

SENATE BILL NO. 166
INTRODUCED BY J. TROPILA
BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO FISH AND GAME LICENSURE; PROVIDING FOR THE ISSUANCE OF FREE WILDLIFE CONSERVATION LICENSES TO RESIDENT MINORS WHO ARE 12 YEARS OF AGE OR OLDER AND UNDER 15 YEARS OF AGE AND TO RESIDENTS 62 YEARS OF AGE OR OLDER; PROVIDING THAT RESIDENTS AND CERTAIN NONRESIDENTS WHO HAVE BEEN AWARDED A PURPLE HEART IN SERVICE WITH THE U.S. ARMED FORCES MAY FISH AND HUNT GAME BIRDS WITH ONLY A WILDLIFE CONSERVATION LICENSE; PROVIDING FOR THE TRANSFER OF MONEY FROM THE GENERAL FUND TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS GENERAL LICENSE ACCOUNT TO COMPENSATE FOR LICENSE REVENUE LOST THROUGH THE ISSUANCE OF THE FREE LICENSES AND EXTENSION OF PRIVILEGES TO RECIPIENTS OF A PURPLE HEART; AMENDING SECTIONS 87-2-202, 87-2-801, 87-2-805, AND 87-2-903, MCA; AND PROVIDING AN EFFECTIVE DATE ~~AND A TERMINATION DATE.~~"

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

Section 1. Section 87-2-202, MCA, is amended to read:

"87-2-202. Application -- fee -- expiration. (1) Except as provided in 87-2-803(12) and 87-2-805(5), 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 or to receive a free wildlife conservation license pursuant to 87-2-803(12) or 87-2-805(5). It is unlawful and a misdemeanor for a license agent to sell or give 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 \$8, of which 25 cents is a search and rescue surcharge.

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

(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]. (Bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001; the \$2 wildlife conservation license fee increases in subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

Section 2. 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 -- resident purple heart awardees. (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, not including wild turkeys, 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 a Class A-3 deer A tag for \$10 and a Class A-5 elk tag for \$12.

(3) 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.

(4) Regardless of age, a resident, as defined in 87-2-102, who has been awarded a purple heart for service in the armed forces of the United States is entitled to fish and hunt game birds, not including wild turkeys, with a conservation license issued by the department.

(5) REGARDLESS OF AGE, A NONRESIDENT WHO HAS BEEN AWARDED A PURPLE HEART FOR SERVICE IN THE ARMED FORCES OF THE UNITED STATES IS ENTITLED TO FISH AND HUNT GAME BIRDS, NOT INCLUDING WILD TURKEYS, WITH A CONSERVATION LICENSE ISSUED BY THE DEPARTMENT DURING EXPEDITIONS ARRANGED FOR THE NONRESIDENT BY A NONPROFIT ORGANIZATION THAT USES FISHING AND HUNTING AS PART OF THE REHABILITATION OF DISABLED VETERANS.

(6) The ~~department~~ DEPARTMENT'S general license account must be reimbursed by a quarterly transfer OF FUNDS from the general fund TO THE GENERAL LICENSE ACCOUNT for license costs associated with the fishing and game bird hunting privileges granted pursuant to ~~this subsection~~ SUBSECTIONS (4) AND (5) during the preceding calendar quarter. ~~Reimbursed~~ REIMBURSEMENT costs must be designated as license revenue."

Section 3. Section 87-2-805, MCA, is amended to read:

"87-2-805. Persons under eighteen years of age -- youth combination sports license -- terminally ill youth under seventeen years of age -- free wildlife conservation license for resident seniors and certain minors. (1) Resident minors who are 12 years of age or older and under 15 years of age may 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 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, B-4, or B-5 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, who is 12 years of age or older and under 15 years of age may purchase a Class A-3 deer A tag for \$6.50 and a Class A-5 elk tag for \$8.

(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 for \$25. A resident who is 12 years of age or older and under 18 years of age and who applies for any hunting license for the first time is entitled to receive a youth combination sports license free of charge.

(b) The youth combination sports license includes:

(i) a conservation license;

(ii) a fishing license;

(iii) an upland game bird license;

(iv) an elk license; and

(v) 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 for \$8.

(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 for \$3.

(e) A person who lawfully purchases or is granted a free 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 or granted free 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.

(4) (a) The department may issue a free resident or nonresident big game combination license, as applicable, to a resident or nonresident youth under 17 years of age who has been diagnosed with a terminal illness. In order for a youth to qualify for the free license, the department must receive documentation from a

licensed physician verifying that the youth is terminally ill. The free license may be issued to a youth on a one-time basis for only one hunting season.

(b) In exercising hunting privileges, the youth must be in the company of an adult in possession of a valid Montana hunting license or of a licensed Montana outfitter and conduct all hunting within the terms and conditions of the license issued.

(c) The department may waive hunter safety and education and bowhunter education requirements in 87-2-105 for a qualified youth under this subsection (4) and, in appropriate circumstances, may also allow the qualified youth to hunt from a vehicle in the manner described in 87-2-803.

(5) Resident minors who are 12 years of age or older and under 15 years of age and residents 62 years of age or older must, upon application and production of the documentation and information required by 87-2-202(1), be issued a resident wildlife conservation license without charge."

Section 4. Section 87-2-903, MCA, is amended to read:

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

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

(3) Each license agent shall submit to the department the money received from the sale of licenses, less the appropriate commission and convenience fee.

(4) Each license agent shall submit to the department copies of each paper license sold or issued pursuant to ~~87-1-805(5)~~ 87-2-805(5).

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

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

(7) For purposes of this section, the term "transaction" includes the sale or issuance of any license or permit, collection of any data or fee, or issuance of any certificate prescribed by the department.

(8) If a license agent fails to submit to the department all money received from the declared sale of licenses, less the appropriate commission and convenience fee, by the deadline established by the department, an interest charge equal to the rate charged under 15-1-216 may be assessed. Acceptance of late payments with interest does not preclude the department from summarily revoking the appointment of a license agent under 87-2-904.

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

NEW SECTION. **Section 5. Transfer of funds.** The department of fish, wildlife, and parks shall notify the department of administration, on a quarterly basis, of the number of free wildlife conservation licenses that have been issued pursuant to 87-2-805(5) during the preceding calendar quarter. Upon receipt of the notice, the department of administration shall transfer from the general fund to the department of fish, wildlife, and parks for deposit into the general license account as license revenue \$8 for each free wildlife conservation license issued pursuant to 87-2-805(5) during the preceding calendar quarter, to compensate for license revenue lost through the issuance of free licenses. The amount transferred from the general fund may not exceed the following in each fiscal year:

Fiscal Year 2007	\$274,400
Fiscal Year 2008	392,000
Fiscal Year 2009	117,600

NEW SECTION. **Section 6. Effective date.** [This act] is effective March 1, 2007, or on passage and approval, whichever is later.

~~NEW SECTION. **Section 7. Termination.** [Sections 1, 3, and 4] terminate February 28, 2009.~~

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