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As of: July 17, 2014 (9:37am)

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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~~

~~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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