

HOUSE BILL NO. 521

INTRODUCED BY D. LOGE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR RECREATIONAL USE ON LANDS MANAGED BY STATE AGENCIES; EXPANDING THE APPLICABILITY OF CONSERVATION LICENSES TO INCLUDE ALL GENERAL RECREATION; EXPANDING THE EXISTING AGREEMENT AUTHORITY BETWEEN THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; REVISING "WILDLIFE CONSERVATION LICENSES" TO "CONSERVATION LICENSES"; ESTABLISHING REPORTING REQUIREMENTS; REVISING PENALTIES; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 37-47-303, 37-47-304, 40-5-701, 76-17-102, 77-1-801, 77-1-802, 77-1-804, 77-1-815, 81-7-123, 87-1-266, 87-1-506, 87-2-106, 87-2-201, 87-2-202, 87-2-204, 87-2-403, 87-2-519, 87-2-525, 87-2-801, 87-2-803, 87-2-805, 87-2-815, 87-2-816, 87-2-817, 87-2-818, 87-6-302, AND 87-6-303, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 37-47-303, MCA, is amended to read:

"37-47-303. Guide's qualifications. An applicant for a guide's license must:

- (1) be 18 years of age or older and be physically capable and mentally competent to perform the duties of a guide;
- (2) be endorsed and recommended by an outfitter with a valid license, unless otherwise qualified under guide standards established by the board pursuant to 37-47-201(4); and
- (3) have been issued a valid ~~wildlife~~ conservation license."

Section 2. Section 37-47-304, MCA, is amended to read:

"37-47-304. Application. (1) Each applicant for an outfitter's or guide's license shall apply for a license on a form furnished by the department.

- (2) The application for an outfitter's license must include:

- 1 (a) the applicant's full name, address, ~~wildlife~~ conservation license number, and telephone
2 number;
- 3 (b) the applicant's years of experience as an outfitter or guide; and
- 4 (c) components of the outfitter's operations plan as required by board rule, which may include:
- 5 (i) an affidavit by the outfitter to the board that the amount and kind of equipment that is owned,
6 leased, or contracted for by the applicant is sufficient and satisfactory for the services advertised or
7 contemplated to be performed by the applicant; and
- 8 (ii) a description of any land, water body, or portion of a water body that will be utilized by the
9 applicant while providing services. A description is not required for the use of private lands that allow
10 unrestricted public access and are managed under cooperative agreements with adjacent public lands.
- 11 (3) An application for an outfitter's license must be in the name of an individual person only. An
12 application involving a business entity must be made by one individual person who qualifies under the
13 provisions of this part. A license issued pursuant to this part must be in the name of that person. Any revocation
14 or suspension of a license is binding upon the individual person and the business entity for the use and benefit
15 of which the license was originally issued.
- 16 (4) Application must be made to and filed with the board.
- 17 (5) Only one application for an outfitter's license may be made in any license year. If an application
18 is denied, subsequent applications by the same applicant for the license year involved are void, except as
19 provided in 37-47-308."
- 20

21 **Section 3.** Section 40-5-701, MCA, is amended to read:

22 **"40-5-701. Definitions.** As used in this part, the following definitions apply:

- 23 (1) (a) "Child" means:
- 24 (i) a person under 18 years of age who is not emancipated, self-supporting, married, or a member
25 of the armed forces of the United States;
- 26 (ii) a person under 19 years of age who is still in high school;
- 27 (iii) a person who is mentally or physically incapacitated when the incapacity began prior to that
28 person reaching 18 years of age; and

(iv) in IV-D cases, a person for whom:

(A) support rights are assigned under 53-2-613;

(B) a public assistance payment has been made;

(C) the department is providing support enforcement services under 40-5-203; or

(D) the department has received a referral for IV-D services under the provisions of the Uniform Interstate Family Support Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Reciprocal Enforcement of Support Act, or Title IV-D of the Social Security Act.

(b) The term may not be construed to limit the ability of the department to enforce a support order according to its terms when the order provides for support extending beyond the time the child reaches 18 years of age.

(2) "Conservation activity" means an activity for which a ~~wildlife~~ conservation license is issued by the department of fish, wildlife, and parks pursuant to 87-2-201.

(3) "Delinquency" means a support debt or support obligation due under a support order in an amount greater than or equal to 6 months' support payments as of the date of service of a notice of intent to suspend a license.

(4) "Department" means the department of public health and human services.

(5) "License" means a license, certificate, registration, permit, or any other authorization issued by an agency of the state of Montana granting a person a right or privilege to engage in a business, occupation, profession, conservation activity, or any other privilege that is subject to suspension, revocation, forfeiture, termination, or a declaration of ineligibility to purchase by the licensing authority prior to its date of expiration.

(6) "Licensing authority" means any department, division, board, agency, or instrumentality of this state that issues a license.

(7) "Obligee" means:

(a) a person to whom a support debt or support obligation is owed; or

(b) a public agency of this or another state or an Indian tribe that has the right to receive current or accrued support payments or that is providing support enforcement services under this chapter.

(8) "Obligor" means a person who owes a duty of support or who is subject to a subpoena or warrant in a paternity or child support proceeding.

(9) "Order suspending a license" means an order issued by a support enforcement entity to suspend a license. The order must contain the name of the obligor, the type of license, and, if known, the social security number of the obligor.

(10) "Payment plan" includes but is not limited to a plan approved by the support enforcement entity that provides sufficient security to ensure compliance with a support order and that incorporates voluntary or involuntary income withholding under part 3 or 4 of this chapter or a similar plan for periodic payment of a support debt and, if applicable, current and future support.

(11) "Subpoena" means a writ or order issued by a court or the department in a proceeding or as part of an investigation related to the paternity or support of a child that commands a person to appear at a particular place and time to testify or produce documents or things under the person's control.

(12) "Support debt" or "support obligation" means the amount created by the failure to provide or pay:

(a) support to a child under the laws of this or any other state or under a support order;

(b) court-ordered spousal maintenance or other court-ordered support for the child's custodial parent;

(c) fines, fees, penalties, interest, and other funds and costs that the support enforcement entity is authorized to collect by the use of any procedure available to the entity for the payment, enforcement, and collection of child support or spousal maintenance or support; or

(d) contributions ordered pursuant to 41-5-1525.

(13) "Support enforcement entity" means:

(a) in IV-D cases, the department; or

(b) in all other cases, the district court that entered the support order or a district court in which the support order is registered.

(14) (a) "Support order" means an order that provides a determinable amount for temporary or final periodic payment of a support debt or support obligation and that may include payment of a determinable or indeterminable amount for insurance covering the child issued by:

(i) a district court of this state;

(ii) a court of appropriate jurisdiction of another state, an Indian tribe, or a foreign country;

(iii) an administrative agency pursuant to proceedings under Title 40, chapter 5, part 2; or
(iv) an administrative agency of another state or an Indian tribe with a hearing function and process similar to those of the department.

(b) If an action for child support is commenced under this part and the context so requires, support order also includes:

(i) judgments and orders providing periodic payments for the maintenance or support of the child's custodial parent; and

(ii) amounts for the recovery of fines, fees, penalties, interest, and other funds and costs that the support enforcement entity is authorized to collect by the use of any procedure available to the entity for the payment, enforcement, and collection of child support or spousal maintenance or support.

(15) "Suspension" includes the withdrawal, withholding, revocation, forfeiture, or nonissuance of a license and license privileges.

(16) "Warrant" means a bench warrant, a warrant to appear, an order to show cause, or any other order issued by a court relating to the appearance of a party in a paternity or child support proceeding.

(17) "IV-D case" means a case in which the department is providing support enforcement services as a result of:

- (a) an assignment of support rights under 53-2-613;
- (b) a payment of public assistance;
- (c) an application for support enforcement services under 40-5-203; or
- (d) a referral for services from an agency of another state or an Indian tribe under the provisions of the Uniform Reciprocal Enforcement of Support Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or Title IV-D of the Social Security Act."

Section 4. Section 76-17-102, MCA, is amended to read:

"76-17-102. (Temporary) Montana public land access network grant program -- donations -- rulemaking. (1) There is a Montana public land access network grant program. An individual or organization may seek a grant from the program to secure public access through private land to public land, as defined in 15-30-2380, for which there is no other legal public access or to enhance existing access to public land.

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

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

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

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

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

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

Section 5. Section 77-1-801, MCA, is amended to read:

"77-1-801. (Temporary) Recreational use license required to use state lands for general recreational purposes -- penalty -- exemption. (1) Except as provided in subsection ~~(3)~~ (2), a person 12 years of age or older shall obtain an annual recreational use license pursuant to 77-1-802 to use state lands, as defined in 77-1-101, for general recreational purposes.

~~(2) Except as provided in subsection (3), a person shall, upon the request of a peace officer or fish and game warden, present for inspection the person's recreational use license.~~

~~(3)~~(2) If the department and the department of fish, wildlife, and parks consent to and sign an agreement for ~~hunting, fishing, and trapping purposes~~ general recreational use pursuant to, as provided in 77-1-815, a person is ~~not only~~ required to obtain a ~~recreational use~~ conservation license for general recreational use of legally accessible state trust land ~~for hunting, fishing, and trapping purposes~~.

(3) A person shall, on the request of a peace officer or fish and game warden, present for inspection the person's conservation license.

(4) A ~~violate~~ PERSON FOUND IN VIOLATION of ~~subsection (1) or (2) this section or department rules~~ pertaining to the use of state trust land:

(A) FOR A FIRST OFFENSE, SHALL BE GIVEN A WARNING;

(B) FOR A SECOND OFFENSE, is guilty of a misdemeanor and shall be fined not less than TWICE THE COST OF A CONSERVATION LICENSE; AND

(C) FOR A THIRD OFFENSE, IS GUILTY OF A MISDEMEANOR AND SHALL BE FINED NOT ~~\$50 or more than \$500 or be imprisoned in the county jail for not more than 6 months, or both.~~ (Void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)

77-1-801. (Effective on occurrence of contingency) Recreational use license required to use state lands for general recreational purposes -- penalty. (1) A person 12 years of age or older shall obtain an annual recreational use license pursuant to 77-1-802 to use state lands, as defined in 77-1-101, for general recreational purposes.

(2) A person shall, upon the request of a peace officer or fish and game warden, present for inspection the person's recreational use license.

(3) A ~~violate~~ PERSON FOUND IN VIOLATION of subsection (1) or (2) PERTAINING TO THE USE OF STATE TRUST LAND:

(A) FOR FIRST OFFENSE, SHALL BE GIVEN A WARNING;

(B) FOR SECOND OFFENSE, is guilty of a misdemeanor and shall be fined not less than TWICE THE COST OF A RECREATIONAL USE LICENSE; AND

(C) FOR A THIRD OFFENSE, IS GUILTY OF A MISDEMEANOR AND SHALL BE FINED NOT ~~\$50 or more than \$500 or be imprisoned in the county jail for not more than 6 months, or both.~~"

Section 6. Section 77-1-802, MCA, is amended to read:

"77-1-802. (Temporary) Recreational use -- fee. (1) The fee for general recreational use on state trust land must attain full market value whether the license is sold ~~on an individual basis or on a group basis~~ through pursuant to 77-1-801 or under an agreement with the department of fish, wildlife, and parks as provided

1 in 77-1-815.

2 (2) Money received by the department ~~from the sale of recreational use licenses for general~~
3 recreational use of state lands must be credited as follows:

4 (a) Except as provided in subsection (2)(b), ~~license~~ fees must be apportioned on a pro rata basis
5 to the land trusts, in proportion to the respective trust's percentage of acreage in the total acreage of all state
6 land trusts.

7 (b) Revenue from recreational use license fees, less 50 cents from the fee for each license that
8 must be returned to the license dealer as a commission, is distributable revenue and must be deposited
9 pursuant to 77-1-109 and used to pay for administrative costs as provided in 77-1-108.

10 (3) The department may contract with the department of fish, wildlife, and parks for the distribution
11 and sale of recreational use licenses through the license agents appointed by and the administrative offices of
12 the department of fish, wildlife, and parks and in accordance with the provisions of Title 87, chapter 2, part 9.
13 (Void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)

14 **77-1-802. (Effective on occurrence of contingency) Recreational use license -- fee.** (1) The fee
15 for a recreational use license must attain full market value.

16 (2) Money received by the department ~~from the sale of recreational use licenses for general~~
17 recreational use of state lands must be credited as follows:

18 (a) Except as provided in subsection (2)(b), ~~license~~ fees must be apportioned on a pro rata basis
19 to the land trusts, in proportion to the respective trust's percentage contribution to the total acreage of all state
20 land trusts.

21 (b) Revenue from recreational use license fees, less 50 cents from the fee for each license that
22 must be returned to the license dealer as a commission, is distributable revenue and must be deposited
23 pursuant to 77-1-109 and used to pay for administrative costs as provided in 77-1-108.

24 (3) The department may contract with the department of fish, wildlife, and parks for the distribution
25 and sale of recreational use licenses through the license agents appointed by and the administrative offices of
26 the department of fish, wildlife, and parks and in accordance with the provisions of Title 87, chapter 2, part 9."

27

28 **SECTION 7. SECTION 77-1-804, MCA, IS AMENDED TO READ:**

"77-1-804. Rules for recreational use of state lands -- penalty. (1) The board shall adopt rules authorizing and governing the recreational use of state lands allowed under 77-1-203. The board shall use local offices of the department to administer this program whenever practical.

(2) Rules adopted under this section must address the circumstances under which the board may close legally accessible state lands to recreational use. Action by the board may be taken upon its own initiative or upon petition by an individual, organization, corporation, or governmental agency. Closures may be of an emergency, seasonal, temporary, or permanent nature. State lands may be closed by the board only after public notice and opportunity for public hearing in the area of the proposed closure, except when the department is acting under rules adopted by the board for an emergency closure. Closed lands must be posted by the lessee or by the department at the request of the lessee at customary access points, with signs provided or authorized by the department.

(3) Closure rules adopted pursuant to subsection (2) may categorically close state lands whose use or status is incompatible with recreational use. Categorical or blanket closures may be imposed on state lands due to:

- (a) cabin site and home site leases and licenses;
- (b) the seasonal presence of growing crops; and
- (c) active military, commercial, or mineral leases.

(4) The board shall adopt rules that provide an opportunity for any individual, organization, or governmental agency to petition the board for purposes of excluding a specified portion of state land from a categorical closure that has been imposed under subsection (3).

(5) Under rules adopted by the board, state lands may be closed on a case-by-case basis for certain reasons, including but not limited to:

- (a) damage attributable to recreational use that diminishes the income-generating potential of the state lands;
- (b) damage to surface improvements of the lessee;
- (c) the presence of threatened, endangered, or sensitive species or plant communities;
- (d) the presence of unique or special natural or cultural features;
- (e) wildlife protection;

(f) noxious weed control; or

(g) the presence of buildings, structures, and facilities.

(6) (a) Rules adopted under this section may impose restrictions on general recreational activities, including the discharge of weapons, camping, open fires, vehicle use, and any use that will interfere with the presence of livestock.

(b) The board may also by rule restrict access on state lands in accordance with a block management program administered by the department of fish, wildlife, and parks.

(c) Motorized vehicle use by recreationists on state lands is restricted to federal, state, and dedicated county roads, trails developed by the department for motorized use, and roads designated by the department to be open to motorized vehicle use.

(d) Recreational overnight use of state lands in a 30-day period is limited to 16 days:

(i) in a designated campground; and

(ii) on unleased, unlicensed lands outside a campground unless otherwise allowed by the department.

(e) Pets on state lands must be on a leash or otherwise controlled to prevent harassment of livestock or wildlife.

(f) Horses may be kept overnight on state lands if:

(i) the horses do not remain in a stream riparian zone for more than 1 hour; and

(ii) only feed certified as noxious weed seed free is present on state lands.

(g) A horse kept overnight on state lands where there is a lease or license must be kept in compliance with the provisions of subsection (6)(f) and must be restrained.

(h) Restrictions on general recreational activities must comply with the following:

(i) at least 30 days prior to a restriction, except in the case of emergency, the lessee or the department if requested by the lessee shall:

(A) post notice of the proposed restriction at frequent access points to the land where the restriction is proposed; and

(B) issue a press release or a public service announcement detailing the proposed restriction;

(ii) except for seasonal restrictions and unless required for public safety, a restriction in an area

may not exceed 1 year; and

(iii) if a misuse of the land, including littering, may lead to a restriction, common access points must be posted with notice of the possible restriction for 30 days with information detailing the misuse of land and stating the penalties for the violation. If the misuse persists at the end of 30 days, a proposed restriction notice may be posted in accordance with subsection (6)(h)(i).

(7) The board shall adopt rules providing for the issuance of a recreational special use license. Commercial or concentrated recreational use, as defined in 77-1-101, is prohibited on state lands unless it occurs under the provisions of a recreational special use license. The board may also adopt rules requiring a recreational special use license for recreational use that is not commercial, concentrated, or within the definition of general recreational use.

(8) (a) For a violation of rules adopted by the board pursuant to this section, the department may assess a civil penalty of up to \$1,000 for each day of violation. The board shall adopt rules providing for notice and opportunity for hearing in accordance with Title 2, chapter 4, part 6.

(b) If the department and the department of fish, wildlife, and parks consent to and sign an agreement for general recreational use as provided in 77-1-815, a person who violates a department rule that governs general recreational use is guilty of a misdemeanor and shall be fined not less than \$50 or more than \$500. 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.

(c) Civil penalties Penalties collected under this subsection (8) must be deposited as provided in 87-1-601(8).

(9) Unauthorized dumping of refuse on state lands and destruction of property, which includes land and improvements, are misdemeanor crimes punishable by a fine of not more than \$1,500."

Section 8. Section 77-1-815, MCA, is amended to read:

"77-1-815. (Temporary) ~~Recreational use agreement for hunting, fishing, and trapping~~
Agreement for general recreational use on legally accessible state trust land. (1) The board is authorized

1 to enter into an agreement with the department of fish, wildlife, and parks to compensate state trust land
2 beneficiaries for the use and impacts associated with ~~hunting, fishing, and trapping~~ general recreational uses as
3 defined in 77-1-101 on legally accessible state trust land as defined in ~~department rule 77-1-101~~. The
4 department may impose restrictions it considers necessary to coordinate the uses of state trust land or to
5 preserve the purposes of the various trust lands. ~~Hunting, fishing, and trapping~~ General recreational uses as
6 defined in 77-1-101 on state trust land must be conducted in accordance with rules and provisions provided in
7 this part.

8 (2) An agreement may be ~~issued to~~ entered into with the department of fish, wildlife, and parks for
9 a term of up to 10 years. Through this agreement, the board shall recover for the beneficiaries of the trust the
10 full market value for the use and impacts associated with ~~hunting, fishing, and trapping on legally accessible~~
11 ~~state trust land~~ general recreational use on trust land, as defined in 77-1-101. The department may use funds
12 appropriated from the trust land administration account provided for in 77-1-108 to implement and manage the
13 agreement. Except as provided for in 17-7-304, any unexpended amount in the account that resulted from
14 recreational use fees must be apportioned on a pro rata basis to the land trusts, in proportion to the respective
15 trust's percentage of acreage in the total acreage of all state land trusts.

16 (3) Any agreement entered into is subject to the following conditions:

17 (a) The department maintains sole discretion, throughout the term of the agreement, with regard to
18 identifying legally accessible parcels, coordinating uses on state trust land, and making any other necessary
19 state trust land management decisions.

20 (b) An agreement between the department and the department of fish, wildlife, and parks may not
21 convey any additional authority to the department of fish, wildlife, and parks.

22 ~~(4) During any period that the department of fish, wildlife, and parks and the department have~~
23 ~~reached an agreement as provided in subsection (1), an individual recreational use license under 77-1-801 or~~
24 ~~77-1-802 may not be required for a member of the public to hunt, fish, or trap upon legally accessible state trust~~
25 ~~land. (Void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"~~

26
27 **Section 9.** Section 81-7-123, MCA, is amended to read:

28 **"81-7-123. Voluntary wolf mitigation account.** (1) There is a voluntary wolf mitigation account in the

state special revenue fund established in 17-2-102. The account is statutorily appropriated, as provided in 17-7-502, and must be used pursuant to subsection (3) of this section.

(2) The voluntary wolf mitigation account is funded by private donations. State agencies shall, as appropriate, facilitate private donations to the account, including but not limited to the following methods:

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

(b) a donation by a person, as defined in 2-4-102, through the websites of the department of livestock and the department of fish, wildlife, and parks.

(3) The department of livestock shall use the money collected pursuant to this section to contract for wolf management with the United States department of agriculture wildlife services, including but not limited to flight time, collaring, and lethal control of wolves.

(4) Funds collected pursuant to this section and paid by the department of livestock to the United States department of agriculture wildlife services are in addition to and not a substitute for any funds paid by the department to the United States department of agriculture wildlife services under any contract in effect on July 1, 2019."

Section 10. Section 87-1-266, MCA, is amended to read:

"87-1-266. License benefits for landowners enrolled in block management program --

rulemaking. (1) As a benefit for enrolling property in the block management program established in 87-1-265, a resident landowner may receive one ~~wildlife~~-conservation license and one Class AAA combination sports license and the necessary prerequisites, without charge, if the landowner is the owner of record. The licenses may be used for the full hunting or fishing season in any district where they are valid. The licenses may not be transferred by gift or sale.

(2) As a benefit for enrolling property in the block management program, a nonresident landowner may receive one ~~wildlife~~-conservation license and one Class B-10 nonresident big game combination license and the necessary prerequisites, without charge, if the landowner is the owner of record. The licenses may be used for the full hunting or fishing season in any district where they are valid. The licenses may not be transferred by gift or sale. The grant of a license under this subsection also qualifies the licensee to apply for a

1 permit through the normal drawing process. The grant of a license under this subsection does not affect the
2 limits established under 87-2-505.

3 (3) (a) Instead of receiving the benefits provided in subsection (1) or (2), a landowner of record
4 who enrolls in the block management program may designate an immediate family member or employee to
5 receive, without charge, a ~~wildlife~~ conservation license and the necessary prerequisites and:

6 (i) a Class AAA combination sports license if the designated person is a resident; or

7 (ii) a Class B-10 nonresident big game combination license if the designated person is a
8 nonresident.

9 (b) For purposes of this subsection (3), an immediate family member means a parent,
10 grandparent, child, or grandchild of the cooperator by blood or marriage, a spouse, a legally adopted child, a
11 sibling of the cooperator or spouse, or a niece or nephew.

12 (c) For purposes of this subsection (3), the term "employee" means a person who works full time
13 and year-round for the landowner as part of the active farm or ranch operation enrolled in the block
14 management program.

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

18 (e) The grant of a Class B-10 nonresident big game combination license to an immediate family
19 member or employee pursuant to this subsection (3) does not affect the limits established in 87-2-505.

20 (4) The department may by rule limit the overall number of licenses that can be provided to
21 landowners pursuant to this section.

22 (5) For the purposes of this section, the term "necessary prerequisites" includes:

23 (a) the base hunting license established in 87-2-116;

24 (b) the aquatic invasive species prevention pass established in 87-2-130; and

25 (c) the ~~wildlife~~ conservation license established in 87-2-201."
26

27 **Section 11.** Section 87-1-506, MCA, is amended to read:

28 **"87-1-506. Enforcement powers of wardens.** (1) A warden may:

- 1 (a) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;
2 (b) conduct a search, with a search warrant, in accordance with Title 46, chapter 5;
3 (c) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or
4 possessed in violation of the law or the rules of the department;
5 (d) seize and hold, subject to law or the orders of the department, devices that have been used to
6 unlawfully take game, fish, birds, or fur-bearing animals;
7 (e) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the
8 department, violation of which is a misdemeanor;
9 (f) enforce the disorderly conduct and public nuisance laws, 45-8-101 and 45-8-111, as they apply
10 to the operation of motorboats on all waters of the state;
11 (g) as provided for in 37-47-345, investigate violations of 37-47-301(1) and (2) and 37-47-404;
12 (h) enforce the provisions of Title 80, chapter 7, part 10, and rules adopted under Title 80, chapter
13 7, part 10, for those invasive species that are under the department's jurisdiction;
14 (i) on the signing of an agreement as described in 77-1-815, enforce the provisions of Title 77 and
15 rules adopted by the department of natural resources and conservation pertaining to the use of state trust
16 lands; and
17 ~~(i)~~(i) exercise the other powers of peace officers in the enforcement of the fish and game laws, the
18 rules of the department, and judgments obtained for violation of those laws or rules.
19 (2) The meat of game animals that are seized pursuant to subsection (1)(c) must be donated
20 directly to the Montana food bank network or to public or charitable institutions to the extent reasonably
21 feasible. Any meat that the department is unable to donate must be sold pursuant to 87-1-511, with the
22 proceeds to be distributed as provided in 87-1-513(2)."

23
24 **Section 12.** Section 87-2-106, MCA, is amended to read:

25 **"87-2-106. Application for license.** (1) A license may be procured from the director, a warden, or an
26 authorized agent of the director. The applicant shall state the applicant's name, age, [last four digits of the
27 applicant's social security number,] street address of permanent residence, mailing address, qualifying length of
28 time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and other

facts, data, or descriptions as may be required by the department. An applicant for a resident license shall present a valid Montana driver's license, Montana driver's examiner's identification card, tribal identification card, or other identification specified by the department to substantiate the required information. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a license. Except as provided in subsections (2) through (4), the statements made by the applicant must be subscribed to by the applicant.

(2) Except as provided in subsection (3), department employees or officers may issue licenses by telephone, by mail, on the internet, or by other electronic means.

(3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the director and shall subscribe to fulfillment of the requirements of 87-2-102(7). The director shall process the application in an expedient manner.

(4) A resident may apply for and purchase a ~~wildlife~~ conservation license, hunting license, or fishing license for the resident's spouse, parent, child, brother, or sister who is otherwise qualified to obtain the license.

(5) A license is void unless subscribed to by the licensee.

(6) A person whose privilege to hunt, fish, or trap has been revoked is not eligible to purchase any license until all terms of the court sentence in which the privilege was revoked, including making restitution, have been met or the person is in compliance with installment payments specified by the court and the department has received notification from the sentencing court to that effect pursuant to 87-6-922(2).

[(7) 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.]

(8) The department shall delete an 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.)"

Section 13. Section 87-2-201, MCA, is amended to read:

"87-2-201. ~~Wildlife conservation~~ Conservation license required and prerequisite for other

licenses. (1) Except as provided in 87-2-803(6) and 87-2-815, it is unlawful for any person to engage in any of the following without first having purchased a conservation license as provided in this part:

(a) purchase or apply for a hunting, fishing, or trapping license ~~without first having obtained a wildlife conservation license as provided in this part;~~

(b) use lands owned or controlled by the department; or

(c) engage in general recreational use as defined in 77-1-101 on state trust land pursuant to an agreement established under 77-1-815.

(2) If the department of natural resources and conservation and the department enter into an agreement pursuant to 77-1-815, the department shall submit every other legislative session a report to the legislature in accordance with 5-11-210 that documents the number of conservation licenses sold and revenue received pursuant to this section. The first report shall be provided to the legislature by January 1, 2027."

Section 14. Section 87-2-202, MCA, is amended to read:

"87-2-202. Application -- fee. (1) Except as provided in 87-2-817(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,] 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 87-2-817(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 voluntary search and rescue donation.

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

(c) A person who purchases a ~~wildlife~~-conservation license may make a written election not to pay the additional search and rescue donation in subsections (3)(a) and (3)(b). If a written election is made, the donation may not be collected.

[(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.]

(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.)"

Section 15. Section 87-2-204, MCA, is amended to read:

"87-2-204. Disposition of ~~wildlife~~-conservation license fees. The fees from the ~~wildlife~~ conservation license must be delivered to the state treasurer and deposited by the treasurer in the state special revenue fund to the credit of the department in accordance with the provisions of 87-1-601."

Section 16. 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. 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 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."

Section 17. Section 87-2-519, MCA, is amended to read:

"87-2-519. Class D-4--nonresident hound license. (1) Except as provided in subsections (5) and (6), in order for a nonresident to use a dog or dogs to aid in the pursuit or harvest of mountain lions or black bears, the nonresident shall first purchase, for a fee of \$250, a Class D-4 nonresident hound license. To be eligible, the nonresident must be:

(a) at least 18 years of age or older or turn 18 years of age before or during the season for which the license is issued; and

(b) a holder of a nonresident ~~wildlife~~-conservation license and a Class D-1 nonresident mountain lion license or a special nonresident black bear license.

(2) Not more than 80 Class D-4 licenses may be sold in any 1 license year.

(3) A Class D-4 license must be used as authorized by this section and any rule adopted by the department or commission.

(4) A holder of a Class D-4 license may only pursue mountain lions or black bears for the purpose of personally harvesting an animal and may not assist any other person in the pursuit of a lion or bear for harvest.

(5) A nonresident is not required to have a Class D-4 license to use a dog or dogs to aid in the pursuit or harvest of mountain lions or black bears when the nonresident:

(a) is hunting with an outfitter licensed pursuant to Title 37, chapter 47, part 3; or

(b) is a nonresident landowner who owns 640 or more contiguous acres. Nonpaying guests of the nonresident landowner may also hunt and pursue mountain lions or black bears on the landowner's property and any adjacent public land within 2 miles of the landowner's property without a Class D-4 license.

(6) A nonresident outfitter or guide licensed pursuant to Title 37, chapter 47, part 3, is not required to have a Class D-4 license.

(7) After recovering the costs associated with license administration, the department shall use revenue collected from the sale of licenses pursuant to this section for the management, conservation, and monitoring of mountain lions and black bears."

Section 18. Section 87-2-525, MCA, is amended to read:

"87-2-525. Nonresident college student licenses. (1) Subject to the provisions of subsection (2), a

student who is not a resident, as defined in 87-2-102, and who meets the qualifications of subsection (3) may purchase discounted hunting and fishing licenses as follows:

(a) If the student's state of residence does not offer resident-rate licenses to Montanans who are full-time college students in that state, the student may purchase the following for one-half of the cost:

(i) one of the following:

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

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

(C) a nonresident elk-only combination license;

(ii) if available:

(A) a Class B-8 nonresident deer B tag; and

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

(b) If the student's state of residence offers resident-rate licenses to Montanans who are full-time college students in that state and as long as a drawing for the equivalent resident license is not required, the student may purchase for the same price as the equivalent resident license:

(i) (A) any of the following:

(I) a Class B-30 nonresident college student fishing license;

(II) a Class B-31 nonresident college student upland game bird license;

(III) a Class B-32 nonresident college student deer A tag; and

(IV) a Class B-33 nonresident college student elk tag; or

(B) a Class B-34 nonresident college student big game combination license that entitles the holder to all the privileges of the licenses listed in subsection (1)(b)(i)(A) and a nonresident wildlife-conservation license;

(ii) a Class B-35 nonresident college student migratory game bird license;

(iii) a Class B-36 nonresident college student turkey tag;

(iv) a Class B-37 nonresident college student deer B tag; and

(v) a Class B-38 nonresident college student antlerless elk B tag.

(2) (a) The holder of a license purchased pursuant to this section is entitled to use that license to hunt or fish, as relevant, and to possess the carcass of the species taken in the manner prescribed by the rules

and regulations of the commission and department.

(b) A student may not purchase a license pursuant to this section for more than 4 license years.

(3) (a) To qualify for a license issued pursuant to this section, a student may not possess or apply for any resident hunting, fishing, or trapping licenses from another state or country or exercise resident hunting, fishing, or trapping privileges in another state or country and must:

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

(ii) be currently enrolled as a full-time graduate student at a postsecondary educational institution in the state, with 9 credits or more being considered full-time unless otherwise defined by the academic department in which the student is enrolled; or

(iii) (A) have a natural or adoptive parent who currently is a Montana resident, as defined in 87-2-102;

(B) have a high school diploma from a Montana public, private, or home school or can provide certified verification that the applicant has a high school equivalency diploma issued in Montana; and

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

(b) A student is not eligible to receive a license pursuant to this section if the student is enrolled in a degree program that is exclusively delivered online.

(4) Application for a license issued pursuant to this section 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.

(5) Class B-10 and Class B-11 licenses issued pursuant to this section 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. Nonresident elk-only combination licenses issued pursuant to this section are in addition to nonresident elk-only combination licenses available for sale pursuant to 87-2-511."

Section 19. Section 87-2-801, MCA, is amended to read:

"87-2-801. Licenses for residents over 62 years of age. A resident, as defined in 87-2-102, who is

62 years of age or older may purchase the following for one-half the cost:

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

Section 20. Section 87-2-803, MCA, is amended to read:

"87-2-803. Licenses for persons with disabilities -- definitions. (1) Persons with disabilities 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 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 ~~wildlife~~ conservation license and a resident fishing license, 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, 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 (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 do not change.

(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).

(5) (a) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection (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 (5)(d) of this section.

(b) This subsection (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 side of the vehicle, or as prescribed by the department.

(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. A ~~wildlife~~ conservation license is not a prerequisite to licensure under this subsection (6)(a).

(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 (1) of this section, and must be accompanied by a companion, as provided in subsection (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

1 in significant impairment of the person's functional ability.

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

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

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

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

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

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

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

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

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

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

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

24
25 **Section 21.** Section 87-2-805, MCA, is amended to read:

26 **"87-2-805. Licenses for persons under 18 years of age.** (1) Resident and nonresident minors
27 under 12 years of age may fish without a license.

28 (2) Resident minors who are 12 years of age or older and under 18 years of age may purchase the

following for one-half the cost:

- (a) a ~~wildlife~~ conservation license;
- (b) a Class A fishing license;
- (c) a Class A-1 upland game bird license;
- (d) a migratory game bird license;
- (e) a Class A-3 deer A tag;
- (f) a Class A-5 elk tag;
- (g) a Class AAA combination sports license that does not include a Class A-6 black bear tag. This

subsection (2)(g) 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)(g). A resident minor who lawfully purchases a Class AAA license pursuant to this subsection (2)(g) 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 18 years of age may purchase an upland game bird license and a migratory game bird license for one-half of the nonresident fee. Of 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.

(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 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, a minor 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."

Section 22. Section 87-2-815, MCA, is amended to read:

"87-2-815. Donation of hunting licenses to disabled veterans or disabled members of the armed forces. (1) The holder of any hunting license issued by the department may surrender that license and any related permit to the department for reissuance to a disabled veteran or a disabled member of the armed forces for use on an expedition arranged by a nonprofit organization that is exempt from taxation under 26 U.S.C. 501(c)(3) and that uses hunting as part of the rehabilitation of disabled veterans and disabled members of the armed forces. The person surrendering the license:

(a) is not eligible for a refund for the cost of the surrendered license;

(b) may not designate to which organization, disabled veteran, or disabled member of the armed forces the license is being surrendered; and

(c) shall surrender the donated license and any related permit before the start of any season for which the license and permit are valid.

(2) In order to obtain a license and any related permit pursuant to this section, a veteran or a member of the armed forces:

(a) must be a purple heart recipient;

(b) must, as the result of wounds or injuries received in a combat zone, be medically retired, have a 70% or greater disability rating by the United States department of veterans affairs or department of defense, or have active duty status;

(c) is not required to be a resident;

(d) does not have to first obtain a ~~wildlife~~-conservation license; and

(e) is not required to pay any fee.

(3) A license and any related permit reissued pursuant to this section entitles the disabled veteran or disabled member of the armed forces to take the same species in the same administrative region or regions, hunting district or districts, or portions thereof, as allowed by the license and any related permit that was surrendered.

(4) Any license or permit surrendered or reissued pursuant to this section may not be sold, traded, auctioned, or offered for any monetary value and may not be used by any person other than a disabled veteran or disabled member of the armed forces who meets the requirements of subsection (2).

(5) The restrictions in 87-2-702(3) and (4) do not apply to a disabled veteran or a disabled member of the armed forces who obtains a license pursuant to this section.

(6) The department may adopt rules to implement the provisions of this section."

Section 23. Section 87-2-816, MCA, is amended to read:

"87-2-816. 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 the purchase of a ~~wildlife~~-conservation license pursuant to 87-2-202 and a resident aquatic invasive species prevention pass pursuant to 87-2-130.

(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 the purchase of a ~~wildlife~~-conservation license pursuant to 87-2-202 and a nonresident aquatic invasive species prevention pass pursuant to 87-2-130 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

1 from the general fund to the general license account for license costs associated with the fishing and game bird
2 hunting privileges granted pursuant to subsections (2) and (3) during the preceding calendar quarter.
3 Reimbursement costs must be designated as license revenue."
4

5 **Section 24.** Section 87-2-817, MCA, is amended to read:

6 **"87-2-817. Licenses for service members.** (1) A veteran or a disabled member of the armed forces
7 who meets the qualifications in 87-2-803(9) as a result of a combat-connected injury may apply at a fish,
8 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
9 Class B-8 deer B tag, and a special antelope license made available under 87-2-506(3) for one-half of the
10 license fee. Licenses issued to veterans or disabled members of the armed forces under this part do not count
11 against the number of special antelope licenses reserved for people with permanent disabilities, as provided in
12 87-2-706.

13 (2) (a) A Montana resident who is a member of the Montana national guard or the federal reserve
14 as provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a
15 contingency operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months
16 outside of the state, upon request and upon presentation of the documentation described in subsection (2)(c),
17 must be issued a free resident wildlife-conservation license and a Class A resident fishing license or a Class
18 AAA resident combination sports license, which may not include a Class A-6 black bear tag, upon payment of
19 the resident base hunting license fee in 87-2-116 and the purchase of the resident aquatic invasive species
20 prevention pass pursuant to 87-2-130, in the license year that the member returns from military service or in the
21 year following the member's return, based on the member's election, and in any of the 4 years after the
22 member's election.

23 (b) If a Montana resident who meets the service qualifications of subsection (2)(a) is subsequently
24 required to serve another 2 months or more outside of the state under the same service qualifications, the
25 entitlement to free licenses provided pursuant to subsection (2)(a) resets and the member may start a new 5-
26 year entitlement period beginning in the license year that the member returns from the subsequent military
27 service or in the year following the member's return, based on the member's election. There is no limit on the
28 number of times the entitlement period may be reset if the Montana resident repeatedly meets the service

1 qualifications of subsection (2)(a).

2 (c) To be eligible for the free licenses provided for in subsection (2)(a) or (2)(b), an applicant shall,
3 in addition to the written application and proof of residency required in 87-2-202(1), provide to any regional
4 department office or to the department headquarters in Helena, by mail or in person, the member's DD form
5 214 verifying the member's release or discharge from active duty. The applicant is responsible for providing
6 documentation showing that the applicant participated in a contingency operation as provided in 10 U.S.C.
7 101(a)(13).

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

12 (3) A member of the armed forces who forfeited a license or permit issued through a drawing as a
13 result of deployment outside of the continental United States in support of a contingency operation as provided
14 in 10 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, upon application in the
15 year of the member's return from deployment or in the first year that the license or permit is made available
16 after the member's return."
17

18 **Section 25.** Section 87-2-818, MCA, is amended to read:

19 **"87-2-818. Law enforcement officers and firefighters critically injured in line of duty.** A law
20 enforcement officer, as defined in 7-32-201, a firefighter, or a volunteer firefighter who was critically injured in
21 the line of duty and is permanently unable to return to work because of the injury is entitled to fish with a ~~wildlife~~
22 conservation license issued by the department during expeditions arranged for the person by a nonprofit
23 organization that uses fishing as part of the rehabilitation of injured or disabled persons."
24

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

26 **"87-6-302. Unlawful procurement of license, permit, or tag.** (1) A person may not:
27 (a) subscribe to or make any materially false statement on an application or license. Any materially
28 false statement contained in an application renders the license issued pursuant to it void.

(b) purchase or apply for a hunting, fishing, or trapping license without first having obtained a wildlife conservation license pursuant to 87-2-201; or

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

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

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

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

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

Section 27. Section 87-6-303, MCA, is amended to read:

"87-6-303. Nonresident license or permit offenses. (1) A person who is not a resident may not:

(a) apply for or purchase for a nonresident's use the following resident licenses and permits:

(i) wildlife conservation license;

(ii) hunting license or permit; or

(iii) fishing license or permit;

(b) affirm to or make a false statement to obtain a resident license.

(2) A person convicted of a violation of this section shall be fined not less than the greater of \$100 or twice the cost of the nonresident license that authorized the sought-after privilege or more than \$1,000 or be imprisoned in the county jail for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for not less than 18 months."

NEW SECTION. Section 28. Appropriation. (1) For the biennium beginning July 1, 2023, in each fiscal year there is appropriated \$670,000 from the state special revenue fund established in 87-1-601 to the department of fish, wildlife, and parks.

(2) The legislature intends for the appropriation provided for in subsection (1) be considered part of the ongoing base for the next legislative sessions.

NEW SECTION. Section 29. Effective date. [This act] is effective July 1, 2023.

- END -