

1 SENATE BILL NO. 44

2 INTRODUCED BY J. COHENOUR

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE PURCHASE OF A WILDLIFE CONSERVATION
6 LICENSE PRIOR TO APPLYING FOR OTHER HUNTING OR FISHING LICENSES; COMMENSURATELY
7 REDUCING THE PRICE OF CERTAIN ~~COMBINATION~~ LICENSES; AMENDING SECTIONS 37-47-304,
8 76-17-102, 87-1-266, 87-2-115, 87-2-201, 87-2-304, 87-2-307, 87-2-308, 87-2-504, 87-2-505, 87-2-510,
9 87-2-514, 87-2-701, 87-2-711, 87-2-801, 87-2-803, 87-2-805, 87-2-817, AND 87-6-302, MCA; AND PROVIDING
10 A DELAYED EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 37-47-304, MCA, is amended to read:
15 **"37-47-304. Application.** (1) Each applicant for an outfitter's or guide's license shall apply for a license
16 on a form furnished by the department.
17 (2) The application for an outfitter's license must include:
18 (a) the applicant's full name, address, wildlife conservation license number, and telephone number;
19 (b) the applicant's years of experience as an outfitter or guide; and
20 (c) components of the outfitter's operations plan as required by board rule, which may include:
21 (i) an affidavit by the outfitter to the board that the amount and kind of equipment that is owned, leased,
22 or contracted for by the applicant is sufficient and satisfactory for the services advertised or contemplated to be
23 performed by the applicant; and
24 (ii) a description of any land, water body, or portion of a water body that will be utilized by the applicant
25 while providing services.
26 (3) An application for an outfitter's license must be in the name of an individual person only. An
27 application involving a business entity must be made by one individual person who qualifies under the provisions
28 of this part. A license issued pursuant to this part must be in the name of that person. Any revocation or
29 suspension of a license is binding upon the individual person and the business entity for the use and benefit of
30 which the license was originally issued.

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

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

5

6 **Section 2.** Section 76-17-102, MCA, is amended to read:

7 **"76-17-102. (Temporary) Montana public land access network grant program -- donations --**

8 **rulemaking.** (1) There is a Montana public land access network grant program. An individual or organization may
9 seek a grant from the program to secure public access through private land to public land, as defined in
10 15-30-2380, for which there is no other legal public access or to enhance existing access to public land.

11 (2) The grant program is funded by private donations. State agencies shall, as appropriate, facilitate
12 private donations to the Montana public land access network account established in 76-17-103, including but not
13 limited to the following methods:

14 (a) a donation by a person of \$1 or more above the price of a wildlife conservation license purchased
15 pursuant to 87-2-202 ~~or the price of a combination license that includes a conservation license~~; and

16 (b) a donation by a person, as defined in 2-4-102, through the websites of the department of natural
17 resources and conservation, the department of fish, wildlife, and parks, and the state of Montana.

18 (3) (a) The department of natural resources and conservation shall adopt a logo for the Montana public
19 land access network grant program, using the acronym "MT-PLAN". The department of natural resources and
20 conservation and the department of fish, wildlife, and parks shall use the logo on signs and maps indicating the
21 locations and access points of public lands made accessible through the grant program.

22 (b) Subject to the limitations provided in 76-17-103(4), either department may be reimbursed from the
23 Montana public land access network account established in 76-17-103 for reasonable costs, as determined by
24 the board, that are associated with subsection (3)(a).

25 (4) The department of natural resources and conservation may adopt rules to implement the provisions
26 of this part. (Terminates June 30, 2027--sec. 10, Ch. 374, L. 2017.)"

27

28 **Section 3.** Section 87-1-266, MCA, is amended to read:

29 **"87-1-266. Hunter management program -- benefits for providing hunting access -- nonresident**

30 **landowner limitation -- restriction on landowner liability.** (1) As provided in 87-1-265, the department may

1 establish a voluntary hunter management program to provide tangible benefits to private landowners enrolled in
 2 the block management program who grant access to their land for public hunting. The decision to enroll a
 3 landowner in the hunter management program is the responsibility of the department. Benefits may be granted
 4 as provided in this section and by rule.

5 (2) As a benefit for enrolling property in the hunter management program, a resident landowner who
 6 becomes a cooperator in the program and who agrees to provide public hunting access may receive one wildlife
 7 conservation license and one Class AAA combination sports license, without charge, if the landowner is the
 8 owner of record. The ~~license~~ licenses may be used for the full hunting or fishing season in any district where it
 9 ~~is~~ they are valid. The ~~license~~ licenses may not be transferred by gift or sale.

10 (3) As a benefit for enrolling property in the hunter management program, a nonresident landowner who
 11 becomes a cooperator in the program and who agrees to provide public hunting access may receive one wildlife
 12 conservation license and one Class B-10 nonresident big game combination license, without charge, if the
 13 landowner is the owner of record. The ~~license~~ licenses may be used for the full hunting or fishing season in any
 14 district where ~~it is~~ they are valid. The ~~license~~ licenses may not be transferred by gift or sale. The grant of a license
 15 under this subsection also qualifies the licensee to apply for a permit through the normal drawing process. The
 16 grant of a license under this subsection does not affect the limits established under 87-2-505.

17 (4) (a) Instead of receiving the benefits provided in subsection (2) or (3), a landowner of record who
 18 becomes a cooperator in the hunter management program and who agrees to provide public hunting access may
 19 designate an immediate family member or employee to receive, without charge, a wildlife conservation license
 20 and:

21 (i) a Class AAA combination sports license, without charge, if the ~~family member~~ designated person is
 22 a resident; or

23 (ii) a Class B-10 nonresident big game combination license, without charge, if the ~~family member~~
 24 designated person is a nonresident. ~~An employee rather than a family member may be designated to receive a~~
 25 ~~license.~~

26 (b) For purposes of this subsection (4), an immediate family member means a parent, grandparent, child,
 27 or grandchild of the cooperator by blood or marriage, a spouse, a legally adopted child, a sibling of the cooperator
 28 or spouse, or a niece or nephew.

29 (c) For purposes of this subsection (4), the term "employee" means a person who works full time and
 30 year-round for the landowner as part of an active farm or ranch operation.

1 (d) An immediate family member or employee who is designated to receive a license pursuant to this
2 subsection (4) must be eligible for licensure under current Montana law and may not transfer the license by gift
3 or sale.

4 (e) The grant of a Class B-10 nonresident big game combination license to an immediate family member
5 or employee pursuant to this subsection (4) does not affect the limits established in 87-2-505.

6 (5) Any landowner who is enrolled in the block management program may receive the benefits provided
7 under the hunter management program, as outlined in this section, and the benefits provided under the hunting
8 access enhancement program, as outlined in 87-1-267.

9 (6) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies
10 to a landowner who participates in the hunter management program."
11

12 **Section 4.** Section 87-2-115, MCA, is amended to read:

13 **"87-2-115. Nonresident elk and deer license preference point system.** (1) The department shall
14 establish a preference point system to distribute Class B-10 nonresident big game combination licenses and
15 Class B-11 nonresident deer combination licenses.

16 (2) ~~In addition to payment of any fees established in 87-2-113, 87-2-505, and 87-2-510, nonresidents~~
17 Nonresidents applying to purchase a Class B-10 or Class B-11 license may purchase a preference point, upon
18 payment of a nonrefundable \$50 fee, that gives an applicant who has more preference points priority to receive
19 a Class B-10 or Class B-11 license over an applicant who has purchased fewer preference points.

20 (3) An applicant may:

21 (a) purchase only one preference point per license year; and

22 (b) purchase a preference point without applying for a Class B-10 or Class B-11 license. An applicant
23 not applying for a Class B-10 or Class B-11 license may purchase a preference point only between July 1 and
24 September 30 prior to the applicable license year. The department shall delete an applicant's accumulated
25 preference points if the applicant does not apply for a Class B-10 or Class B-11 license for 2 consecutive years.

26 (4) Except as provided in subsection (3)(b), the department may not delete an applicant's accumulated
27 preference points unless the applicant obtains the license applied for, in which case the department shall delete
28 the applicant's accumulated preference points.

29 (5) The department shall issue 75% of the Class B-10 and Class B-11 licenses made available for
30 purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants in the

1 order of which applicants have purchased the greatest number of preference points. If the number of licenses
2 to be issued under this subsection exceeds the number of applicants who have purchased preference points, the
3 remaining licenses must be added to the licenses issued pursuant to subsection (6).

4 (6) The department shall issue 25% of the Class B-10 and Class B-11 licenses made available for
5 purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants who
6 have not purchased any preference points. If the number of licenses to be issued under this subsection exceeds
7 the number of applicants who have not purchased preference points, the remaining licenses must be added to
8 the licenses issued pursuant to subsection (5).

9 (7) Up to five applicants may apply as a party under this section. The department shall use an average
10 of the number of preference points accumulated by those applicants to determine their priority in receiving
11 licenses issued pursuant to subsection (5). The department shall consider any fraction that results from the
12 calculation of an average when determining that priority."

13

14 **Section 5.** Section 87-2-201, MCA, is amended to read:

15 **"87-2-201. Wildlife conservation license prerequisite for other licenses.** Except as provided in
16 87-2-803(6) and 87-2-815, it is unlawful for any person to purchase or apply for a hunting, fishing, or trapping
17 license without first having obtained a wildlife conservation license as provided in this part."

18

19 **Section 6.** Section 87-2-304, MCA, is amended to read:

20 **"87-2-304. Class B-4--two-day nonresident fishing license.** Any person not a resident, as defined
21 in 87-2-102, ~~who is a holder of a valid wildlife conservation license,~~ upon payment of the sum of \$25 to any agent
22 of the department authorized to issue fishing and hunting licenses, is entitled to a 2-day nonresident fishing
23 license that authorizes the holder to fish with hook and line, as prescribed by rules and regulations of the
24 department, for 2 calendar days as indicated on the license."

25

26 **Section 7.** Section 87-2-307, MCA, is amended to read:

27 **"87-2-307. Class B-5--10-day nonresident fishing license.** Any person not a resident, as defined in
28 87-2-102, ~~who is a holder of a valid wildlife conservation license,~~ upon payment of the sum of \$56 to any agent
29 of the department authorized to issue fishing and hunting licenses, is entitled to a 10-day nonresident fishing
30 license that authorizes the holder to fish with hook and line, as prescribed by rules and regulations of the

1 department, for 10 consecutive days as indicated on the license."
2

3 **Section 8.** Section 87-2-308, MCA, is amended to read:

4 **"87-2-308. Class A-8--resident temporary fishing license.** (1) Any resident, as defined in 87-2-102,
5 ~~who is a holder of a valid wildlife conservation license~~ is entitled to a resident temporary fishing license
6 authorizing the holder to fish with hook and line in designated waters, for a period of time determined by the
7 commission and indicated on the license, upon payment to any agent of the department authorized to issue
8 fishing licenses of the amount determined by the commission. Cost of the license and length of time for which
9 the license is effective must be set:

10 (a) at an amount that is less than the Class A resident fishing license; and

11 (b) at an amount and for a length of time that the commission determines will serve at a reasonable price
12 the needs of residents who fish occasionally.

13 (2) Terms and conditions of the license must be prescribed by rules of the commission."
14

15 **Section 9.** Section 87-2-504, MCA, is amended to read:

16 **"87-2-504. Class B-7 and B-8--nonresident deer licenses.** (1) (a) Except as otherwise provided in this
17 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
18 turn 12 years old before or during the season for which the license is issued ~~and is a holder of a nonresident~~
19 ~~conservation license~~ may, upon payment of the proper fee or fees and subject to the limitations prescribed by
20 law and department regulation, be entitled to apply to the fish, wildlife, and parks office, Helena, Montana, to
21 purchase one each of the following licenses:

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

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

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

26 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be
27 assigned for use in a specific administrative region or regions or a portion of a specific administrative region or
28 regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If purchased
29 as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state, except as
30 provided in 87-2-512(1)(d). Not more than 5,000 Class B-7 licenses may be sold in any license year.

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

4 **Section 10.** Section 87-2-505, MCA, is amended to read:

5 **"87-2-505. Class B-10--nonresident big game combination license.** (1) Except as otherwise provided
6 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
7 will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee
8 of \$981 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and
9 parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a
10 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
11 elk tag. ~~This license includes the nonresident conservation license as prescribed in 87-2-202.~~

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

13 (3) Of the fee paid for the purchase of a Class B-10 nonresident big game combination license pursuant
14 to subsection (1), 28.5% must be deposited in the account established in 87-1-290.

15 (4) The cost of the Class B-10 nonresident big game combination license must be adjusted annually
16 based on any change to the consumer price index from the previous year. The consumer price index to be used
17 for calculations is the consumer price index for all urban consumers (CPI-U). The adjusted cost must be rounded
18 down to the nearest even-numbered amount."
19

20 **Section 11.** Section 87-2-510, MCA, is amended to read:

21 **"87-2-510. Class B-11--nonresident deer combination license.** (1) (a) Except as otherwise provided
22 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
23 will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of
24 \$577 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and
25 parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a
26 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
27 license includes the nonresident wildlife conservation license as prescribed in 87-2-202.~~

28 (b) Of the fee paid for the purchase of a Class B-11 nonresident deer combination license pursuant to
29 subsection (1)(a), 28.5% must be deposited in the account established in 87-1-290.

30 (c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually based

1 on any change to the consumer price index from the previous year. The consumer price index to be used for
 2 calculations is the consumer price index for all urban consumers (CPI-U). The adjusted cost must be rounded
 3 down to the nearest even-numbered amount.

4 (2) Not more than 4,600 unreserved Class B-11 licenses may be sold in any 1 license year."
 5

6 **Section 12.** Section 87-2-514, MCA, is amended to read:

7 **"87-2-514. (Temporary) Nonresident relative of resident allowed to purchase nonresident licenses**
 8 **at reduced cost -- definitions.** (1) For the purposes of this section, the following definitions apply:

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

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

12 (2) Except as otherwise provided in this chapter, a nonresident relative of a resident who meets the
 13 qualifications of subsection ~~(5)~~ (4) may purchase the following at one-half the cost:

14 (a) a Class B nonresident fishing license;

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

16 (c) one of the following:

17 (i) a Class B-10 nonresident big game combination license;

18 (ii) a Class B-11 nonresident deer combination license; or

19 (iii) a nonresident elk-only combination license;

20 (d) if available:

21 (i) a Class B-8 nonresident deer B tag;

22 (ii) a Class B-12 nonresident antlerless elk B tag license.

23 ~~(3) The nonresident relative of a resident shall also purchase a nonresident wildlife conservation license~~
 24 ~~as prescribed in 87-2-202, a nonresident base hunting license as prescribed in 87-2-116 if the nonresident~~
 25 ~~purchases a hunting license, and a nonresident aquatic invasive species prevention pass if the nonresident~~
 26 ~~purchases a fishing license.~~

27 ~~(4)~~(3) Class B-10 and Class B-11 licenses sold pursuant to subsection (2) are not included in the limit
 28 on the number of available Class B-10 and Class B-11 licenses issued pursuant to 87-2-505 and 87-2-510.
 29 Nonresident elk-only combination licenses sold pursuant to subsection (2) are in addition to nonresident elk-only
 30 combination licenses available for sale pursuant to 87-2-511.

1 ~~(5)~~(4) To qualify for a license pursuant to subsection (2), a nonresident relative of a resident shall apply
2 at any department regional office or at the department's state office in Helena and present proof of the following:

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

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

7 (c) proof that the applicant is a nonresident relative of a resident.

8 ~~(6)~~(5) Of the fee paid for a hunting license purchased pursuant to subsection (2), 28.5% must be
9 deposited in the account established in 87-1-290. (Terminates February 29, 2020--sec. 21(1), Ch. 387, L. 2017.)

10 **87-2-514. (Effective March 1, 2020) Nonresident relative of resident allowed to purchase**
11 **nonresident licenses at reduced cost -- definitions.** (1) For the purposes of this section, the following
12 definitions apply:

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

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

16 (2) Except as otherwise provided in this chapter, a nonresident relative of a resident who meets the
17 qualifications of subsection ~~(5)~~ (4) may purchase the following at one-half the cost:

18 (a) a Class B nonresident fishing license;

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

20 (c) one of the following:

21 (i) a Class B-10 nonresident big game combination license;

22 (ii) a Class B-11 nonresident deer combination license; or

23 (iii) a nonresident elk-only combination license;

24 (d) if available:

25 (i) a Class B-8 nonresident deer B tag;

26 (ii) a Class B-12 nonresident antlerless elk B tag license.

27 ~~(3) The nonresident relative of a resident shall also purchase a nonresident wildlife conservation license~~
28 ~~as prescribed in 87-2-202 and a nonresident base hunting license as prescribed in 87-2-116 if the nonresident~~
29 ~~relative of a resident purchases a hunting license.~~

30 ~~(4)~~(3) Class B-10 and Class B-11 licenses sold pursuant to subsection (2) are not included in the limit

1 on the number of available Class B-10 and Class B-11 licenses issued pursuant to 87-2-505 and 87-2-510.
 2 Nonresident elk-only combination licenses sold pursuant to subsection (2) are in addition to nonresident elk-only
 3 combination licenses available for sale pursuant to 87-2-511.

4 ~~(5)~~(4) To qualify for a license pursuant to subsection (2), a nonresident relative of a resident shall apply
 5 at any department regional office or at the department's state office in Helena and present proof of the following:

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

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

10 (c) proof that the applicant is a nonresident relative of a resident.

11 ~~(6)~~(5) Of the fee paid for a hunting license purchased pursuant to subsection (2), 28.5% must be
 12 deposited in the account established in 87-1-290."

13

14 **Section 13.** Section 87-2-701, MCA, is amended to read:

15 **"87-2-701. Special licenses.** (1) An applicant who is 12 years of age or older or who will turn 12 years
 16 old before or during the season for which the license is issued ~~and is the holder of a resident wildlife conservation~~
 17 ~~license or a nonresident wildlife conservation license~~ may apply for a special license that, in the judgment of the
 18 department, is to be issued and shall pay the following fees:

19 (a) moose--resident, \$125; nonresident, \$1,250;

20 (b) mountain goat--resident, \$125; nonresident, \$1,250;

21 (c) mountain sheep--resident, \$125; nonresident, \$1,250;

22 (d) antelope--resident, \$14; nonresident, \$200;

23 (e) grizzly bear--resident, \$150; nonresident, \$1,000;

24 (f) black bear--nonresident, \$350;

25 (g) wild buffalo or bison--resident, \$125; nonresident, \$1,250.

26 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear,
 27 the person shall purchase a trophy license for a fee of \$50 within 10 days after the date of the kill. The trophy
 28 license authorizes the holder to possess and transport the trophy.

29 (3) Except as provided in 87-5-302 for special grizzly bear licenses, special licenses must be issued in
 30 a manner prescribed by the department."

1

2 **Section 14.** Section 87-2-711, MCA, is amended to read:

3 **"87-2-711. Class AAA--combination sports license.** (1) Except as otherwise provided in this chapter,
4 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
5 the season for which the license is issued is entitled to:

6 (a) a combination sports license that permits a holder who is 12 years of age or older to exercise all
7 rights granted to holders of Class A, A-1, A-3, and A-5 licenses ~~and resident conservation licenses as prescribed~~
8 ~~in 87-2-202 upon payment of the sum of \$70 or, if the resident is a service member eligible for a combination~~
9 ~~sports license pursuant to 87-2-817(2), upon payment of the resident base hunting license fee provided for in~~
10 ~~87-2-116 [and purchase of the resident aquatic invasive species prevention pass pursuant to 87-2-130] \$62; or~~

11 (b) a combination sports license that permits a holder who is 12 years of age or older to exercise all
12 rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 tag upon payment
13 of the sum of ~~\$85~~ \$77.

14 (2) The department may furnish each holder of a combination sports license an appropriate
15 decal. ~~(Bracketed language terminates February 29, 2020--sec. 21(1), Ch. 387, L. 2017.)"~~

16

17 **SECTION 15. SECTION 87-2-801, MCA, IS AMENDED TO READ:**

18 **"87-2-801. Licenses for residents over 62 years of age.** A resident, as defined in 87-2-102, who is
19 62 years of age or older may purchase the following for one-half the cost:

20 (1) a wildlife conservation license;

21 ~~(1)(2)~~ a Class A fishing license;

22 ~~(2)(3)~~ a Class A-1 upland game bird license;

23 ~~(3)(4)~~ a Class A-3 deer A tag;

24 ~~(4)(5)~~ a Class A-5 elk tag;

25 ~~(5)(6)~~ a Class AAA combination sports license that does not include a Class A-6 black bear tag."

26

27 **Section 16.** Section 87-2-803, MCA, is amended to read:

28 **"87-2-803. Licenses for persons with disabilities -- definitions.** (1) Persons with disabilities who are
29 residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental
30 rule may purchase the following for one-half the cost:

1 (a) a Class A fishing license;

2 (b) a Class A-1 upland game bird license;

3 (c) a Class A-3 deer A tag;

4 (d) a Class A-5 elk tag.

5 (2) A person who has purchased a wildlife conservation license and a resident fishing license, game bird
6 license, deer tag, or elk tag for a particular license year and who is subsequently certified as disabled is entitled
7 to a refund for one-half of the cost of the fishing license, game bird license, deer tag, or elk tag previously
8 purchased for that license year.

9 (3) A person who is certified as disabled pursuant to subsection (4) and who was issued a permit to hunt
10 from a vehicle for license year 2014 or a subsequent license year is automatically entitled to a permit to hunt from
11 a vehicle for subsequent license years if the criteria for obtaining a permit do not change.

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

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

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

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

21 (iii) an off-highway vehicle or snowmobile, as defined in 61-1-101, in any area where hunting is permitted
22 and that is open to motorized use, unless otherwise prohibited by law, as long as the off-highway vehicle or
23 snowmobile is marked as described in subsection (5)(d) of this section.

24 (b) This subsection (5) does not allow a permitholder to shoot across the roadway of any public highway
25 or to hunt on private property without permission of the landowner.

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

29 (d) Any vehicle from which a permitholder is hunting must be conspicuously marked with an
30 orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle,

1 or as prescribed by the department.

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

6 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may
7 be issued regular resident deer and elk licenses, in the manner provided in subsection (1) of this section, and
8 must be accompanied by a companion, as provided in subsection (5)(c) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

7

8 **SECTION 17. SECTION 87-2-805, MCA, IS AMENDED TO READ:**

9 **"87-2-805. Licenses for persons under 18 years of age.** (1) Resident and nonresident minors under
10 12 years of age may fish without a license.

11 (2) Resident minors who are 12 years of age or older and under 18 years of age may purchase the
12 following for one-half the cost:

13 (a) a wildlife conservation license;

14 ~~(a)~~(b) a Class A fishing license;

15 ~~(b)~~(c) a Class A-1 upland game bird license;

16 ~~(c)~~(d) a migratory game bird license;

17 ~~(d)~~(e) a Class A-3 deer A tag;

18 ~~(e)~~(f) a Class A-5 elk tag;

19 ~~(f)~~(g) a Class AAA combination sports license that does not include a Class A-6 black bear tag. This
20 subsection ~~(2)(f)~~ (2)(g) does not prohibit a resident minor from purchasing any individual licenses for which the
21 minor may be eligible under this chapter if the minor does not purchase a Class AAA license under this
22 subsection ~~(2)(f)~~ (2)(g). A resident minor who lawfully purchases a Class AAA license pursuant to this subsection
23 ~~(2)(f)~~ (2)(g) at 17 years of age, but who reaches 18 years of age during that license year, may legally use the
24 license during that license year.

25 (3) A nonresident minor who is 12 years of age or older and under 18 years of age may purchase an
26 upland game bird license and a migratory game bird license for one-half of the nonresident fee. Of the fee paid
27 for the upland game bird license, \$17 must be deposited pursuant to 87-1-270 and \$7 must be deposited
28 pursuant to 87-1-246.

29 (4) (a) The department may issue a free resident or nonresident big game combination license, as
30 applicable, or a free resident or nonresident antelope license and wildlife conservation license, as applicable, to

1 a resident or nonresident youth under 18 years of age who has been diagnosed with a life-threatening illness.
2 In order for a youth to qualify for the free license, the department must receive documentation that the youth has
3 been diagnosed with a life-threatening illness from a licensed physician. The free license may be issued to a
4 youth on a one-time basis for only one hunting season. As used in this subsection, "life-threatening illness" means
5 any progressive, degenerative, or malignant disease or condition that results in a significant threat, likelihood,
6 or certainty that the child's life expectancy will not extend past the child's 19th birthday unless the course of the
7 disease is interrupted or abated.

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

11 (c) The department may waive hunter safety and education and bowhunter education requirements in
12 87-2-105 for a qualified youth under this subsection (4) and, in appropriate circumstances, may also allow the
13 qualified youth to hunt from a vehicle in the manner described in 87-2-803.

14 (d) The department may limit the number of licenses issued pursuant to this subsection (4) to a total of
15 25 annually.

16 (5) Prior to reaching 12 years of age, a minor who will reach 12 years of age by January 16 of a license
17 year may hunt any game species after August 15 of that license year as long as the minor obtains the necessary
18 license pursuant to this chapter."

19

20 **Section 18.** Section 87-2-817, MCA, is amended to read:

21 **"87-2-817. Licenses for service members.** (1) A veteran or a disabled member of the armed forces
22 who meets the qualifications in 87-2-803(9) as a result of a combat-connected injury may apply at a fish, wildlife,
23 and parks office for a regular Class A-3 deer A tag, a Class A-4 deer B tag, a Class B-7 deer A tag, a Class B-8
24 deer B tag, and a special antelope license made available under 87-2-506(3) for one-half of the license fee.
25 Licenses issued to veterans or disabled members of the armed forces under this part do not count against the
26 number of special antelope licenses reserved for people with permanent disabilities, as provided in 87-2-706.

27 (2) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as
28 provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency
29 operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the
30 state, upon request and upon presentation of the documentation described in subsection (2)(b), must be issued

1 a free resident wildlife conservation license ~~or~~ and, if they choose, a Class AAA resident combination sports
 2 license, which may not include a Class A-6 black bear tag, upon payment of the resident base hunting license
 3 fee in 87-2-116 [and the purchase of the resident aquatic invasive species prevention pass pursuant to 87-2-130],
 4 in the license year that the member returns from military service or in the year following the member's return,
 5 based on the member's election, and in any of the 4 years after the member's election.

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

12 (c) A Montana resident who meets the service qualifications of subsection (2)(a) and provides the
 13 documentation required in subsection (2)(b) is entitled to a free Class A resident fishing license in the license year
 14 that the member returns from military service or in the year following the member's return, based on the member's
 15 election, and in any of the 4 years after the member's election.

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

20 (3) A member of the armed forces who forfeited a license or permit issued through a drawing as a result
 21 of deployment outside of the continental United States in support of a contingency operation as provided in 10
 22 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, upon application in the year
 23 of the member's return from deployment or in the first year that the license or permit is made available after the
 24 member's return. (Bracketed language terminates February 29, 2020--sec. 21(1), Ch. 387, L. 2017.)"

25

26 **Section 19.** Section 87-6-302, MCA, is amended to read:

27 **"87-6-302. Unlawful procurement of license, permit, or tag.** (1) A person may not:

28 (a) subscribe to or make any materially false statement on an application or license. Any materially false
 29 statement contained in an application renders the license issued pursuant to it void.

30 (b) purchase or apply for a hunting, fishing, or trapping license without first having obtained a wildlife

1 conservation license pursuant to 87-2-201; or

2 (c) purposely or knowingly assist an unqualified applicant in obtaining a resident license.

3 (2) A license agent may not sell any hunting, fishing, or trapping license to:

4 (a) an applicant who fails to produce the required identification at the time of application for licensure
5 pursuant to 87-2-106(1) and 87-2-202(1); or

6 (b) a person who does not present the person's wildlife conservation license at the time of application
7 for the license.

8 (3) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000
9 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, except as
10 provided in subsection (4), the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture
11 of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this
12 state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

13 (4) A person convicted under subsection (1)(a) of unlawfully procuring a replacement license, permit,
14 or tag shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt,
15 fish, or trap in this state for 24 months from the date of conviction or forfeiture of bond or bail unless a court
16 imposes a longer period. For each subsequent violation, the person shall forfeit any current hunting, fishing, or
17 trapping license issued by this state and the privilege to hunt, fish, or trap in this state for the same period of time
18 imposed by the court for the person's previous violation plus an additional 24 months."

19
20 COORDINATION SECTION. SECTION 20. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 167 AND
21 [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTION 18 OF THIS ACT], AMENDING 87-2-817, IS VOID.

22
23 NEW SECTION. Section 21. Effective date. [This act] is effective March 1, 2020.

24 - END -