

# 2014

# ON THE HOOK

The Future of Fish and Wildlife Funding in Montana



*Montana Environmental  
Quality Council*



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An HB 609 Study Report to the 64th Legislature — DRAFT, September, 2014



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\* This information is included in order to comply with section 2-15-155, MCA.

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## Introduction

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House Bill No. 609 (HB 609, Appendix A), assigned to the Environmental Quality Council (EQC), requested an interim study of Montana's hunting and fishing license statutes and fees, including:

- ⊕ the appropriate roles of hunting and fishing license buyers and other fish and wildlife users in funding fish and wildlife management;
- ⊕ options for improving the structural balance between revenue and expenditures for fish and wildlife management;
- ⊕ options for changing and simplifying Montana's hunting and fishing license structure and statutes;
- ⊕ options to improve services and better meet the needs of license buyers;
- ⊕ an assessment of the impact of free and reduced-cost hunting and fishing licenses on the funding for fish and wildlife management and whether any of these licenses should be modified; and
- ⊕ a comparison of license structures and fees in other states.

At its June 2013 meeting, the EQC allocated 0.2 FTE, or 576 hours, to complete the HB 609 study, including:

- ⊕ a summary of existing hunting and fishing licenses (Appendix B);
- ⊕ an overview of licensing revenue and its uses;
- ⊕ analysis of events leading to decreased license sales and revenue;
- ⊕ review of the hunting and fishing license structure and fees in other states (Appendices K-N);
- ⊕ analysis of other structural and fee options for the Department of Fish, Wildlife, and Parks; and
- ⊕ staff attendance at and assistance with a concurrent licensing study conducted by the governor-appointed Fish and Wildlife Licensing and Funding Advisory Council.



## **Findings and Recommendations**

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After completing the enclosed analysis, the EQC finds:

- ⊕ Montana's fish and wildlife are important natural resources that benefit all Montanans, visitors, and our economy. Each year, the quality of Montana's fishing and hunting opportunities attract nearly 400,000 anglers and 230,000 hunters, and an estimated 900,000 residents and nonresidents view our wildlife. It is important to manage fish and wildlife to preserve these opportunities for future generations.
- ⊕ The majority of funding for fish and wildlife management in Montana comes from the sale of fishing and hunting licenses. The Legislature sets the majority of these fees on a roughly 10-year basis. The last wholesale pricing increase was approved in 2005. After Fiscal Year 2017, FWP says it will face a \$5.75 million annual shortfall to maintain current fish and wildlife operations. The Legislature could increase hunting and fishing license revenues, decrease expenditures, or redistribute revenue currently earmarked for specific purposes to address this concern.
- ⊕ A citizen advisory council established at the request of the governor and tasked with proposing fishing and hunting license prices that would result in a sufficient and stable source of revenue and funding for fish and wildlife management has developed a package of recommendations that would generate \$6.13 million in new revenue for FWP each year. This includes \$380,000 in contingency funding that could be used in an emergency.
- ⊕ Not all EQC members agree that FWP needs additional revenue to manage fish and wildlife. Some EQC members say FWP can respond to emergent situations using existing funds. However, the EQC supported other portions of the advisory council's proposal.
- ⊕ The advisory council did a good job of proposing changes to streamline and simplify Montana's fishing and hunting licenses and fees.
- ⊕ The 4-year funding cycle recommended by the advisory council is preferable to the existing 10-year cycle and makes more business sense.
- ⊕ Raising the age at which seniors are eligible for discounted licenses is appropriate, and though a grandfather clause for seniors who would temporarily lose eligibility under the new criteria might be desirable, it would be difficult to administer.
- ⊕ The 10-day nonresident fishing license should be retained because it provides more flexibility to those who may be in the state two weekends in a row.
- ⊕ The \$380,000 in contingency funding is not necessary and not including it in the EQC's



recommendations is fair.

- ⊕ The citizen advisory council met nine times between August 2013 and June 2014 and held nine other public meetings on its proposed changes to the hunting and fishing license system, providing ample opportunities for the public to comment on the advisory council's work. However, more educational outreach is needed so that people have a chance to be informed about what the proposed revenue increases would do for FWP, and why they are necessary, before the 2015 Legislature decides whether to approve them.
- ⊕ In every session, legislators introduce bills to provide special free or discounted licenses to certain citizens. This piecemeal approach to modifying Montana's fishing and hunting licenses erodes and complicates the licensing system as a whole and should be stopped.
- ⊕ FWP should have presented options during the interim for reducing agency expenditures instead of postponing that debate until the 2015 legislative session.

Draft



## Background

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The HB 609 study grew out of concerns about the stability of and long-term funding for the Department of Fish, Wildlife, and Parks (FWP) and the complexity of its hunting and fishing license structure, which provides about two-thirds of the agency's revenue for fish and wildlife management in Montana.

A citizen's group, known as the Fish and Wildlife Licensing and Funding Advisory Council (LFAC), also spent nine months during the 2013-2014 interim examining the license structure at the request of the governor. The LFAC's final report is provided in Appendix C. The EQC followed the advisory council's work closely and incorporated the information developed by the LFAC into the HB 609 study process.

### Filling the Bathtub

FWP's fish and wildlife management programs and related operations are funded on a roughly 10-year cycle that is considered structurally imbalanced. This means that for the first half of the cycle, FWP collects more in license revenue than it spends -- building the balance in its general license account (GLA). At the mid-point of the cycle, revenues and expenditures are roughly equal. And, in the last half of the decade, the department spends more than it takes in -- drawing down the balance in the GLA. Some describe this as the financial equivalent of filling and draining a bathtub.

FWP is in the second half of the current 10-year cycle and estimates it has enough revenue to sustain daily operations and meet financial obligations through Fiscal Year (FY) 2017.

The Legislature invariably tweaks FWP's licensing system every session. The last wholesale pricing increase, approved in 2005 with House Bill No. 172 (Appendix D), made the following changes:

- ⊕ increased permit drawing fees from \$3 to \$5;
- ⊕ increased wildlife conservation license fees from \$6.25 to \$8 for residents and \$9.25 to \$10 for nonresidents;
- ⊕ increased resident paddlefish, upland game bird, wild turkey, migratory game bird, deer, elk, mountain lion, moose, mountain goat, mountain sheep, antelope, black bear, wild buffalo, and combination sports license fees;
- ⊕ increased B-10 nonresident big game combination and B-11 nonresident deer combination license fees<sup>1</sup>;
- ⊕ created the discounted resident senior combination license for \$55 in lieu of the regularly

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FWP estimates it has  
enough revenue to sustain  
daily operations and meet  
financial obligations  
through Fiscal Year 2017.

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<sup>1</sup>Fees for nonresident B-10 and B-11 licenses were subsequently raised in 2011 by the passage of Initiative No. 161 in 2010.

- ⊕ priced \$70 license;
- ⊕ increased discounted deer and elk license prices for disabled residents; and
- ⊕ increased discounted deer, elk, and fishing license prices for resident youth between the ages of 12 and 15.

A change in application procedures and fees enacted by the 2013 Legislature (House Bill No. 401) went into effect in License Year (LY) 2014 and is expected to generate at least \$1.2 million in new revenue for the agency.

### Funding Sources

Like many fish and wildlife agencies across the United States, FWP relies heavily on license revenue and receives little money from the state general fund -- 0.39% of its overall \$92.7 million<sup>2</sup> budget in FY 2014. The largest portion of FWP's budget -- about \$81.5 million -- relates to fish and wildlife management. License revenue generated 62.3% of that funding in FY 2014 and the federal Pittman-Robertson (P-R) and Dingle-Johnson (D-J) programs contributed 19.25%.

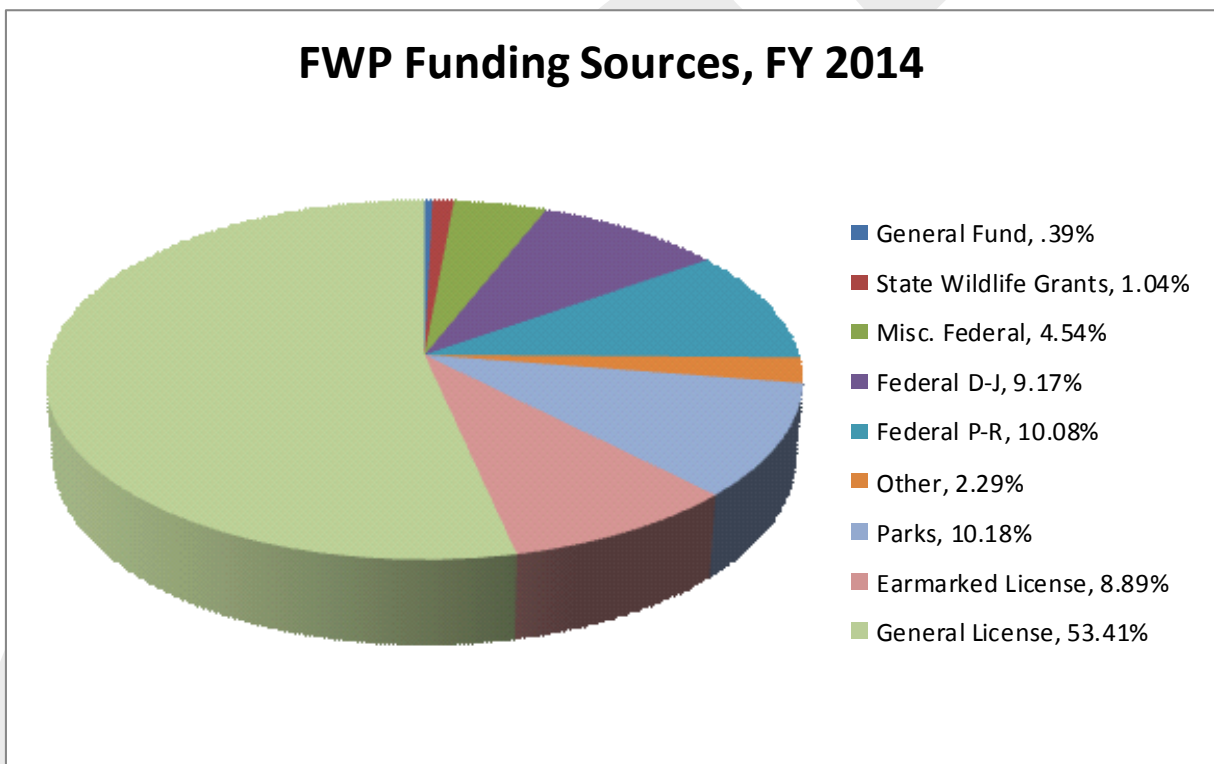


Figure 1: Source: Department of Fish, Wildlife, and Parks

<sup>2</sup>This figure includes \$805,367 FWP expects to pay in local property taxes in FY 2014 and \$1,028,066 in bed tax collections the agency expects to remit to the state.

P-R and D-J funds must be used for specific purposes related to fish and wildlife management and require a 25% state match. The funds are generated by federal excise taxes on guns, ammunition, and fishing equipment. This revenue is distributed annually to eligible states according to a congressionally approved funding formula that's based largely on a state's size and the number of paid hunting license holders it has. (A brochure developed by the Environmental Quality Council to explain the P-R program can be found in Appendix E.)

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FWP says shoring up its budget by shifting costs from state funds to federal Pittman-Robertson dollars is unlikely to be sustainable in the long-term depending on gun and ammunition sale trends.

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P-R funding rose in recent years with increased gun and ammunition sales. Prior to 2009, the 5-year average for P-R funding received by Montana was \$6.65 million according to FWP. Between 2009 and 2013, the average was \$11.1 million<sup>3</sup>. FWP used this increased funding source to shore up its budget -- shifting about \$1.5 million in costs from state funds to P-R dollars. FWP says this shift is unlikely to be sustainable in the long-term, depending on gun and ammunition sale trends.

### **Making Cuts**

In addition to shifting funding sources, FWP reduced expenditures by \$1.24 million per year at the request of Director Jeff Hagener. The Legislative Fiscal Division prepared a synopsis of the budget savings by FWP for FY 14 and 15, which can be found in Appendix F. Reductions include:

- ⊕ \$380,777 in wildlife programs;
- ⊕ \$244,000 in fisheries costs;
- ⊕ \$200,000 in shooting range grants;
- ⊕ \$187,000 in finance division operations;
- ⊕ \$80,000 in technology services; and
- ⊕ \$70,000 in director's office and administrative costs.

### **Earmarks**

About \$14 million of FWP's budget each year is directed by earmarks, which "are statutory requirements to put certain funds into special accounts for special uses"<sup>4</sup>. FWP has more than 60 earmarks, including for the Block Management Program, Habitat Montana, search and rescue support for local governments, and the Upland Game Bird Program. Appendix G shows which portions of hunting and fishing license fees are allocated to earmark programs.

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<sup>3</sup>In 2014, FWP received \$20.2 million in P-R funds -- a 40% increase over 2013. Montana's portion of D-J funding, meanwhile, declined by 12% in 2014 to \$7.6 million.

<sup>4</sup>Fish and Wildlife Licensing and Funding Advisory Council, Recommendations, April 28, 2014, page 16.

Earmarks are sometimes specific dollar amounts and other times calculated as percentages of license fees. FWP says the size of the earmark doesn't always align with what the agency can spend in a given year (e.g. a lack of actionable easements for public hunting access through private land). Therefore, some earmark accounts accrue balances because the money can't be redirected to other costs. A 4-year comparison of ending fund balances for earmarked license fees at fiscal year end in 2010 through 2013 is provided in Appendix H.

**Projected Expenditures**

Based on the following assumptions<sup>5</sup>, FWP estimates it needs an additional \$5.75 million in license revenue each year to maintain its current level of fish and wildlife program services:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>⊕ Current (FY 2014 and 2015) legislatively approved spending levels for FWP roll forward with no changes and no consideration for inflation;</li> <li>⊕ Self-imposed budget reductions (\$1.24 million) in place for the current biennium will be permanent;</li> <li>⊕ An estimate of costs related to legislative pay plans, pensions, and future budget requests is included in the annual expenditures each year after FY 2016 (see Figure 2);</li> <li>⊕ Federal P-R and D-J funding levels remain static; and</li> <li>⊕ FWP will maintain a minimum balance of \$10 million in the GLA to cover the cost of day-to-day operations.</li> </ul> | <hr/> <p style="margin: 0;">FWP estimates it needs an additional \$5.75 million in license revenue each year to maintain its current level of fish and wildlife program services</p> <hr/> |
|---|--|

Figure 2 was prepared by FWP for the LFAC and EQC to demonstrate expected expenditures from the GLA in the coming years. A 3% inflationary factor is used to predict pay plan and pension costs in the red portion of the bar chart. These increases would be dependent on legislative approval and are not guaranteed. No inflationary factor is used for the base expenditures depicted in the blue portion of the chart for FY17 and later.

**Licensing Trends**

Revenue from the sale of hunting and fishing licenses fluctuates year-to-year. However, FWP staff says other factors are making funding predictions more difficult.

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<sup>5</sup>Fish and Wildlife Licensing and Funding Advisory Council, Recommendations, April 28, 2014, page 8.



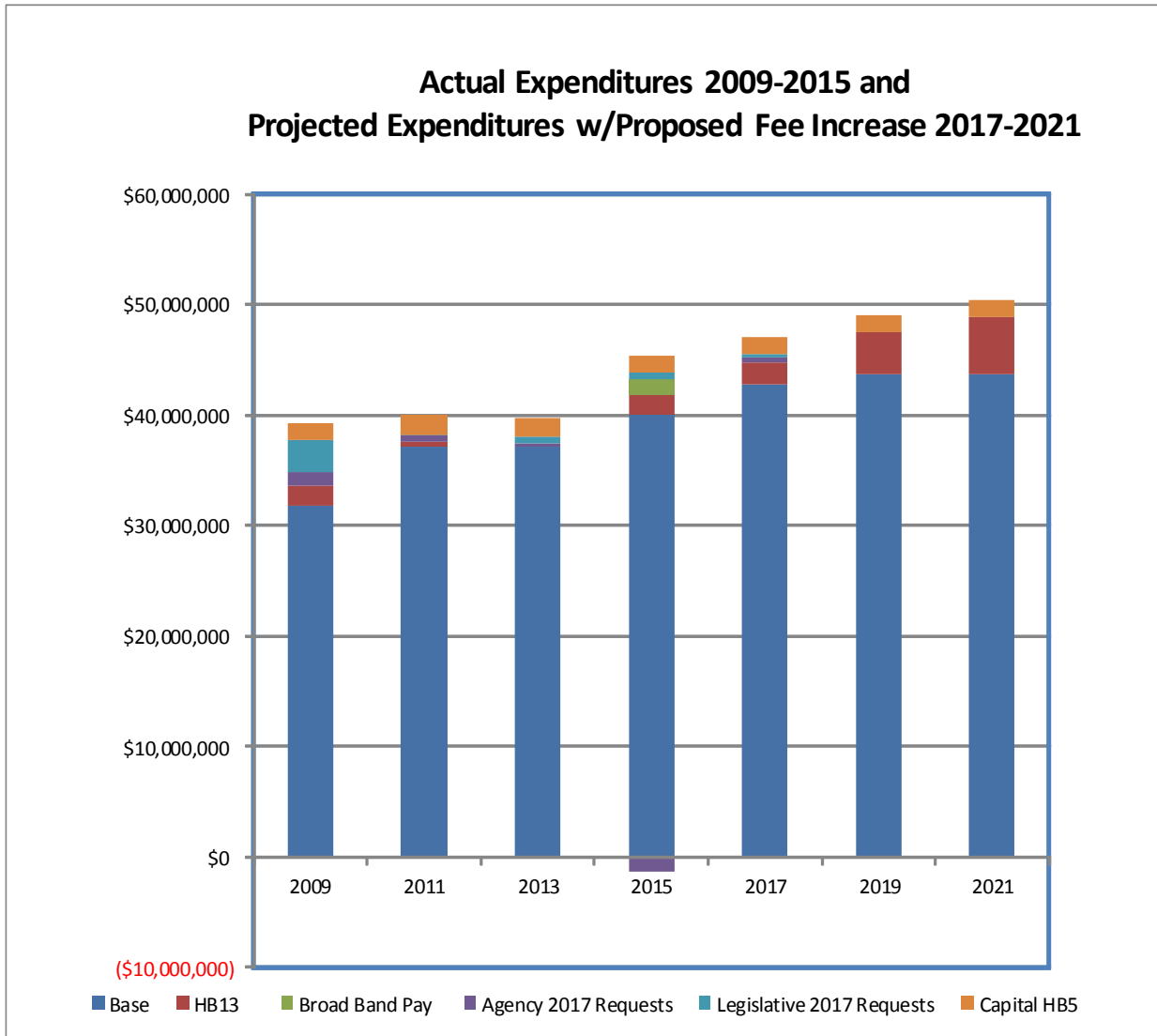


Figure 2: Source: Department of Fish, Wildlife, and Parks

Since 2008, FWP has not sold out of its biggest revenue generator -- the 17,000 B-10 big game combination licenses<sup>6</sup> available to nonresidents -- on the March 15 application deadline. Various sources attribute this to the poor economy, declines in game populations, concerns about the impact of wolves on elk, and weather.

Price increases passed by Initiative No. 161 are also a concern. Starting in 2011, I-161 increased

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<sup>6</sup>B-10 nonresident big game combination licenses include elk and deer tags and upland game bird and fishing licenses. B-11 nonresident deer combination licenses include the same, except for the elk tag.

the base price of a B-10 license from \$628 to \$897 and a B-11 nonresident deer combination license from \$328 to \$527. I-161 also requires an annual price adjustment based on the consumer price index for all urban consumers (CPI-U). With the CPI-U adjustments, the price of the B-10 increased to \$961 in LY 2014 and the B-11 to \$565.

House Bill No. 607 (2011) impacted license sales by allowing nonresidents who apply for a B-10 license but who are unsuccessful in an elk permit drawing to return the elk tag portion of the B-10 and retain the remainder as a B-11 deer combination license. FWP can resell the elk tag portion of the license, which HB 607 supporters hoped would generate additional revenue for the agency. However, FWP has been unable to resell all of the elk tags to date, resulting in a net loss in revenue compared to pre-HB 607 license years and unrealized gains from the unsold elk licenses (Figure 3).

Money Effects of 607 by Year									
	2013			2012			2011		
	Number	Amount	Total	Number	Amount	Total	Number	Amount	Total
Original Big Game Issued and Refunded	2,028	\$944	(\$1,914,432)	2,174	\$929	(\$2,019,646)	805	\$907	(\$730,135)
New Deer Licenses Issued	2,028	\$555	\$1,125,540	2,174	\$546	\$1,187,004	805	\$537	\$432,285
Reissue Fee	2,028	\$25	\$50,700	2,174	\$25	\$54,350	805	\$25	\$20,125
Elk Licenses Resold	585	\$794	\$464,490	453	\$757	\$342,921	0	\$757	\$0
Net Gain/Loss			(\$273,702)			(\$435,371)			(\$277,725)
Value of Unsold Elk Licenses	1,443	\$794	\$1,145,742	1,721	\$757	\$1,302,797	805	\$757	\$609,385

Figure 3: Source: Department of Fish, Wildlife, and Parks

FWP conducted a study of its Automated License System (ALS), using data from the years 2002 to 2011, to glean the following information about Montana's hunting population and trends related to recruitment, retention, and demographics<sup>7</sup>:

- ⊕ There were about 490,000 resident and nonresident deer and elk hunters in Montana during the study timeframe.
- ⊕ About one third of hunters in Montana do not purchase a license every year.
- ⊕ The average retention and recruitment growth rate for hunters is relatively stable -- declining by 0.04% per year over the 10-year period. However, when reviewed over a more recent 3-year period (2009-2011), the decline increases to 2.5% per year (Figure 4).
- ⊕ The demographics of new recruits are as follows: there are more nonresidents than residents, more younger than older, and more women than men.
- ⊕ Hunter retention is more influential than hunter recruitment, meaning that a 9% retention rate is needed to maintain a stable hunter population compared to a 200% increase in

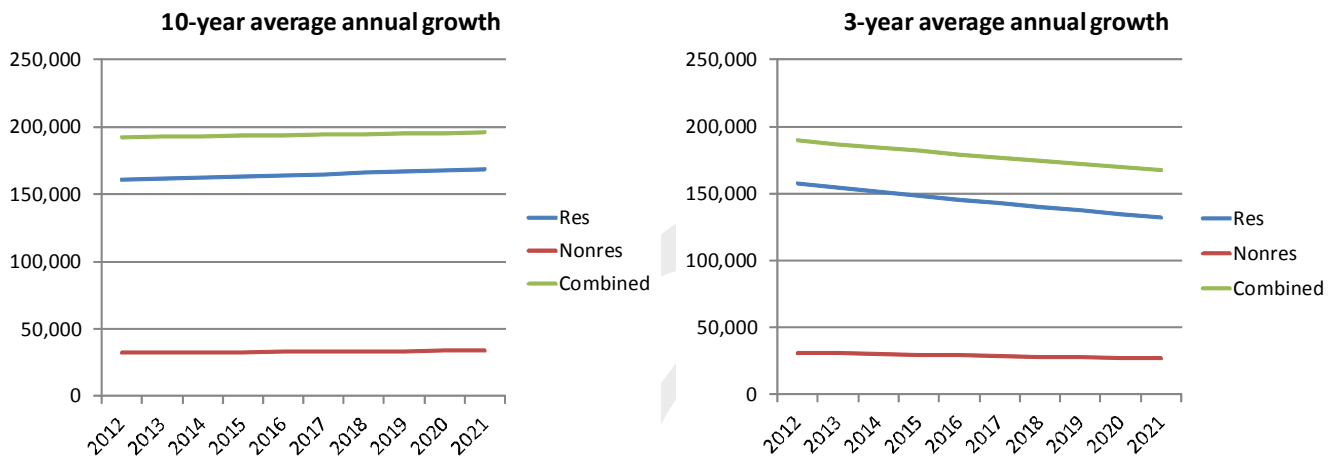
<sup>7</sup>Fish and Wildlife Licensing and Funding Advisory Council, Meeting Summary, August 13-14, 2013, page 7.

recruitment.

- ⊕ The hunter population mirrors the general population and hunter participation declines with an individual's age.
- ⊕ Price matters -- there are fewer new hunters following a license price increase.

### Hunter Growth Predictions

Figure 4: Source: Department of Fish, Wildlife, and Parks



If the 3-year trend in hunter retention and recruitment is more predictive than the 10-year trend, further decline in the number of hunters buying licenses could compound FWP's financial concerns. Nationally, the number of paid hunting license holders has declined from 16 million in the mid-1970s to 14.6 million in 2013<sup>8</sup>.

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<sup>8</sup>Scott Greenberger, *Sportsmen Push for Constitutional Hunting and Fishing Rights*, The Pew Charitable Trusts, May 6, 2014.



## **Other States**

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Legislative staff compared hunting and fishing license prices in 12 western states to get a sense of where Montana falls in the ranks of total cost<sup>9</sup> to hunt or fish. The comparison states included Arizona, Colorado, Idaho, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The licenses compared were antelope, bighorn sheep, bison, black bear, deer, elk, fishing, moose, mountain goat, mountain lion, turkey, upland game birds, and wolf.

When comparing resident license prices (Appendix I), Montana falls below the average and median cost for all of the licenses reviewed (most notably bighorn sheep, bison, moose, and mountain goat), except for wolves. Only Montana, Wyoming, and Idaho currently have wolf licenses available. Montana is \$1.08 above the average wolf license price and is the median license price.

When comparing nonresident license prices (Appendix J), Montana falls below the average and median cost for about 60% of the licenses (most notably bighorn sheep, bison, moose, and mountain goat). Montana is above the average and median for five species (most notably deer and elk).

Legislative staff also compared free and discounted licenses<sup>10</sup> available to youth, seniors, the disabled, service members, and veterans in the 12 states. (Appendices K through N) Criteria to qualify for these free and discounted licenses varied by state and the type of license available. Montana, for instance, has the earliest qualification for senior discounted licenses at age 62. (Most other states qualify seniors at age 65 or 70.)

Like Montana, other states' fish and wildlife agencies are facing tough budget questions. After the 2013 Wyoming Legislature rejected a proposed license fee increase, the Wyoming Game and Fish Department cut \$7 million

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Recent budget cuts in other states'  
fish and wildlife programs and  
operations:  
Wyoming = \$7 million  
Idaho = \$3.7 million  
Colorado = \$10 million

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<sup>9</sup>When calculating the "total cost" to hunt or fish, the analysis included the cost of any prerequisite licenses or fees required to purchase a particular license.

<sup>10</sup>FWP lost \$4.5 million in unrealized revenue from free and discounted licenses for youth, seniors, the disabled, service members, veterans, and nonresidents in License Year 2012. (Appendix O)

(10%) from its FY 2014 budget <sup>11</sup>. This included reductions in personnel and related costs (achieved through attrition and vacancy savings), operating costs, projects, one-time purchases, reimbursable grants, public hunting and fishing access easements, educational publications, fish stocking, and fish passage projects, and the postponement of fish hatchery upgrades.

The 2014 Wyoming Legislature again declined to increase license fees, but shifted the cost of some programs to the state general fund, including:

- ⊕ \$4.7 million for Game and Fish employees' health insurance;
- ⊕ \$2 million for grizzly bear management; and
- ⊕ \$1.5 million for veterinary services, sensitive species, wolves, sage grouse, and aquatic invasive species.

In Idaho, the 2014 Legislature rejected a proposal to increase its resident license prices by 20%. A nonresident price increase was approved in 2009 but hasn't helped the agency's bottom line because of a subsequent drop in sales, which the state has attributed to not only the increased prices, but also the weakened economy, and concerns about the impact of wolves on elk.

As a result, Idaho Department of Fish and Game Chief Financial Officer Michael Pearson says he's currently looking to cut \$1.3 million from the agency's FY 2015 budget, and \$2.4 million from the FY 2016 budget. The options range from cutting administrative costs, like cell phone and food reimbursements for employees, to cutting programs.

"I'm up to my neck in alligators," Pearson says.

In November, the Colorado Parks and Wildlife Commission cut \$10 million from its agency's wildlife programs and operations. Chief Financial Officer Steve Cassin says that equals about 8-10% of the overall wildlife budget. Several grant, research, and species monitoring programs were affected, as well as funding for capital expenditures, public outreach, marketing, IT support and engineering, and hunter access operations in eastern Colorado. Cassin says the agency also reduced its roughly \$13 million annual land acquisition budget by \$2 million.

Cassin says Colorado last raised fees for resident licenses in 2006 and for nonresident licenses in 2001. Nonresident fees, however, have been inching up since then, says Cassin, because statute requires an annual adjustment based on the consumer price index. Cassin says the agency is currently working on a number of initiatives to develop additional revenue.

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<sup>11</sup>An increase in costs for the Wyoming Game and Fish Department's feedground and game damage programs decreased the net budget reduction to 6.5%.



## **The Bottom Line**

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To put FWP on stronger financial footing, the Legislature could make any of the following choices or a combination thereof: 1) increase revenue; 2) decrease expenditures; or 3) redistribute revenue currently earmarked for specific purposes. FWP told the LFAC in August 2013 that in the making of these choices, the department would also like to provide better customer service and proceed with a solid business case.

After reviewing the preceding information, the LFAC made a series of recommendations for revamping Montana's existing hunting and fishing license structure and increasing fees to boost revenues for FWP by \$6.13 million. This includes \$379,000 in emergency funding that could be used by FWP if new, unfunded fish and wildlife mandates arise.

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To put FWP on stronger financial footing, the Legislature could:

- 1) increase revenue;
- 2) decrease expenditures;

and/or

- 3) redistribute earmarked funds.

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The EQC authorized preliminary drafting of these recommendations (Appendix P), a summary of which is found on page 22, at its May 2014 meeting for further consideration.

The primary revenue generators proposed by the LFAC include increasing fishing license fees, creating a base hunting license as a pre-requisite to all other hunting licenses, and eliminating free licenses and standardizing discounts offered to youth, senior, disabled, and nonresident hunters and anglers, which cost FWP more than \$4.5 million in lost revenue each year (Appendix O).

The LFAC did not address earmarks or additional budget cuts. Members said those issues are best left to the Legislature.

### **Other Revenue Options**

The LFAC contemplated, but did not act upon, two other options to provide additional funding for fish and wildlife management: nonconsumptive users (e.g., hikers, campers, photographers, bird watchers, etc.) and the state general fund.



The LFAC discussed that while everyone in the state and visitors benefit from FWP's management, the costs are primarily borne by hunting and fishing license buyers<sup>12</sup>. The LFAC "noted that hunters and anglers ("consumptive users") have been divided in the past on the subject of establishing additional sources of revenue because of the perception that if non-hunting and non-angling interests ("non-consumptive users") contribute financially there would be an accompanying expectation of input and influence on fish and wildlife management decisions. Some people expressed concern that hunting and angling interests might not be as strongly represented in decision-making if other interests are contributing financially."<sup>13</sup>

The LFAC discussed how the wide ranging benefits of FWP's fish and wildlife management could justify financial contributions from the state's general fund<sup>14</sup>. However, LFAC members said this idea was "unlikely to garner legislative support. The Council believes that, generally, there is a shared set of values between consumptive and non-consumptive users of fish and wildlife. Members noted that non-license buyers are already influencing FWP management decisions, and that this would not be a change if revenue was obtained from additional sources."<sup>15</sup>

Ultimately, the LFAC did not move forward with either concept. However, it noted the creation of the proposed base hunting license would leave the existing wildlife conservation license as a stand-alone entity that could be purchased by nonconsumptive users to support fish and wildlife management. The LFAC also made the following statement:

"All Montanans and visitors benefit from the management activities of Montana Fish, Wildlife, and Parks. FWP's management is currently paid for largely by people who purchase hunting and fishing licenses. Of those who do not purchase a license, some benefit in ways that have a physical presence creating impacts that FWP must manage. Others benefit without a physical presence and do not create impacts. Because of the above, FWP and the legislature need to develop/provide mechanisms in addition to license dollars to fund the management and maintenance of the resources that provide these benefits."<sup>16</sup>

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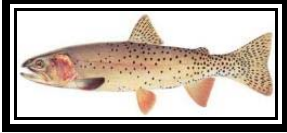
<sup>12</sup>Fish and Wildlife Licensing and Funding Advisory Council, Recommendations, April 28, 2014, page 17.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid.

<sup>15</sup>Ibid.

<sup>16</sup>Ibid, page 17-18.



## LFAC Recommendations

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The LFAC, appointed at the request of the governor, spent 9 months examining FWP's hunting and fishing license system. The EQC followed the advisory council's work closely and has incorporated the information developed by the LFAC into its HB 609 study deliberations.

In May 2014, the LFAC submitted the following recommendations to the EQC regarding changes to FWP's license system, "with a goal of generating revenue for fish and wildlife management, and in the interest of simplifying the license structure"<sup>17</sup>:

1. **Recommendation:** Standardize youth, senior, disabled, and nonresident free and discounted licenses at 50% of the equivalent, full-priced license. Increase the age at which seniors are eligible for discounted licenses from 62 to 67.

**Rationale:** A standard 50% discounted license will simplify license purchases, helps ensure that the buyer sees value in the license (compared to how someone views a free license), and means that those paying the full license price do not have to completely subsidize hunters and anglers receiving free licenses. Eliminating the free licenses will also result in additional revenue. Montana has the lowest age for eligibility for a senior discounted license and age 67 is comparable to Social Security eligibility requirements.

2. **Recommendation:** Establish a new base hunting license at a cost of \$10 for residents and \$15 for nonresidents that is a prerequisite to purchasing individual species tags and the archery stamp. These prices include the existing Hunting Access Enhancement fee (\$2 for residents and \$10 for nonresident).

**Rationale:** The base license is preferable to increasing the prices of individual species tags, as it recognizes the value of core customers, spreads the financial impact across all hunters, provides equity between firearm and archery hunters who are paying for additional season opportunities, resolves archery stamp compliance issues, contributes to FWP's financial stability, overcomes potential vulnerability in the number of licenses sold, and allows the conservation license to remain as a stand-alone item that could generate revenue from non-consumptive users in the future.

3. **Recommendation:** Increase prices for bison, moose, mountain goat, and mountain sheep *nonresident* licenses from \$750 to \$1,250.

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<sup>17</sup>Fish and Wildlife Licensing and Funding Advisory Council, Recommendations, April 28, 2014, page 5.

**Rationale:** The opportunity to hunt bison, moose, mountain goat and mountain sheep in Montana is highly desirable to hunters. The current prices for these licenses are undervalued when compared to other states that offer similar opportunities.

4. **Recommendation:** Increase the price of the *resident* 2-day fishing license from \$5 to \$8, and the *resident* season license from \$18 to \$24; increase the price of the *nonresident* 2-day fishing license from \$15 to \$26, convert the 10-day *nonresident* fishing license into a 7-day license and increase the cost from \$43.50 to \$56, and increase the *nonresident* season fishing license from \$60 to \$86.

**Rationale:** The Council believes that Montana's fishing opportunities are currently undervalued. Montana's *resident* fishing license pricing fell below the 11-state *average* and *median* prices. Montana was also below the average for *nonresident* fishing license pricing when compared to most of the other states. There is also data showing that on average, nonresidents who purchased a 10-day license go fishing seven days. Changing to a 7-day license is a better match with customer use patterns.

5. **Recommendation:** Cap the price of the B-10 nonresident big game combination license and the B-11 nonresident deer combination license, including purchase of the new base hunting license and application fees, at \$999 and \$625 respectively.

**Rationale:** Revenue from the sale of these nonresident licenses accounts for almost two-thirds of FWP's funding for fish and wildlife management programs that benefit everyone. Statute requires the B-10 and B-11 license prices to be adjusted annually based on the Consumer Price Index. The price of the B-10 license is nearing \$1,000. The Council believes that there will be significant buyer resistance if the price exceeds this amount. FWP has already observed a decline in the sale of nonresident combination licenses as the price has increased.

6. **Recommendation:** Revise the refund policy to allow nonresidents who are unsuccessful in drawing a permit to receive a 95% refund of the big game combination license at the time of the drawing (a change from 80%).

**Rationale:** The financial impact of changing the policy is small compared to the positive benefits for the customer. The Council believes that the current refund policy is a financial deterrent for many nonresidents considering whether to hunt in Montana. The Council predicts that increasing the amount of the refund will result in more people applying and will create a greater incentive for early license returns and provide FWP greater opportunity to re-sell returned licenses.

7. **Recommendation:** Adopt a 4-year model (cycle) for reviewing budget expenditures and revenues and determining the need for license revenue recommendations to the Legislature.

**Rationale:** Compared to the current 10-year funding model, a 4-year model allows the legislature a closer connection between spending and revenues, results in a smaller increase in license fees when necessary, and allows for more accurate budget forecasting.

8. **Recommendation:** Develop and provide mechanisms in addition to license dollars to fund the management and maintenance of fish and wildlife resources.

**Rationale:** All Montanans and visitors benefit from FWP's management activities, which are currently funded largely by people who purchase hunting and fishing licenses. Of those who do not purchase a license, some benefit in ways that have a physical presence creating impacts that FWP must manage. Mechanisms are needed to enable non-license buyers to help support fish and wildlife management.

The LFAC also reviewed FWP's current earmarks. Noting that each earmark has a constituency, and that earmarks are inherently political, the LFAC concluded it would be difficult for the advisory council "to recommend changes to specific earmarked funds without input from the various constituent groups that support each"<sup>18</sup>. The Council determined that the Legislature would be better suited to review and address the future of FWP's earmarks.

### **Financial Impacts**

FWP estimates the LFAC's preliminary recommendations would generate \$6.13 million in additional revenue each year (Figure 5). This is about \$380,000 more than FWP estimates it needs to maintain current levels of service. However, the LFAC says it is important to have some emergency funding available for new, unfunded mandates that could arise in the future (e.g. management of wildlife species that are removed from the endangered species list).

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<sup>18</sup>Fish and Wildlife Licensing and Funding Advisory Council, Recommendations, April 28, 2014, page 17.

**LICENSING AND FUNDING CITIZEN ADVISORY COUNCIL  
Preliminary Recommendations Revenue Estimates**

Recommendations	Revenue Estimate
<b>Increase resident and nonresident fishing licenses.</b>	
* Resident season @\$24/2-day @ \$8	\$839,000
* Nonresident season fishing @ \$86/7-day @ \$56/2-day @ \$26	\$2,333,000
<b>Set the nonresident license prices for moose, goat, sheep, and bison at \$1,250.</b>	\$44,500
<b>License Structure Simplification:</b>	
* 50% standard discount	
Resident	\$437,000
Nonresident	\$238,000
* Age to qualify for resident senior discounts @ 67/50% discount.	\$570,000
<b>Establish the base license prices, including the HAEF, at \$10 for residents and \$15 for nonresidents. The fee for the archery stamp will remain \$10.</b>	
* Resident	\$1,477,000
* Nonresident	\$191,000
<b>TOTAL</b>	<b><u>\$6,129,500</u></b>
<b>Resident %</b>	<b>54%</b>
<b>Nonresident %</b>	<b>46%</b>
	<b>100%</b>

Figure 5: Source: Department of Fish, Wildlife, and Parks



## **EQC Action**

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At its May 2014 meeting, the EQC opted to move forward with the drafting of the LFAC's preliminary recommendations in bill drafting format for discussion purposes. After reviewing the draft (Appendix P) in July, the EQC made two changes:

First, the EQC eliminated the contingency funding. The EQC opted to do this by reducing the proposed fee increase for the resident season fishing license from \$24 to \$21 (currently the license is \$18) and the nonresident 2-day fishing license from \$26 to \$25 (currently the license is \$15). This resulted in a reduction of approximately \$503,000 in revenue from the LFAC's proposal.

Second, the EQC retained the 10-day nonresident fishing license instead of converting it to a 7-day license.

The EQC then voted to send the revised package of recommendations out for a 30-day public comment period. The EQC will review the comments received at its September 2014 meeting before deciding whether to adopt the package as a committee bill and forward it to the 2015 Legislature.



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\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act revising laws related to hunting and fishing licenses; requiring an additional budget review and report to the legislature by the department of fish, wildlife, and parks; creating a base hunting license; reorganizing and recodifying certain license statutes; clarifying the price of a Class B-12 nonresident antlerless elk B tag license; increasing resident and nonresident fishing license fees; eliminating free licenses for certain youth, senior, disabled, and nonresident hunters and anglers and setting discounted license prices at 50% of full-priced licenses; capping the fees for B-10 nonresident big game combination licenses and B-11 nonresident deer combination licenses; equalizing licenses available to and fees for nonresident relatives of residents and nonresidents who hunt with a resident sponsor or family member; increasing the Class B-14 nonresident college student big game combination license fee; increasing nonresident moose, mountain goat, mountain sheep, and bison license fees; increasing the age at which seniors are eligible for discounted licenses; authorizing free fishing for all youth under age 12; reducing license age brackets for youth from three to two; amending sections 61-8-369, 87-1-270, 87-1-290, 87-2-104, 87-2-202, 87-2-301, 87-2-302, 87-2-304, 87-2-306, 87-2-307, 87-2-403, 87-2-505, 87-2-506, 87-2-510, 87-2-514, 87-2-522, 87-2-525, 87-2-526, 87-2-

701, 87-2-706, 87-2-711, 87-2-801, 87-2-803, 87-2-805, 87-6-301, 87-6-403, and 87-6-405, MCA; repealing sections 87-2-515 and 87-2-809, MCA; and providing effective dates."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Review of budget -- report to legislature.** In addition to the requirements of Title 17, chapter 7, part 1, every 4 years the department shall review its expenditures and revenues and to determine the need for making license revenue recommendations to the legislature. The department shall report the findings of its review to the legislature in its next regular session. The first report is due January 1, 2019.

NEW SECTION. **Section 2. Base hunting license prerequisite for other hunting licenses -- fee.** (1) To be eligible to apply for a hunting license or Class A-2 special bow and arrow license a person must first obtain a base hunting license as provided in this section. The base hunting license must be purchased once per license year.

(2) Resident base hunting licenses may be purchased for a fee of \$10, of which \$2 is a hunting access enhancement fee that must be used by the department to fund programs established in 87-1-265 through 87-1-267.

(3) Nonresident base hunting licenses may be purchased for a fee of \$15, of which \$10 is a hunting access enhancement fee that

must be used by the department to fund programs established in 87-1-265 through 87-1-267.

**Section 3.** Section 61-8-369, MCA, is amended to read:

**"61-8-369. Shooting from or across road or highway right-of-way.** Except as provided in ~~87-2-803(4)~~ 87-2-803(5), a person may not shoot a firearm from or across the right-of-way of a highway."

{*Internal References to 61-8-369: None.*}

**Section 4.** Section 87-1-270, MCA, is amended to read:

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

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

**87-1-270. (Effective July 1, 2019) Allocation of license**

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

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

{ *Internal References to 87-1-270:*  
87-2-805a }

**Section 5.** Section 87-1-290, MCA, is amended to read:

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

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

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

(b) 25% of the fee for hunting licenses issued to

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nonresident relatives of a resident pursuant to 87-2-514; and

(c) the hunting access enhancement fees ~~assessed~~ collected pursuant to ~~87-2-202(3)(c) and (3)(d)~~ [section 2].

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

{*Internal References to 87-1-290:*

87-1-601 x      87-2-505 a      87-2-510 a }

**Section 6.** Section 87-2-104, MCA, is amended to read:

**"87-2-104. Number of licenses, permits, or tags allowed -- fees.** (1) The department may prescribe rules and regulations for the issuance or sale of a replacement license, permit, or tag if the original license, permit, or tag is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

(2) When authorized by the commission for game management purposes, the department may:

(a) issue more than one Class A-3 resident deer A, Class A-4 resident deer B, Class B-7 nonresident deer A, Class B-8 nonresident deer B, Class E-1 resident wolf, Class E-2 nonresident wolf, or special antelope license to an applicant; and

(b) issue a special antlerless moose license, a special cow or calf bison license, or one or more special adult ewe mountain sheep licenses to an applicant.

(3) For all of the game management licenses issued under subsection (2), the commission shall determine the hunting districts or portions of hunting districts for which the licenses

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are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the licenses.

(4) When authorized by the commission for game management purposes, the department may issue Class A-9 resident antlerless elk B tag licenses and Class B-12 nonresident antlerless elk B tag licenses entitling the holder to take an antlerless elk. Unless otherwise reduced pursuant to subsection (5), the fee for a Class B-12 license is ~~\$273~~ \$270. The commission shall determine the hunting districts or portions of hunting districts for which Class A-9 and Class B-12 licenses are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the licenses.

(5) The fee for a resident or nonresident license of any class issued under subsection (2) or (4) may be reduced annually by the department."

{*Internal References to 87-2-104:*  
87-2-522 a      87-2-702 x      87-6-304x }

**Section 7.** Section 87-2-202, MCA, is amended to read:

**"87-2-202. Application -- fee -- expiration.** (1) Except as provided in ~~87-2-803(12)~~ [section 31(2)], a wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [last four digits of the applicant's 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, a tribal 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)~~ [section 31(2)].

(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~~

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

~~(6)~~(5) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license].

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



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{ Internal References to 87-2-202:

87-1-270a	87-1-270 a	87-1-270 a	87-1-270 a
87-1-290 a	87-1-601 x	87-2-505 a	87-2-505 a
87-2-510 a	87-2-510 a	87-2-514 a	87-2-514 a
87-2-522a	87-2-711 a	87-2-711 a	87-2-711 a
87-2-711 a	87-2-803 a	87-2-803 a	87-2-803 a
87-2-803 a	87-6-302 x}		

**Section 8.** Section 87-2-301, MCA, is amended to read:

**"87-2-301. Class A--resident fishing license.** A resident, as defined by 87-2-102, upon payment of a fee of ~~\$18~~ \$21, is entitled to receive a Class A license that authorizes the holder of the license to fish with hook and line or rod as prescribed by rules of the department."

{ Internal References to 87-2-301:

87-1-258x }

**Section 9.** Section 87-2-302, MCA, is amended to read:

**"87-2-302. Class B--nonresident fishing license.** Any person not a resident, as defined in 87-2-102, upon payment of the sum of ~~\$60~~ \$86 to any agent of the department authorized to issue fishing and hunting licenses, is entitled to a Class B license that entitles the holder to fish with hook and line as authorized by the rules and regulations of the department."

{ Internal References to 87-2-302:

87-1-258x }

**Section 10.** Section 87-2-304, MCA, is amended to read:

**"87-2-304. Class B-4--two-day nonresident fishing license.** Any person not a resident, as defined in 87-2-102, who is a holder of a valid wildlife conservation license, upon payment of

the sum of ~~\$15~~ \$25 to any agent of the department authorized to issue fishing and hunting licenses, is entitled to a 2-day nonresident fishing license that authorizes the holder to fish with hook and line, as prescribed by rules and regulations of the department, for 2 calendar days as indicated on the license."

{*Internal References to 87-2-304: None.*}

**Section 11.** Section 87-2-306, MCA, is amended to read:

**"87-2-306. Paddlefish tags.** (1) The department may issue paddlefish tags to ~~persons listed in subsection (2)~~ holders of valid Class A, Class A-8, Class B, Class B-4, and Class B-5 fishing licenses for a fee of \$6.50 for residents and \$15 for nonresidents. Each tag authorizes the holder to fish with hook and line for paddlefish as prescribed by rules of the department.

~~(2) The following persons may obtain paddlefish tags pursuant to this section:~~

~~— (a) holders of valid Class A, Class A-8, Class B, Class B-4, and Class B-5 fishing licenses;~~

~~— (b) residents under 15 years of age with a valid wildlife conservation license; and~~

~~— (c) residents 62 years of age or older with a valid wildlife conservation license."~~

{*Internal References to 87-2-306:  
87-4-601 x*}

**Section 12.** Section 87-2-307, MCA, is amended to read:

**"87-2-307. Class B-5--10-day nonresident fishing license.**

Any person not a resident, as defined in 87-2-102, who is a holder of a valid wildlife conservation license, upon payment of the sum of ~~\$43.50~~ \$56 to any agent of the department authorized to issue fishing and hunting licenses, is entitled to a 10-day nonresident fishing license that authorizes the holder to fish with hook and line, as prescribed by rules and regulations of the department, for 10 consecutive days as indicated on the license."

{*Internal References to 87-2-307: None.*}

**Section 13.** Section 87-2-403, MCA, is amended to read:

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

(2) The fee for a wild turkey tag is \$6.50 for a resident and \$115 for a nonresident, except that a nonresident holder of a valid Class B-1, Class B-10, or Class B-11 license may purchase a wild turkey tag for ~~\$55~~ one-half of the nonresident fee. Turkey tags must be issued either by a drawing system or in unlimited number as authorized by department rules.

~~(3) Subject to the provisions of subsection (2), a person who is 62 years of age or older as provided in 87-2-801, certified as disabled under 87-2-803, or a resident minor as described in 87-2-805 may purchase a wild turkey tag upon~~

~~presentation of that person's wildlife conservation license."~~

{Internal References to 87-2-403: None.}

**Section 14.** Section 87-2-505, MCA, is amended to read:

**"87-2-505. Class B-10--nonresident big game combination license.** (1) ~~(a)~~ Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$897 ~~plus the nonresident hunting access enhancement fee in 87-2-202(3)(d)~~ and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202.

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

~~(c)(3)~~ Of the fee paid for the purchase of a Class B-10 nonresident big game combination license pursuant to subsection (1)~~(a)~~, 25% must be deposited in the account established in 87-1-290.

~~(d)(4)~~ The Except as provided in subsection (5), the cost of the Class B-10 nonresident big game combination license must be adjusted annually based on any change to the consumer price

index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U).

(5) The combined cost of the Class B-10 nonresident big game combination license, the nonresident base hunting license, and any applicable drawing fees may not exceed \$999.

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

{ Internal References to 87-2-505:

40-5-701 x	87-1-266 x	87-1-266 x	87-1-290 a
87-2-115 x	87-2-115 x	87-2-115 x	87-2-511 x
87-2-511 x	87-2-512 x	87-2-522 a	87-2-526 a
87-2-526a	87-2-526 a	87-2-526 a}	

**Section 15.** Section 87-2-506, MCA, is amended to read:

**"87-2-506. Restrictions on hunting licenses.** (1) The department may prescribe by rule the number of hunting licenses to be issued. Any license sold may be restricted to a specific administrative region, hunting district, or other designated area and may specify the species, age, and sex to be taken and the time period for which the license is valid.

(2) When the number of valid resident applications for big game licenses or permits of a single class or type exceeds the number of licenses or permits the department desires to issue in an administrative region, hunting district, or other designated area, then the number of big game licenses or permits issued to

nonresident license or permit holders in the region, district, or area may not exceed 10% of the total issued.

(3) Disabled veterans who meet the qualifying criteria provided in ~~87-2-803(5)~~ [section 31(1)] must be provided a total of 50 Class A-3 deer A tags, 50 Class A-4 deer B tags, 50 Class B-7 deer A tags, 50 Class B-8 deer B tags, and 50 special antelope licenses annually, which may be used within the administrative region, hunting district, or other designated area of the disabled veteran's choice, except in a region, district, or area where the number of licenses are less than the number of applicants, in which case qualifying disabled veterans are eligible for no more than 10% of the total licenses for that region, district, or area."

{*Internal References to 87-2-506: None.*}

**Section 16.** Section 87-2-510, MCA, is amended to read:

**"87-2-510. Class B-11--nonresident deer combination license.** (1) (a) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of \$527 ~~plus the nonresident hunting access enhancement fee in 87-2-202(3)(d)~~ and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the

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Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

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

(c) ~~The~~ Except as provided in subsection (1) (d), the cost of the Class B-11 nonresident deer combination license must be adjusted annually based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U).

(d) The combined cost of the Class B-11 nonresident deer combination license, the nonresident base hunting license, and any applicable drawing fees may not exceed \$625.

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

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

{ Internal References to 87-2-510:

40-5-701x	87-1-290 a	87-2-115 x	87-2-115 x
87-2-115 x	87-2-511 x	87-2-511x	87-2-511x
87-2-511x	87-2-512x	87-2-512 x	87-2-526 a
87-2-526a	87-2-526a	87-2-526a }	

**Section 17.** Section 87-2-514, MCA, is amended to read:

**"87-2-514. Nonresident relative of resident allowed to purchase nonresident licenses at reduced cost -- definitions. (1)**

For the purposes of this section, the following definitions apply:

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

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

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

(a) a Class B nonresident fishing license;

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

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

and

~~(c)(d) a Class B-7 nonresident deer A tag; B-11 nonresident deer combination license.;~~ and

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

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

~~(4)(3) The fee for a nonresident license purchased pursuant to subsection (2) is four times the amount charged for an equivalent resident license. The nonresident relative of a resident shall also purchase a nonresident wildlife conservation~~



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license as prescribed in 87-2-202 and ~~pay the nonresident hunting access enhancement fee in 87-2-202(3)(d)~~ a nonresident base hunting license as prescribed in [section 2] if the nonresident relative of a resident purchases a hunting license.

(4) Class B-10 and B-11 licenses sold pursuant to subsection (2) are not included in the limit on the number of available Class B-10 and Class B-11 licenses issued pursuant to 87-2-505 and 87-2-510.

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

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

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

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

{*Internal References to 87-2-514:*  
87-1-290 a      87-2-515 r}

**Section 18.** Section 87-2-522, MCA, is amended to read:

**"87-2-522. Class B-13--nonresident youth big game combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102,

and who is 12 years of age or older or will turn 12 years old before or during the season for which the license is issued and who is under 18 years of age may, upon payment of a fee of one-half of the cost of a regularly priced Class B-10 nonresident big game combination license, ~~plus the nonresident hunting access enhancement fee in 87-2-202(3)(d)~~, and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office in Helena, Montana, to purchase a Class B-13 nonresident youth big game combination license.

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

(3) Class B-13 licenses are not included in the limit on the number of available Class B-10 nonresident big game combination licenses issued pursuant to 87-2-505.

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

conditions specified by the commission."

{ Internal References to 87-2-522:  
87-2-511x            87-2-511x }

**Section 19.** Section 87-2-525, MCA, is amended to read:

**"87-2-525. Class B-14--nonresident college student big game combination license.** (1) A student who is not a resident, as defined in 87-2-102, may purchase a Class B-14 nonresident college student big game combination license for ~~the same price as a Class AAA combination sports license~~ one-half of the cost of a Class B-10 nonresident big game combination license if that student:

(a) is currently enrolled as a full-time student at a postsecondary educational institution in Montana, with 12 credits or more being considered full-time; or

(b) (i) has a natural or adoptive parent who currently is a Montana resident, as defined in 87-2-102;

(ii) has a high school diploma from a Montana public, private, or home school or can provide certified verification that the applicant has passed the general educational development test in Montana; and

(iii) is currently enrolled as a full-time student at a postsecondary educational institution in another state.

(2) The holder of a Class B-14 license is entitled to all the privileges of a Class B license, a Class B-1 license, a Class B-7 license, an elk tag, and a nonresident wildlife conservation license.

(3) Application for a Class B-14 nonresident college student big game combination license may be made after the second Monday in September at any department regional office or at the department headquarters in Helena. To qualify, the applicant shall present a valid student identification card and verification of current full-time enrollment at a postsecondary educational institution as required by the department."

{*Internal References to 87-2-525: None.*}

**Section 20.** Section 87-2-526, MCA, is amended to read:

**"87-2-526. License for nonresident to hunt with resident sponsor or family member -- use of license revenue.** (1) ~~In addition to the nonresident licenses provided for in 87-2-505 and 87-2-510, the~~ The department may offer for sale 500 B-10 nonresident big game combination licenses and 500 B-11 nonresident deer combination licenses. ~~The licenses may~~ that must be used ~~only~~ as provided in this section and as authorized by department rules. Sale of licenses pursuant to this section ~~may~~ do not affect the license quotas established in 87-2-505 and 87-2-510. The price of licenses sold under this subsection ~~must be the same as nonresident big game combination licenses and nonresident deer combination licenses offered by general drawing pursuant to~~ is one-half of the fee set for the equivalent license ~~in~~ 87-2-505 and 87-2-510.

(2) A license authorized in subsection (1) may be used only by an adult nonresident family member of a resident who sponsors the license application and who meets the qualifications of

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subsection (3). The nonresident family member must have completed a Montana hunter safety and education course or have previously purchased a resident hunting license. A nonresident family member who receives a license pursuant to subsection (1) must be accompanied in the field by a sponsor or family member who meets the qualifications of subsection (3).

(3) To qualify as a sponsor or family member who will accompany a nonresident licensed under subsection (1), a person must be a resident, as defined in 87-2-102, who is 18 years old or older and possesses a current resident hunting license and who is related to the nonresident within the second degree of kinship by blood or marriage. The second degree of kinship includes a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, mother-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, and stepdaughter. The sponsor shall list on the license application the names of family members who are eligible to hunt with the nonresident hunter.

(4) If the department receives more applications for licenses than the number that are available under subsection (1), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful in the drawing must be entered in the general drawing for a nonresident license provided under 87-2-505 or 87-2-510, as applicable.

(5) All money received from the sale of licenses under subsection (1) must be deposited in a separate account and must

be used by the department to acquire public hunting access to inaccessible public land, which may include obtaining hunting access through private land to inaccessible public land."

{*Internal References to 87-2-526: None.*}

**Section 21.** Section 87-2-701, MCA, is amended to read:

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

- (a) moose--resident, \$125; nonresident, ~~\$750~~ \$1,250;
- (b) mountain goat--resident, \$125; nonresident, ~~\$750~~ \$1,250;
- (c) mountain sheep--resident, \$125; nonresident, ~~\$750~~ \$1,250;
- (d) antelope--resident, \$14; nonresident, \$200;
- (e) grizzly bear--resident, \$150; nonresident, \$1,000;
- (f) black bear--nonresident, \$350;
- (g) wild buffalo or bison--resident, \$125; nonresident, ~~\$750~~ \$1,250.

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

holder to possess and transport the trophy.

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

{ Internal References to 87-2-701:

87-2-702 x 87-2-702 x 87-2-702 x 87-5-302 x  
87-6-304x }

**Section 22.** Section 87-2-706, MCA, is amended to read:

**"87-2-706. Drawing for special antelope licenses -- licenses for those with life-threatening illness.** (1) In the event that the number of valid applications for special antelope licenses for a hunting district exceeds the quota set by the department for the district, the licenses must be awarded by a drawing. The department shall provide for those persons making valid application for special antelope licenses a method of selecting first, second, and third choice hunting districts for any drawing held pursuant to this section.

(2) The department shall reserve for applicants who are nonambulatory and have a permanent physical disability, as determined by the department, up to 25 of the total special antelope licenses authorized for sale in the state, excepting those licenses issued pursuant to ~~87-2-803(5)~~ [section 31(1)], for use in the district designated by the commission. If the number of valid disabled applicants exceeds the number of licenses available, the department may hold a drawing in which all applicants have an equal chance of being selected.

(3) (a) The department may issue a special antelope license

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to a resident or nonresident who has been diagnosed with a life-threatening illness unless the person qualifies for a license pursuant to 87-2-805. As used in this subsection (3), "life-threatening illness" means any progressive, degenerative, or malignant disease or condition that results in a significant threat, likelihood, or certainty that the person's life expectancy will not extend more than 1 year from the date of the request for the license unless the course of the disease is interrupted or abated.

(b) To qualify for the license, the department must receive documentation that the person has been diagnosed with a life-threatening illness from a licensed physician.

(c) The license may be issued on a one-time basis for one hunting season.

(d) In exercising hunting privileges, the person shall conduct all hunting within the terms and conditions of the license issued.

(e) The department may issue up to 25 licenses pursuant to this subsection (3) annually. These licenses do not count against any quota set by the department. Licenses issued pursuant to this subsection (3) do not count against the number of special antelope licenses reserved for people with permanent disabilities as provided in subsection (2).

(4) The department may promulgate rules that are necessary to implement this section."

{ *Internal References to 87-2-706:*  
87-2-803 a 87-2-803a }



**Section 23.** Section 87-2-711, MCA, is amended to read:

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

(a) a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, and A-5 licenses and resident conservation licenses as prescribed in 87-2-202 upon payment of the sum of \$70, ~~plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c),~~ or, if the resident is a service member eligible for a combination sports license pursuant to ~~87-2-803(12)~~ [section 31(2)], upon payment of the resident ~~hunting access enhancement~~ base hunting license fee provided for in ~~87-2-202(3)(c)~~ [section 2]; or

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

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

{ *Internal References to 87-2-711:*  
40-5-701 x 87-1-258x }

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**Section 24.** Section 87-2-801, MCA, is amended to read:

"87-2-801. **Residents Licenses for residents over 62 67**  
**years of age -- resident or nonresident legion of valor members**  
**-- purple heart awardees.** (1) A resident, as defined in 87-2-102,  
who is ~~62 67~~ 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. or who will turn 67 years old before or  
during the season for which the license is issued may purchase  
the following for one-half of the cost:~~

- ~~(1) a Class A fishing license;~~
- ~~(2) a Class A-1 upland game bird license;~~
- ~~(3) a Class A-3 deer A tag;~~
- ~~(4) a Class A-5 elk tag;~~
- ~~(5) a Class AAA combination sports license that does not  
include a Class A-6 black bear tag.~~

~~(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.~~

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~~(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'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 subsections (4) and (5) during the preceding calendar quarter. Reimbursement costs must be designated as license revenue."~~

{ *Internal References to 87-2-801:*  
87-2-403 a      87-6-921 \*x }

**Section 25.** Section 87-2-803, MCA, is amended to read:

~~"87-2-803. (Temporary) Persons with disabilities -- service members -- definitions. (1) Persons with disabilities are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if they are residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental rule. A person who has purchased a conservation license and a resident fishing license or game bird license for a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing license or game bird license previously purchased for that~~

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~~license year. A person who is certified as disabled pursuant to subsection (3) and who was issued a permit to hunt from a vehicle for license year 2000 or a subsequent license year is automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria for obtaining a permit does not change.~~

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

~~—— (3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle, on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to subsection (9).~~

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

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

~~—— (ii) within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way in a manner that~~

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~~will not impede traffic or endanger motorists or that is parked in an area, not a public highway, where hunting is permitted; or~~  
~~—— (iii) an off-highway vehicle or snowmobile, as defined in 61-1-101, in any area where hunting is permitted and that is open to motorized use, unless otherwise prohibited by law, as long as the off-highway vehicle or snowmobile is marked as described in subsection (4) (d) of this section.~~

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

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

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

~~—— (5) A veteran or a disabled member of the armed forces who meets the qualifications in subsection (9) as a result of a combat-connected injury may apply at a fish, wildlife, 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 deer B tag, and a special antelope license at one-half the license fee. Fifty licenses of each license type must be made available annually. Licenses issued to veterans or disabled members of the armed~~

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~~forces under this part do not count against the number of special antelope licenses reserved for people with permanent disabilities, as provided in 87-2-706.~~

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

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

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

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

~~—— (9) A person is entitled to a permit to hunt from a vehicle if the person:~~

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~~— (a) is certified by a licensed physician, a licensed chiropractor, an advanced practice registered nurse, or a licensed physician assistant to be dependent on an oxygen device or dependent on a wheelchair, crutch, or cane for mobility;~~

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

~~— (c) is certified by a licensed physician, a licensed chiropractor, an advanced practice registered nurse, or a licensed physician assistant to be unable to walk, unassisted, 600 yards over rough and broken ground while carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25 pounds.~~

~~— (10) Certification by a licensed physician, a licensed chiropractor, an advanced practice registered nurse, or a licensed physician assistant under subsection (9) must be on a form provided by the department.~~

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

~~— (12) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the state, upon request and upon presentation of the documentation described in subsection (12) (b), must be issued a free resident wildlife conservation license or a Class AAA~~

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~~resident combination sports license, which may not include a bear license, upon payment of the resident hunting access enhancement fee provided for in 87-2-202(3)(c), in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election. A member who participated in a contingency operation after September 11, 2001, that required the member to serve at least 2 months outside of the state may make an election in 2007 or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election and be entitled to a free resident wildlife conservation license or a free Class AAA resident combination sports license in the year of election and in any of the 4 years after the member's election.~~

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

~~—— (c) A Montana resident who meets the service qualifications of subsection (12)(a) and the documentation required in~~



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~~subsection (12) (b) is entitled to a free Class A resident fishing license in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election.~~

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

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

**87-2-803. (Effective March 1, 2014) Persons Licenses for persons with disabilities -- service members -- definitions. (1) Persons with disabilities are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if they who are residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental rule may purchase the following for one-half of the cost:**

**(a) a Class A fishing license;**

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

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

(d) a Class A-5 elk tag;

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

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

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

~~(3)~~(4) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle, on a form prescribed by the department, if the person meets the

requirements of subsection (9).

~~(4)~~(5) (a) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection ~~(4)~~(5) as a permitholder, may hunt by shooting a firearm from:

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

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

(iii) an off-highway vehicle or snowmobile, as defined in 61-1-101, in any area where hunting is permitted and that is open to motorized use, unless otherwise prohibited by law, as long as the off-highway vehicle or snowmobile is marked as described in subsection ~~(4)~~(d) (5)(d) of this section.

(b) This subsection ~~(4)~~(5) does not allow a permitholder to shoot across the roadway of any public highway or to hunt on private property without permission of the landowner.

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

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

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side of the vehicle, or as prescribed by the department.

~~(5) A veteran or a disabled member of the armed forces who meets the qualifications in subsection (9) as a result of a combat-connected injury may apply at a fish, wildlife, 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 deer B tag, and a special antelope license at one-half the license fee. Fifty licenses of each license type must be made available annually. Licenses issued to veterans or disabled members of the armed forces under this part do not count against the number of special antelope licenses reserved for people with permanent disabilities, as provided in 87-2-706.~~

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

(b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may be issued regular resident deer and elk licenses, in the manner provided in subsection ~~(2)~~(1) of this section, and must be accompanied by a companion, as provided in subsection ~~(4)(c)~~ (5)(c) of this section.

(7) The department shall adopt rules to establish the

qualifications that a person must meet to be a companion and may adopt rules to establish when a companion can be a designated shooter for a disabled person.

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

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

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

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

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

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

physician.

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

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

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

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

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

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

~~(12) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the state, upon request and upon presentation of the documentation described in subsection (12) (b), must be issued a~~

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~~free resident wildlife conservation license or a Class AAA resident combination sports license, which may not include a bear license, upon payment of the resident hunting access enhancement fee provided for in 87-2-202(3)(c), in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election. A member who participated in a contingency operation after September 11, 2001, that required the member to serve at least 2 months outside of the state may make an election in 2007 or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election and be entitled to a free resident wildlife conservation license or a free Class AAA resident combination sports license in the year of election and in any of the 4 years after the member's election.~~

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

~~—— (c) A Montana resident who meets the service qualifications~~

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~~of subsection (12)(a) and the documentation required in subsection (12)(b) is entitled to a free Class A resident fishing license in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election.~~

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

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

{ *Internal References to 87-2-803:*

37-3-203 x	61-8-369 a	87-2-201x	87-2-202 a
87-2-202 a	87-2-403 x	87-2-506 a	87-2-706 a
87-2-711 a	87-2-805 x	87-6-301 a	87-6-403 a
87-6-405 a	87-6-405 a	87-6-921 x}	

**Section 26.** Section 87-2-805, MCA, is amended to read:

**"87-2-805. Persons Licenses for persons under 18 years of age -- youth combination sports license -- youth with**



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~~life-threatening illness under 18 years of age. (1) (a) Resident minors who are:~~

~~—— (i) 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;~~

~~—— (ii) 15 years of age may hunt migratory game birds with only a conservation license; and~~

~~—— (iii) under 12 years of age may fish without a license.~~

~~—— (b) A nonresident minor:~~

~~—— (i) 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 minor is in the company of an adult in possession of a valid Montana fishing license. The limit of fish for the nonresident minor and the accompanying adult combined may not exceed the limit for one adult as established by law or by rule of the department.~~

~~—— (ii) (1) Resident and nonresident minors under 12 years of age may fish without a license.~~

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

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

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

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

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

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

~~(f) a Class AAA combination sports license that does not~~

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include a Class A-6 black bear tag. This subsection (2)(f) 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 a Class AAA license under this subsection (2)(f). A resident minor who lawfully purchases a Class AAA license pursuant to this subsection (2)(f) 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.

(3) A nonresident minor who is 12 years of age or older and under 16 18 years of age may hunt upland game and migratory game birds during the open season with the purchase of a Class B-1 nonresident upland game bird license for a cost of \$35 purchase an upland game bird license and a migratory game bird license for one-half of the nonresident fee. Of that the fee paid for the upland game bird license, \$17 must be deposited pursuant to 87-1-270 and \$7 must be deposited pursuant to 87-1-246.

~~(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;~~

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

(b) In exercising hunting privileges, the youth must be ~~in the company of~~ accompanied by 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.

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

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

{ Internal References to 87-2-805:

87-1-270 a      87-1-270 a      87-2-105 x      87-2-403 a  
87-2-706 a }

**Section 27.** Section 87-6-301, MCA, is amended to read:

**"87-6-301. Hunting, fishing, or trapping without license.**

(1) Except as provided in 87-2-311 and subsection (2) of this section, a person may not:

(a) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish within this state or possess within this state any game animal, game bird, fur-bearing animal, game fish, or parts of those animals or birds except as provided by law or as provided by the department;

(b) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish, except at the places and during the periods and in the manner established by law or as prescribed by the department;

(c) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish within this state or possess, sell, purchase, ship, or reship any

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imported or other fur-bearing animal or parts of fur-bearing animals without first having obtained a proper and valid license or permit from the department to do so;

(d) trap or attempt to trap predatory animals or nongame wildlife without a license, as prescribed in 87-2-603, if that person is not a resident; or

(e) hunt migratory game birds without first having obtained a valid migratory game bird license from the department if the person is 16 years of age or older.

(2) The provisions of this section do not require a person who accompanies a licensed disabled hunter, as authorized under 87-2-803(4), to be licensed in order to kill or attempt to kill a game animal that has been wounded by a disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal. However, the person must meet the qualifications for a license in the person's state of residence.

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

(4) A person convicted of hunting without a license may be subject to the additional penalties provided in 87-6-901 and

87-6-902.

(5) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907."

{*Internal References to 87-6-301: None.*}

**Section 28.** Section 87-6-403, MCA, is amended to read:

**"87-6-403. Unlawful hunting from public highway.** (1) Except as provided in 87-2-803(~~4~~), a person may not hunt or attempt to hunt any game animal or game bird on, from, or across any public highway or the shoulder, berm, or barrow pit right-of-way of any public highway, as defined in 61-1-101, in the state.

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

(3) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907."

{*Internal References to 87-6-403: None.*}

**Section 29.** Section 87-6-405, MCA, is amended to read:

**"87-6-405. Unlawful use of vehicle while hunting.** (1) Except as provided in 87-2-803(~~4~~), a person may not:

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(a) hunt or attempt to hunt any game animal or game bird from any self-propelled or drawn vehicle; or

(b) use a self-propelled vehicle to intentionally concentrate, drive, rally, stir up, or harass wildlife, except predators of this state. This subsection (1)(b) does not apply to landowners and their authorized agents engaged in the immediate protection of that landowner's property.

(2) Except as provided in 87-2-803(4), a person may not, while hunting a game animal or bird:

(a) drive or attempt to drive, run or attempt to run, molest or attempt to molest, flush or attempt to flush, or harass or attempt to harass a game animal or game bird with the use or aid of a motor-driven vehicle;

(b) use a motor-driven vehicle other than on an established road or trail unless the person has reduced a big game animal to possession and cannot easily retrieve the big game animal. In that case, a motor-driven vehicle may be used to retrieve the big game animal, except in areas where more restrictive regulations apply or where the landowner has not granted permission. After the retrieval, the motor-driven vehicle must be returned to an established road or trail by the shortest possible route. For purposes of safety and allowing normal travel, a motor-driven vehicle may be parked on the roadside or directly adjacent to a road or trail.

(c) drive through any retired cropland, brush area, slough area, timber area, open prairie, or unharvested or harvested cropland, except upon an established road or trail, unless



written permission has been given by the landowner and is in possession of the hunter.

(3) The restrictions in subsection (2) on motor-driven vehicle use off an established road or trail apply only to hunting on state or private land and not to hunting on federal land unless the federal agency specifically requests or approves state enforcement.

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

(5) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907."

{*Internal References to 87-6-405: None.*}

**NEW SECTION. Section 30. Licenses for legion of valor members -- purple heart awardees.** (1) A resident, as defined in 87-2-102, or a nonresident who is a legion of valor member is entitled to fish with a wildlife conservation license issued by the department.

(2) A resident, as defined in 87-2-102, 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 wildlife conservation license issued by the department.

(3) A nonresident 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 wildlife 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.

(4) The 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 subsections (2) and (3) during the preceding calendar quarter. Reimbursement costs must be designated as license revenue.

**NEW SECTION. Section 31. Licenses for service members.**

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

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(2) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the state, upon request and upon presentation of the documentation described in subsection (2)(b), must be issued a free resident wildlife conservation license or a Class AAA resident combination sports license, which may not include a bear license, upon payment of the resident base hunting license fee in [section 2], in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election.

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

(c) A Montana resident who meets the service qualifications of subsection (2)(a) and the documentation required in subsection

(2) (b) is entitled to a free Class A resident fishing license in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election.

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

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

**NEW SECTION. Section 32. Unlawful use of discounted combination sports license by youth.** A person who hunts or fishes using a youth combination sports license purchased after the person reaches 18 years of age is guilty of a misdemeanor and shall be subject to any of the following penalties by the sentencing court:

(1) 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

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

NEW SECTION. **Section 33. {standard} Repealer.** The following sections of the Montana Code Annotated are repealed:  
87-2-515. Class B-15 nonresident elk license.  
87-2-809. Resident senior combination license.

*{Internal References to 87-2-515: 87-2-514 a  
Internal References to 87-2-809: None.}*

NEW SECTION. **Section 34. {standard} Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 2].

(3) [Sections 30 and 31] are intended to be codified as an integral part of Title 87, chapter 2, part 8, and the provisions of Title 87, chapter 2, part 8, apply to [sections 30 and 31].

(4) [Section 32] is intended to be codified as an integral part of Title 87, chapter 6, part 3, and the provisions of Title 87, chapter 6, part 3, apply to [section 32].

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NEW SECTION. **Section 35. {standard} Effective dates. (1)**

Except as provided in subsection (2), [this act] is effective  
March 1, 2016.

(2) [Section 1] is effective July 1, 2015.

- END -

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