

SENATE BILL NO. 112
INTRODUCED BY MCCARTHY

A BILL FOR AN ACT ENTITLED: "AN ACT ASSISTING IN THE FUNDING OF MONTANA SEARCH AND RESCUE OPERATIONS; ASSESSING A SURCHARGE ON CERTAIN LICENSES AND DIRECTING THAT SURCHARGE PROCEEDS BE SPENT FOR COUNTY SEARCH AND RESCUE OPERATIONS AND TRAINING AND AS MATCHING FUNDS FOR THE PURCHASE OF EQUIPMENT BY LOCAL SEARCH AND RESCUE UNITS; CREATING A ~~TWO~~ A SEARCH AND RESCUE ~~ACCOUNT~~ ACCOUNTS ACCOUNT, TO BE ADMINISTERED BY THE DISASTER AND EMERGENCY SERVICES DIVISION OF THE DEPARTMENT OF MILITARY AFFAIRS, TO ASSIST IN FUNDING SEARCH AND RESCUE OPERATIONS; AMENDING SECTIONS 15-1-122, 23-2-517, 23-2-615, 23-2-616, 23-2-803, 87-1-601, AND 87-2-202, MCA; AND PROVIDING A DELAYED EFFECTIVE ~~DATE~~ DATES."

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

NEW SECTION. Section 1. Account ~~ACCOUNTS~~ ACCOUNT created for funding search and rescue operations -- rules. (1) There ~~is an account~~ ARE TWO ACCOUNTS IS AN ACCOUNT in the state special revenue fund established in 17-2-102. The ~~account~~ ACCOUNTS ACCOUNT must be administered by the disaster and emergency services division of the department exclusively for the purposes of search and rescue as provided in this section. The department may retain up to 5% of the money in the ~~EACH~~ THE account to pay its costs of administering this section.

(2) ~~(A)~~ There must be deposited in the SEARCH AND RESCUE account:

- ~~_____ (a) all money from the vessel search and rescue surcharge in 23-2-517;~~
- ~~_____ (b) all money from the snowmobile search and rescue surcharge in 23-2-615(1)(b) and 23-2-616(3);~~
- ~~_____ (c) all money from the off-highway vehicle search and rescue surcharge in 23-2-803;~~

~~(A)(A) FUND TRANSFERS PURSUANT TO 15-1-122(3)(G);~~

~~(d)(B) (i) THERE MUST BE DEPOSITED IN THE FISH AND GAME SEARCH AND RESCUE ACCOUNT all money from the search and rescue surcharge in 87-2-202; and FUND TRANSFERS PURSUANT TO 87-1-601(9). THESE FUNDS MAY BE USED ONLY AS PROVIDED IN 87-1-601(9).~~

~~(ii) MONEY IN THE FISH AND GAME SEARCH AND RESCUE ACCOUNT MAY BE EXPENDED ONLY FOR SEARCH AND RESCUE OPERATIONS INVOLVING PERSONS WHO HOLD A WILDLIFE CONSERVATION LICENSE AS PROVIDED IN 87-2-202.~~

~~(e)(C) all ALL~~ ALL money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for search and rescue operations MUST BE DEPOSITED IN THE ACCOUNTS.

(3) (a) Not less than 50% of the money in ~~the EACH THE~~ account must be used by the department to defray costs of search and rescue missions conducted by a county sheriff's office at a maximum of \$3,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved. ~~A search and rescue mission that is reimbursed through any other search and rescue organization or account is not eligible for reimbursement from the account provided for in this section.~~

(b) The remaining money in ~~the EACH THE~~ account may be used by the department:

(i) to match local funds for the purchase of equipment for use by local search and rescue units at a maximum of \$2,000 for each unit in a calendar year. The cost-sharing match must be 35% local funds to 65% from ~~ONE OF the account ACCOUNTS ACCOUNT.~~

(ii) for reimbursement of expenses related to the training of search and rescue volunteers.

(4) The department may adopt rules to implement the proper administration of the ~~account ACCOUNTS ACCOUNT.~~ The rules may include:

(a) a method of reimbursing county sheriff offices, on a case-by-case basis, for authorized search and rescue operations conducted pursuant to subsection (3)(a), including verification of search missions, claims procedures, ~~and~~ fiscal accountability, AND THE NUMBER AND CIRCUMSTANCES OF SEARCH MISSIONS INVOLVING PERSONS ENGAGED IN HUNTING, FISHING, AND TRAPPING IN A FISCAL YEAR;

(b) methods for processing requests for equipment matching funds and training funds made pursuant to subsection (3)(b), including any verification and accounting necessary to ensure that the provisions of subsection (3)(b) are met, AND DETERMINING THE PERCENTAGE OF ALL SEARCH MISSIONS INVOLVING PERSONS ENGAGED IN HUNTING, FISHING, OR TRAPPING IN A FISCAL YEAR; and

(c) a system involving input from representatives of county sheriff organizations and state and local search and rescue organizations for assistance in verifying and processing claims for reimbursement, equipment, and training.

Section 2. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

(a) \$75,000 in fiscal year 2003;

(b) \$2,960,715 in fiscal year 2004; and

(c) in each succeeding fiscal year, the amount in subsection (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For fiscal year 2002 and for each succeeding fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) \$1 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to Title 61, chapter 3, part 3. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532;

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) \$1 for each off-highway vehicle subject to payment of the fee in lieu of tax, as provided for in 23-2-803; and

(ii) \$1.50 for each light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicles weighing more than 1 ton, motorcycle, quadricycle, and motor home subject to registration or reregistration pursuant to 61-3-321;

(c) to the department of fish, wildlife, and parks:

(i) \$2.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;

(ii) \$5 for each snowmobile registered under 23-2-616, with \$2.50 to be used for enforcing the purposes of 23-2-601 through 23-2-644 and \$2.50 designated for use in the development, maintenance, and operation of snowmobile facilities;

(iii) \$1 for each duplicate snowmobile decal issued under 23-2-617;

(iv) \$5 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate

decals issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 for each recreational vehicle, camper, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321 or 61-3-524; and

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate issued pursuant to 61-3-332(10)(a)(ii), (10)(f), and (10)(h);

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(f) 25 cents a year for each vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112; and

(g) to the search and rescue account provided for in [section 1]:

(i) the 50-cent vessel 50 CENTS A YEAR FOR EACH VESSEL SUBJECT TO THE search and rescue surcharge in 23-2-517;

(ii) the 50-cent snowmobile 50 CENTS A YEAR FOR EACH SNOWMOBILE SUBJECT TO THE search and rescue surcharge in 23-2-615(1)(b) and 23-2-616(3); AND

(iii) the 50-cent off-highway vehicle 50 CENTS A YEAR FOR EACH OFF-HIGHWAY VEHICLE SUBJECT TO THE search and rescue surcharge in 23-2-803; and

~~_____ (iv) the 50-cent search and rescue surcharge in 87-2-202.~~

(4) For fiscal year 2002, there is transferred from the state general fund to the state special revenue fund to be used for purposes of state funding of district court expenses, as provided in 3-5-901, \$5,742,983 in lieu of the amount deposited by the state treasurer under 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001.

(5) (4) For each fiscal year, beginning with fiscal year 2002, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). Transfer amounts for fiscal year 2002 must be based on vehicle counts for calendar year 2000. Transfer amounts in each

succeeding fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available.

(6) (5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

Section 3. Section 23-2-517, MCA, is amended to read:

"23-2-517. Fees for motorboats, sailboats, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons. (1) The owner of a motorboat 10 feet in length or longer or a sailboat 12 feet in length or longer shall pay a fee based on the length and age of the motorboat or sailboat as follows:

(a) The fee schedule for a motorboat at least 10 feet in length but less than 14 feet in length or sailboat at least 12 feet in length but less than 14 feet in length is as follows:

(i) for a motorboat or sailboat less than 5 years of age, ~~\$7.50~~ \$8, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes;~~

(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, ~~\$5.65~~ \$6.15, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes;~~ and

(iii) for a motorboat or sailboat 10 years of age or older, ~~\$3.75~~ \$4.25, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes.~~

(b) The fee schedule for a motorboat or sailboat at least 14 feet in length but less than 16 feet in length is as follows:

(i) for a motorboat or sailboat less than 5 years of age, ~~\$15~~ \$15.50, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes;~~

(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, ~~\$11.25~~ \$11.75, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes;~~ and

(iii) for a motorboat or sailboat 10 years of age or older, ~~\$7.50~~ \$8, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes.~~

(c) The fee schedule for a motorboat or sailboat at least 16 feet in length but less than 17 feet in length is as follows:

(i) for a motorboat or sailboat less than 5 years of age, ~~\$32~~ \$32.50, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes;~~

(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, ~~\$24~~ \$24.50, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes~~; and

(iii) for a motorboat or sailboat 10 years of age or older, ~~\$16~~ \$16.50, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes~~.

(d) The fee schedule for a motorboat or sailboat at least 17 feet in length but less than 19 feet in length is as follows:

(i) for a motorboat or sailboat less than 5 years of age, \$3 a foot or fraction of a foot, plus an additional 50-cent search and rescue surcharge added to the total fee, which is designated to the account in [section 1] for search and rescue purposes;

(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$2.25 a foot or fraction of a foot, plus an additional 50-cent search and rescue surcharge added to the total fee, which is designated to the account in [section 1] for search and rescue purposes; and

(iii) for a motorboat or sailboat 10 years of age or older, \$1.50 a foot or fraction of a foot, plus an additional 50-cent search and rescue surcharge added to the total fee, which is designated to the account in [section 1] for search and rescue purposes.

(e) The fee schedule for a motorboat or sailboat 19 feet in length or longer is as follows:

(i) for a motorboat or sailboat less than 5 years of age, \$4 a foot or fraction of a foot, plus an additional 50-cent search and rescue surcharge added to the total fee, which is designated to the account in [section 1] for search and rescue purposes;

(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$3 a foot or fraction of a foot, plus an additional 50-cent search and rescue surcharge added to the total fee, which is designated to the account in [section 1] for search and rescue purposes; and

(iii) for a motorboat or sailboat 10 years of age or older, \$2 a foot or fraction of a foot, plus an additional 50-cent search and rescue surcharge added to the total fee, which is designated to the account in [section 1] for search and rescue purposes.

(2) The owner of a personal watercraft shall pay a fee based on the age of the watercraft as follows:

(a) The fee for a personal watercraft less than 4 years of age is ~~\$22~~ \$22.50, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes~~.

(b) The fee for a personal watercraft 4 years of age or older is ~~\$15~~ \$15.50, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes~~.

(3) (a) Except as provided in subsection (3)(b), the age of a motorboat, sailboat, or personal watercraft is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of a motorboat, sailboat, or personal watercraft precedes the designated model year of the motorboat, sailboat, or personal watercraft and the motorboat, sailboat, or personal watercraft is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

(4) The fee for a motorized canoe or a motorized rubber raft ~~is \$7.50, regardless of its length or age, is \$8, of which 50 cents is a search and rescue surcharge designated to the account in [section 1] for search and rescue purposes.~~

(5) The fee for a motorized pontoon ~~is \$20, regardless of its length or age, is \$20.50, of which 50 cents is a search and rescue surcharge designated to the account in [section 1] for search and rescue purposes.~~"

Section 4. Section 23-2-615, MCA, is amended to read:

"23-2-615. Nonresident temporary-use permits -- use of fees. (1) The requirements pertaining to the nonresident temporary-snowmobile-use permit are as follows:

(a) Application for the issuance of the permit must be made at locations and upon forms prescribed by the department. The forms must include but are not limited to:

- (i) the applicant's name and permanent address;
- (ii) the make, model, year, and serial number of the snowmobile; and
- (iii) an affidavit declaring the nonresidency of the applicant.

(b) Upon submission of the application and a fee of ~~\$6~~ \$6.50, of which 50 cents is a search and rescue surcharge designated to the account in [section 1] for search and rescue purposes, a nonresident temporary-snowmobile-use sticker must be issued. The sticker must be displayed in a conspicuous manner on the snowmobile.

(2) The temporary permit is valid for a consecutive 30-day period as designated by the permit.

(3) The permit is not proof of ownership, and a certificate of ownership may not be issued.

(4) A nonresident temporary-snowmobile-use permit is not required for a snowmobile that qualifies as a racing snowmobile under 23-2-622.

(5) All money collected by payment of fees under this section must be remitted to the department of revenue and deposited in the state general fund.

(6) The failure to display the permit as required by this section or the making of false statements in

obtaining the permit is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100."

Section 5. Section 23-2-616, MCA, is amended to read:

"23-2-616. Registration and decals -- application and issuance -- use of certain fees. (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any person in Montana unless it has been registered and there is displayed in a conspicuous place on both sides of the cowl a decal as visual proof that the fee in lieu of property tax has been paid on it for the current year and the immediately previous year as required by 15-16-202.

(2) Application for registration must be made to the county treasurer upon forms to be furnished by the department of justice for this purpose, which may be obtained at the county treasurer's office in the county where the owner resides. The application must contain the following information:

- (a) the name and address of the owner;
- (b) the certificate of ownership number;
- (c) the make of the snowmobile;
- (d) the model name of the snowmobile;
- (e) the year of manufacture;
- (f) a statement evidencing payment of the fee in lieu of property tax as required by 15-16-202; and
- (g) other information that the department of justice may require.

(3) The application must be accompanied by a decal-registration fee of ~~\$6.50~~ \$7, of which 50 cents is a search and rescue surcharge designated to the account in [section 1] for search and rescue purposes, and, if the snowmobile has previously been registered, by the registration certificate for the most recent year in which the snowmobile was registered. The treasurer shall sign the application and issue a registration receipt that must contain information considered necessary by the department of justice and a listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer for reregistration or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(4) The county treasurer shall forward the signed application to the department of justice and shall issue to the applicant a decal in the style and design prescribed by the department of justice and of a different color than the preceding year, numbered in sequence.

(5) The county treasurer may not accept any application under this section until the applicant has paid the decal-registration fee and the fee in lieu of property tax on the snowmobile for the current year and the immediately previous year as required by 15-16-202.

(6) All money collected from payment of decal-registration fees and all interest accruing from use of this money must be forwarded to the department of revenue, as provided in 15-1-504, for deposit in the state general fund.

(7) The county treasurer shall credit all fees in lieu of tax collected on snowmobiles to the state general fund."

Section 6. Section 23-2-803, MCA, is amended to read:

"23-2-803. Fee in lieu of tax on off-highway vehicles -- exception -- disposition of fees. (1) There is a fee in lieu of tax on off-highway vehicles, other than off-highway vehicles constituting the inventory of a dealership licensed under 23-2-818, to be paid to the county treasurer of the county in which the owner of the off-highway vehicle resides.

(a) The fee for an off-highway vehicle less than 3 years old is ~~\$19~~ \$19.50, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes~~. In all other cases, the fee is ~~\$9~~ \$9.50, of which 50 cents is a search and rescue surcharge ~~designated to the account in [section 1] for search and rescue purposes~~.

(b) Except as provided in subsection (1)(c), the age of an off-highway vehicle is determined by subtracting the manufacturer's designated model year from the current calendar year.

(c) If the purchase year of an off-highway vehicle precedes the designated model year of the off-highway vehicle and the off-highway vehicle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

(2) The county treasurer shall transfer all fees in lieu of tax collected on off-highway vehicles pursuant to this section to the state general fund."

Section 7. Section 87-1-601, MCA, is amended to read:

"87-1-601. Use of fish and game money. (1) (a) Except as provided in ~~subsection~~ subsections (7) and (9), all money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from appropriations or received by the department from any other state source must be turned over to the department of revenue and placed in the state special revenue fund to the credit of the department.

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

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

- (i) the general license account;
- (ii) the license drawing account;
- (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-412, 87-2-722, and 87-2-724; and
- (iv) money received from the sale of any other hunting and fishing license.

(2) The money described in subsection (1) must be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. The money described in subsection (1) must be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in this code means fish and game money in the state special revenue fund and the federal special revenue fund.

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

(5) (a) Money must be deposited in an account in the permanent fund if it is received by the department from:

- (i) the sale of surplus real property;
- (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department except royalties or other compensation based on production; and
- (iii) leases of interests in department real property not contemplated at the time of acquisition.

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

(6) Money received from the collection of license drawing applications is not subject to the deposit

requirements of 17-6-105. The department shall deposit license drawing application money within a reasonable time after receipt.

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

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

(9) (A) The department shall deposit all money received from the search and rescue surcharge in 87-2-202 in the state general fund FISH AND GAME SEARCH AND RESCUE ACCOUNT A STATE SPECIAL REVENUE ACCOUNT TO THE CREDIT OF THE DEPARTMENT FOR SEARCH AND RESCUE PURPOSES AS PROVIDED FOR IN [SECTION 1].

(B) UPON CERTIFICATION BY THE DEPARTMENT OF REIMBURSEMENT REQUESTS SUBMITTED BY THE DEPARTMENT OF MILITARY AFFAIRS FOR SEARCH AND RESCUE MISSIONS INVOLVING PERSONS ENGAGED IN HUNTING, FISHING, OR TRAPPING, THE DEPARTMENT MAY TRANSFER FUNDS FROM THE SPECIAL REVENUE ACCOUNT TO THE SEARCH AND RESCUE ACCOUNT PROVIDED FOR IN [SECTION 1] TO REIMBURSE COUNTIES FOR THE COSTS OF THOSE MISSIONS AS PROVIDED IN [SECTION 1].

(C) USING FUNDS IN THE DEPARTMENT'S SEARCH AND RESCUE ACCOUNT THAT ARE NOT ALREADY COMMITTED TO REIMBURSEMENT FOR SEARCH AND RESCUE MISSIONS, THE DEPARTMENT MAY PROVIDE MATCHING FUNDS TO THE DEPARTMENT OF MILITARY AFFAIRS TO REIMBURSE COUNTIES FOR SEARCH AND RESCUE TRAINING AND EQUIPMENT COSTS UP TO THE PROPORTION THAT THE NUMBER OF SEARCH AND RESCUE MISSIONS INVOLVING PERSONS ENGAGED IN HUNTING, FISHING, OR TRAPPING BEARS TO THE STATEWIDE TOTAL OF SEARCH AND RESCUE MISSIONS.

(D) AT THE END OF EACH FISCAL YEAR, ANY MONEY REMAINING IN THE SPECIAL REVENUE ACCOUNT AFTER THE TRANSFERS PROVIDED FOR IN THIS SECTION MUST BE TRANSFERRED TO THE GENERAL LICENSE ACCOUNT OF THE DEPARTMENT."

Section 8. Section 87-2-202, MCA, is amended to read:

"87-2-202. (Temporary) Application -- fee -- expiration. (1) A wildlife conservation 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 license. It is the applicant's burden to provide documentation establishing the applicant's

identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation 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 ~~\$4.50~~ \$4.25, of which ~~50~~ 25 cents is a search and rescue surcharge ~~designated to the FISH AND GAME SEARCH AND RESCUE account in section 1] for search and rescue purposes.~~

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$7 ~~\$7.50~~ \$7.25, of which ~~50~~ 25 cents is a search and rescue surcharge ~~designated to the FISH AND GAME SEARCH AND RESCUE account in section 1] for search and rescue purposes.~~

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase 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 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) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase 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 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 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 license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation 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 ~~\$4.50~~ \$4.25, of which ~~50~~ 25 cents is a search and rescue surcharge ~~designated to the FISH AND GAME SEARCH AND RESCUE account in [section 1] for search and rescue purposes.~~

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$7 ~~\$7.50~~ \$7.25, of which ~~50~~ 25 cents is a search and rescue surcharge ~~designated to the FISH AND GAME SEARCH AND RESCUE account in [section 1] for search and rescue purposes.~~

(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]. (Bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)"

NEW SECTION. **Section 9. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 10, chapter 3, and the provisions of Title 10, chapter 3, apply to [section 1].

~~NEW SECTION. **SECTION 10. COORDINATION INSTRUCTION.** IF HOUSE BILL NO. 444 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN [SECTIONS 8 AND 24] OF HOUSE BILL NO. 444 ARE VOID.~~

NEW SECTION. **Section 10. Effective date DATES.** (1) [This act] is [SECTIONS 1 THROUGH 7, 9, AND 10] ARE effective January 1, 2004.

(2) [SECTION 8] IS EFFECTIVE MARCH 1, 2004.

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