapping fur-bearing animals, predatory animals, or any other animals shall fasten a metal tag to all traps bearing in legible English the name and address or ~~wildlife conservation~~ recreation and parks license number of the trapper, except that a tag is not required on traps used by landowners trapping on their own land or on an irrigation ditch right-of-way contiguous to the land."

NEW SECTION. **Section 25. Repealer.** Sections 87-2-201, 87-2-203, and 87-2-204, MCA, are repealed.

NEW SECTION. **Section 26. Effective date.** [This act] is effective January 1, 2004.

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