

1 SENATE BILL NO. 60

2 INTRODUCED BY SPRAGUE

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN PROVISIONS REGARDING FISH AND GAME
6 LICENSES; ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ADOPT RULES
7 REGARDING PROOF OF COMPETENCY IN SAFETY INSTRUCTION; REVISING THE INFORMATION
8 REQUIREMENTS AND THE FORM OF THE WILDLIFE CONSERVATION LICENSE; CLARIFYING PROVISIONS
9 RELATED TO THE MIGRATORY BIRD LICENSE AND MIGRATORY BIRD STAMP; ALLOWING RATHER THAN
10 REQUIRING THE DEPARTMENT TO FURNISH A DECAL TO THE HOLDER OF A COMBINATION SPORTS
11 LICENSE; REVISING THE DATE WHEN A LICENSE AGENT MUST ACCOUNT FOR UNSOLD LICENSES;
12 ALLOWING THE DEPARTMENT TO CHARGE LICENSE AGENTS AN ADMINISTRATIVE FEE AND TO
13 CHARGE NEW LICENSE AGENTS AN ELECTRONIC LICENSE SYSTEM INSTALLATION FEE; ALLOWING THE
14 DEPARTMENT TO ADOPT RULES REGARDING THE COMPENSATION, FEES, AND DUTIES OF LICENSE
15 AGENTS; REVISING THE TERMS OF THE RECIPROCAL FISHING LICENSE; AMENDING SECTIONS
16 87-2-102, 87-2-105, 87-2-106, 87-2-202, 87-2-411, 87-2-412, 87-2-711, 87-2-902, 87-2-903, AND
17 87-2-1001, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

18
19 STATEMENT OF INTENT

20 A statement of intent is required for this bill because 87-2-105(7) and 87-2-903(9) grant rulemaking
21 authority to the department of fish, wildlife, and parks regarding standards applicable to license agents.

22 It is intended that the rules adopted pursuant to 87-2-105(7) address the methods by which a
23 license agent determines proof of competency in hunter safety, particularly the competency of nonresidents
24 who apply for a Montana hunting license. It is intended that the rules recognize that a person who takes
25 a hunter safety course from a department-authorized instructor will be considered competent for licensing
26 purposes.

27 It is intended that rules adopted pursuant to 87-2-903(9) address compensation, fees, and duties
28 of license agents.

29
30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 **Section 1.** Section 87-2-102, MCA, is amended to read:

2 **"87-2-102. Resident defined.** In determining a resident for the purpose of issuing resident fishing,
3 hunting, and trapping licenses, the following provisions apply:

4 (1) A member of the regular armed forces of the United States, a member's dependent, as defined
5 in 15-30-113, who resides in the member's Montana household, or a member of the armed forces of a
6 foreign government attached to the regular armed forces of the United States is considered a resident for
7 the purposes of this chapter if:

8 (a) the member was a resident of Montana under the provisions of subsection (4) at the time the
9 member entered the armed forces and continues to meet residency criteria of subsections (4)(b) through
10 (4)(e); or

11 (b) the member is currently stationed in and assigned to active duty in Montana, has resided in
12 Montana for at least 30 days, and presents official assignment orders and ~~a certificate~~ proof of
13 competency, as provided in 87-2-105, or a certificate verifying the successful completion of a hunter safety
14 course in any state or province. The 30-day residence requirement is waived in time of war. Reassignment
15 to another state, United States territory, or country terminates Montana residency for purposes of this
16 section, except that a reassigned member continues to qualify as a resident if the member's spouse and
17 dependents continue to physically reside in Montana and the member continues to meet the residency
18 criteria of subsections (4)(b) through (4)(e). The designation of Montana by a member of the regular armed
19 forces as a "home of record" or "home of residence" in that member's armed forces records does not
20 determine the member's residency for purposes of this section.

21 (2) A person who has physically resided in Montana as the person's principal or primary home or
22 place of abode for 180 consecutive days and who meets the criteria of subsection (4) immediately ~~prior~~
23 before ~~to~~ making application for any license is eligible to receive hunting, fishing, and trapping licenses. As
24 used in this section, a vacant lot or a premises used solely for business purposes is not considered a
25 principal or primary home or place of abode.

26 (3) A person who obtains residency under subsection (2) may continue to be a resident for
27 purposes of this section by physically residing in Montana as the person's principal or primary home or
28 place of abode for not less than 120 days a year and by meeting the criteria of subsection (4) prior to
29 making application for any resident hunting, fishing, or trapping license.

30 (4) In addition to the requirements of subsection (2) or (3), a person shall meet the following

1 criteria to be considered a resident for purposes of this section:

2 (a) the person's principal or primary home or place of abode is in Montana;

3 (b) the person files Montana state income tax returns as a resident if required to file;

4 (c) the person licenses and titles in Montana as required by law any vehicles that the person owns
5 and operates in Montana;

6 (d) the person does not possess or apply for any resident hunting, fishing, or trapping licenses from
7 another state or country or exercise resident hunting, fishing, or trapping privileges in another state or
8 country; and

9 (e) if the person registers to vote, the person registers only in Montana.

10 (5) A student who is enrolled full-time in a post-secondary educational institution out of state and
11 who would qualify for Montana resident tuition or who otherwise meets the residence requirements of
12 subsection (2) or (3) is considered a resident for purposes of this section.

13 (6) An enrollee of a job corps camp located within the state of Montana is, after a period of 30
14 days within Montana, considered a resident for the purpose of making application for a fishing license as
15 long as the person remains an enrollee in a Montana camp.

16 (7) A person who does not reside in Montana but who meets all of the following requirements is
17 a resident for purposes of obtaining hunting and fishing licenses:

18 (a) The person's principal employment is within this state and the income from this employment
19 is the principal source of the applicant's family income.

20 (b) The person is required to pay and has paid Montana income tax in a timely manner and proper
21 amount.

22 (c) The person has been employed within this state on a full-time basis for at least 12 consecutive
23 months immediately preceding each application.

24 (d) The person's state of residency has laws substantially similar to this subsection (7).

25 (8) An unmarried minor is considered a resident for the purposes of this section if the minor's
26 parents, legal guardian, or parent with joint custody, sole custody, or visitation rights is a resident for
27 purposes of this section. The minor is considered a resident for purposes of this section regardless of
28 whether the minor resides primarily in the state or otherwise qualifies as a resident. The resident parent or
29 guardian of the minor may be required to show proof of the parental, guardianship, or custodial relationship
30 to the minor.

1 (9) A person is not considered a resident for the purposes of this section if the person:

2 (a) claims residence in any other state or country for any purpose; or

3 (b) is an absentee property owner paying property tax on property in Montana.

4 (10) A license agent is not considered a representative of the state for the purpose of determining
5 a license applicant's residence status."

6
7 **Section 2.** Section 87-2-105, MCA, is amended to read:

8 **"87-2-105. Safety instruction required.** (1) A hunting license may not be issued to a resident
9 person under the age of 18 years unless the ~~resident presents to the~~ person authorized to issue the license
10 ~~a certificate~~ receives proof of competency as provided by this section.

11 (2) A hunting license may not be issued to a nonresident person under the age of 18 years unless
12 the ~~nonresident presents to the~~ person authorized to issue the license ~~a certificate~~ receives proof of
13 competency, as provided in this section, or a certificate verifying that the nonresident has successfully
14 completed a course in the safe handling of firearms in any state or province.

15 (3) A hunting license may not be issued to a member of the regular armed forces of the United
16 States or to a member of the armed forces of a foreign government attached to the armed forces of the
17 United States who is assigned to active duty in Montana and who is otherwise considered a resident under
18 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana
19 household, unless the ~~member or dependent presents to the~~ person authorized to issue the license ~~a~~
20 ~~certificate~~ receives proof of competency, as provided in this section, or a certificate verifying that the
21 member or dependent has successfully completed a hunter safety course in any state or province.

22 (4) A bow and arrow license may not be issued to a resident or nonresident unless the ~~resident or~~
23 ~~nonresident presents to the~~ person authorized to issue the license receives an archery license issued for
24 a prior hunting season or ~~a certificate~~ receives proof of completion of a bowhunter education course from
25 the national bowhunter education foundation. Neither the department nor the license agent is required to
26 provide records of past archery license purchases. As part of the department's bow and arrow licensing
27 procedures, the department shall notify the public regarding ~~bow hunter~~ bowhunter education requirements.
28 ~~As part of these public information efforts, the department shall notify by mail all individuals who purchased~~
29 ~~a Class A-2 special bow and arrow license during the 1990-91 hunting season.~~

30 (5) The department shall provide for a course of instruction in the safe handling of firearms and

1 for that purpose may cooperate with any reputable organization having as one of its objectives the
 2 promotion of safety in the handling of firearms. The department may designate as an instructor any person
 3 it finds to be competent to give instructions in the handling of firearms. A person appointed shall give the
 4 course of instruction and shall issue a certificate of competency in the safe handling of firearms to a person
 5 successfully completing the course.

6 (6) The department shall provide for a course of instruction from the national bowhunter education
 7 foundation and for that purpose may cooperate with any reputable organization having as one of its
 8 objectives the promotion of safety in the handling of bow hunting tackle. The department may designate
 9 as an instructor any person it finds to be competent to give the national bowhunter education foundation
 10 instruction. A person appointed shall give the course of instruction and shall issue a certificate of
 11 completion from the national bowhunter education foundation to any person successfully completing the
 12 course.

13 (7) The department may adopt rules regarding how a person authorized to issue a license
 14 determines proof of competency."

15
 16 **Section 3.** Section 87-2-106, MCA, is amended to read:

17 **"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges.** (1) A license
 18 may be procured from the director, ~~any a~~ warden, or ~~any an~~ authorized agent of the director. The applicant
 19 shall state the applicant's name, age, occupation, street address of permanent residence, ~~and post-office~~
 20 mailing address, ~~the applicant's~~ qualifying length of time as a resident in the state of Montana, ~~whether and~~
 21 status as a citizen of the United States or as an alien, and other facts, data, or descriptions as may be
 22 required by the department. An applicant for a resident license shall present a valid Montana driver's
 23 license, Montana driver's examiner's identification card, or other identification specified by the department
 24 to substantiate the required information. It is the applicant's burden to provide documentation establishing
 25 the applicant's identity and qualifications to purchase a license. It is unlawful and a misdemeanor for a
 26 license agent to sell a hunting, fishing, or trapping license to an applicant who fails to produce the required
 27 identification at the time of application for licensure. Except as provided in subsections (2) through (4), the
 28 statements made by the applicant must be subscribed to before the officer or agent issuing the license.

29 (2) Except as provided in subsection (3), department employees or officers may issue licenses by
 30 mail. Statements on an application for a license to be issued by mail need not be subscribed to before the

1 employee or officer.

2 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the
3 director and shall submit at the time of application a notarized affidavit that attests to fulfillment of the
4 requirements of 87-2-102(7). The director shall process the application in an expedient manner.

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

8 (5) A license is void unless subscribed to by the licensee and by an employee or officer of the
9 department or by a license agent or an authorized representative of the license agent.

10 (6) It is unlawful to subscribe to any statement, on ~~any~~ an application or license, that is materially
11 false. Any material false statement contained in an application renders the license issued pursuant to it void.
12 A person violating any provision of this subsection is guilty of a misdemeanor.

13 (7) (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of
14 affirming to a false statement to obtain a resident license shall be:

15 (i) fined not less than the greater of \$100 or twice the cost of the nonresident license that
16 authorized the sought-after privilege or more than \$1,000;

17 (ii) imprisoned in the county jail for not more than 6 months; or

18 (iii) both fined and imprisoned.

19 (b) In addition to the penalties specified in subsection (7)(a), upon conviction or forfeiture of bond
20 or bail, the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt,
21 fish, and trap in Montana for not less than 18 months.

22 (8) It is unlawful and a misdemeanor for a person to purposely or knowingly assist an unqualified
23 applicant in obtaining a resident license in violation of this section."

24

25 **Section 4.** Section 87-2-202, MCA, is amended to read:

26 **"87-2-202. Application —~~stamp attachment~~ -- fee -- expiration.** (1) A wildlife conservation license
27 must be sold upon written application. The application must contain the applicant's name, age, occupation,
28 ~~place of~~ street address of permanent residence, ~~post-office~~ mailing address, ~~and the~~ qualifying length of
29 time as a resident in the state of Montana; ~~state whether the applicant is~~ and status as a citizen of the
30 United States or as an alien; and must be ~~subscribed~~ signed by the applicant. The applicant shall present

1 a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification
 2 specified by the department to substantiate the required information when applying for a wildlife
 3 conservation license. It is the applicant's burden to provide documentation establishing the applicant's
 4 identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for
 5 a license agent to sell a wildlife conservation license to an applicant who fails to produce the required
 6 identification at the time of application for licensure.

7 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department ~~in the form~~
 8 ~~of tags or stamps issued to a holder of a wildlife conservation license~~ must be affixed to or recorded on the
 9 ~~wildlife conservation license~~ according to rules that the department may prescribe.

10 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

11 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$5.

12 (4) Licenses issued are void after the last day of February next succeeding their issuance."
 13

14 **Section 5.** Section 87-2-411, MCA, is amended to read:

15 **"87-2-411. Stamp License required to hunt migratory game birds.** It is unlawful for any person
 16 15 years of age or older to hunt migratory game birds without first having obtained a valid migratory bird
 17 ~~stamp license~~ stamp license from the department. The fee for the ~~stamp license~~ stamp license is \$5."
 18

19 **Section 6.** Section 87-2-412, MCA, is amended to read:

20 **"87-2-412. Procurement and sale of artwork for migratory bird stamp -- disposition of proceeds.**

21 (1) The department shall contract with an art publisher for the selection, by contest or other method, of
 22 a design for the annual migratory bird stamp ~~required by 87-2-411~~ and for the production of the stamp and
 23 related artwork. The contract must provide that only designs submitted by Montana artists may be selected.
 24 The department shall provide for the sale of stamps exclusively by the department or its license agents, but
 25 may make other arrangements for the sale of related artwork that it determines appropriate. The
 26 procurement and sale of the stamps and artwork are exempt from the provisions of Title 18, chapter 4, part
 27 3.

28 (2) Money received from the sale of stamps and related artwork must be deposited in the state
 29 special revenue fund for the use of the department and may be expended only for the protection,
 30 conservation, and development of wetlands in Montana."

1 **Section 7.** Section 87-2-711, MCA, is amended to read:

2 **"87-2-711. Class AAA--combination sports license.** (1) A resident, as defined by 87-2-102, who
3 will be 12 years of age or older ~~prior to~~ before September 15 of the season for which the license is issued
4 is entitled to:

5 (a) upon payment of the sum of \$54, a combination sports license that permits the holder to
6 exercise all rights granted to holders of Class A, A-1, A-3, A-5, and resident conservation licenses as
7 prescribed in 87-2-202; or

8 (b) upon payment of the sum of \$64, a combination sports license that permits the holder to
9 exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6
10 license.

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

13

14 **Section 8.** Section 87-2-902, MCA, is amended to read:

15 **"87-2-902. Bond or security of agent and preferred claim of state for license money.** (1) An
16 appointed license agent shall furnish a corporate surety bond or other security ~~as if~~ if required by department
17 rule. The bond ~~shall secure~~ secures the faithful performance of the duties imposed on the license agent and
18 the accounting for and payment to the state of all money received from the sale of hunting and fishing
19 licenses and any permits or certificates prescribed by the department. The license agent shall properly
20 account for all unsold licenses, permits, and certificates annually on ~~April~~ March 1 or at any other time at
21 the request of the director.

22 (2) All money received for the sale of licenses, permits, and certificates ~~at all times~~ belongs to the
23 state. In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state has a
24 preferred claim against the assets and estate of a license agent for all money owed the state."

25

26 **Section 9.** Section 87-2-903, MCA, is amended to read:

27 **"87-2-903. Compensation, fees, and duties of agents -- penalty for late submission of license**
28 **money.** (1) License agents, except salaried employees of the department, must receive for all services
29 rendered ~~the sum~~ a commission of 50 cents for each ~~license, permit, or certificate issued~~ transaction. ~~Each~~
30 ~~license agent shall submit to the department all duplicates of each class of licenses sold and shall~~

1 ~~accompany the duplicate licenses with all money received for the sale of the licenses, less the appropriate~~
2 ~~fee.~~

3 (2) The department may charge license agents a license agent administration fee of not more than
4 7 cents for each transaction.

5 (3) Each license agent shall submit to the department all administration fees and the money received
6 from the sale of licenses, less the appropriate commission.

7 (4) Each license agent shall submit to the department copies of each license sold.

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

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

13 ~~(7)~~ (7) For purposes of this section, the term "license" "transaction" includes the sale of any
14 license, permit, and or certificate prescribed by the department.

15 ~~(8)~~ (8) If a license agent fails to submit to the department all money received from the declared sale
16 of licenses, less the appropriate fee, by the deadline established by the department, an interest charge equal
17 to the rate charged on late corporation license tax payments under 15-31-510(2) must be assessed.
18 Acceptance of late payments with interest does not preclude the department from summarily revoking the
19 appointment of a license agent under 87-2-904.

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

21

22 **Section 10.** Section 87-2-1001, MCA, is amended to read:

23 **"87-2-1001. Reciprocal fishing privileges of licensees of bordering states.** (1) Any person who is
24 properly licensed to fish in a state ~~which~~ that borders ~~the state of~~ Montana and who complies with Montana
25 fish and game laws and regulations may fish in any part of a lake, reservoir, pond, or body of water in
26 Montana that lies within or partly within 10 miles of the boundaries of ~~this state~~ Montana when ~~such~~ the
27 water is declared to be open to fishing by the department; ~~provided, however, that such~~ if the bordering
28 state grants the same or similar privileges in any ~~such~~ body or bodies of water or in all lakes, reservoirs,
29 ponds, or bodies of water similarly defined within its boundaries to holders of valid Montana fishing
30 licenses, and ~~provided further that such~~ if the bordering state enters into a reciprocal agreement with

1 Montana setting forth terms as provided by this part.

2 (2) The department is authorized to enter into reciprocal agreements with corresponding state
3 officials of adjoining states for purposes of providing ~~such~~ reciprocal fishing privileges upon any body or
4 bodies of water as described ~~above~~ in subsection (1). ~~Such A reciprocal agreements agreement~~ may include
5 provisions by which each state shall honor the license of the other state only when ~~there is affixed to such~~
6 a valid reciprocal license ~~a stamp~~ is purchased from the honoring state, the charge for ~~such stamp~~ the
7 reciprocal license being set by mutual agreement of the states."

8

9 NEW SECTION. Section 11. Effective date. [This act] is effective March 1, 1998.

10

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0060, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising certain provisions regarding fish and game licenses; allowing the Department of Fish, Wildlife and Parks to charge license agents an administrative fee and to charge new license agents an electronic license system installation fee.

ASSUMPTIONS:

1. The automated license system will be operational with the license year starting March 1, 1999.
2. License agents sell 1.1 million licenses annually and receive a \$0.50 commission for each license sold.
3. Approximately 400,000 licenses are sold between March 1 and June 30 each year.
4. The bill allows the department to lower the commission from \$0.50 to \$0.43 to help pay for the new automated system. The department will lower the commission paid beginning March 1, 1999.
5. The electronic license system installation fee for new agents will be \$1,000.
6. There will be 10 vendors who will be willing to pay the electronic license system installation fee in order to become license agents.

FISCAL IMPACT:


	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
Commission expense	0	(28,000)
Installation expense	<u>0</u>	<u>10,000</u>
Total	0	(18,000)
<u>Revenues:</u>		
Installation Fee (02)	0	10,000
<u>Net Impact:</u>		
General License Account (02)		28,000


LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Once the automated licensing system is fully implemented in FY 2000, commission expense will be reduced from \$550,000 per year to \$473,000 per year (\$77,000 per year reduction)

TECHNICAL NOTES:

Language should be added to coordinate with HB0002. HB0002 contains the appropriation to implement the automated licensing system.

 1-7-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/8/97
MIKE SPRAGUE, PRIMARY SPONSOR DATE

Fiscal Note for SB0060, as introduced

SB 60

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2 INTRODUCED BY SPRAGUE

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24 license agent determines proof of competency in hunter safety, particularly the competency of nonresidents
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6 (1) A member of the regular armed forces of the United States, a member's dependent, as defined
7 in 15-30-113, who resides in the member's Montana household, or a member of the armed forces of a
8 foreign government attached to the regular armed forces of the United States is considered a resident for
9 the purposes of this chapter if:

10 (a) the member was a resident of Montana under the provisions of subsection (4) at the time the
11 member entered the armed forces and continues to meet residency criteria of subsections (4)(b) through
12 (4)(e); or

13 (b) the member is currently stationed in and assigned to active duty in Montana, has resided in
14 Montana for at least 30 days, and presents official assignment orders and ~~a certificate~~ proof of
15 competency, as provided in 87-2-105, or a certificate verifying the successful completion of a hunter safety
16 course in any state or province. The 30-day residence requirement is waived in time of war. Reassignment
17 to another state, United States territory, or country terminates Montana residency for purposes of this
18 section, except that a reassigned member continues to qualify as a resident if the member's spouse and
19 dependents continue to physically reside in Montana and the member continues to meet the residency
20 criteria of subsections (4)(b) through (4)(e). The designation of Montana by a member of the regular armed
21 forces as a "home of record" or "home of residence" in that member's armed forces records does not
22 determine the member's residency for purposes of this section.

23 (2) A person who has physically resided in Montana as the person's principal or primary home or
24 place of abode for 180 consecutive days and who meets the criteria of subsection (4) immediately ~~prior~~
25 before ~~to~~ making application for any license is eligible to receive hunting, fishing, and trapping licenses. As
26 used in this section, a vacant lot or a premises used solely for business purposes is not considered a
27 principal or primary home or place of abode.

28 (3) A person who obtains residency under subsection (2) may continue to be a resident for
29 purposes of this section by physically residing in Montana as the person's principal or primary home or
30 place of abode for not less than 120 days a year and by meeting the criteria of subsection (4) prior to

1 making application for any resident hunting, fishing, or trapping license.

2 (4) In addition to the requirements of subsection (2) or (3), a person shall meet the following
3 criteria to be considered a resident for purposes of this section:

4 (a) the person's principal or primary home or place of abode is in Montana;

5 (b) the person files Montana state income tax returns as a resident if required to file;

6 (c) the person licenses and titles in Montana as required by law any vehicles that the person owns
7 and operates in Montana;

8 (d) the person does not possess or apply for any resident hunting, fishing, or trapping licenses from
9 another state or country or exercise resident hunting, fishing, or trapping privileges in another state or
10 country; and

11 (e) if the person registers to vote, the person registers only in Montana.

12 (5) A student who is enrolled full-time in a post-secondary educational institution out of state and
13 who would qualify for Montana resident tuition or who otherwise meets the residence requirements of
14 subsection (2) or (3) is considered a resident for purposes of this section.

15 (6) An enrollee of a job corps camp located within the state of Montana is, after a period of 30
16 days within Montana, considered a resident for the purpose of making application for a fishing license as
17 long as the person remains an enrollee in a Montana camp.

18 (7) A person who does not reside in Montana but who meets all of the following requirements is
19 a resident for purposes of obtaining hunting and fishing licenses:

20 (a) The person's principal employment is within this state and the income from this employment
21 is the principal source of the applicant's family income.

22 (b) The person is required to pay and has paid Montana income tax in a timely manner and proper
23 amount.

24 (c) The person has been employed within this state on a full-time basis for at least 12 consecutive
25 months immediately preceding each application.

26 (d) The person's state of residency has laws substantially similar to this subsection (7).

27 (8) An unmarried minor is considered a resident for the purposes of this section if the minor's
28 parents, legal guardian, or parent with joint custody, sole custody, or visitation rights is a resident for
29 purposes of this section. The minor is considered a resident for purposes of this section regardless of
30 whether the minor resides primarily in the state or otherwise qualifies as a resident. The resident parent or

1 guardian of the minor may be required to show proof of the parental, guardianship, or custodial relationship
2 to the minor.

3 (9) A person is not considered a resident for the purposes of this section if the person:

4 (a) claims residence in any other state or country for any purpose; or

5 (b) is an absentee property owner paying property tax on property in Montana.

6 (10) A license agent is not considered a representative of the state for the purpose of determining
7 a license applicant's residence status."

8

9 **Section 2.** Section 87-2-105, MCA, is amended to read:

10 **"87-2-105. Safety instruction required.** (1) A hunting license may not be issued to a resident
11 person under the age of 18 years unless the ~~resident presents to the person authorized to issue the license~~
12 ~~a certificate~~ receives proof of competency as provided by this section.

13 (2) A hunting license may not be issued to a nonresident person under the age of 18 years unless
14 the ~~nonresident presents to the person authorized to issue the license~~ ~~a certificate~~ receives proof of
15 competency, as provided in this section, or a certificate verifying that the nonresident has successfully
16 completed a course in the safe handling of firearms in any state or province.

17 (3) A hunting license may not be issued to a member of the regular armed forces of the United
18 States or to a member of the armed forces of a foreign government attached to the armed forces of the
19 United States who is assigned to active duty in Montana and who is otherwise considered a resident under
20 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana
21 household, unless the ~~member or dependent presents to the person authorized to issue the license~~ ~~a~~
22 ~~certificate~~ receives proof of competency, as provided in this section, or a certificate verifying that the
23 member or dependent has successfully completed a hunter safety course in any state or province.

24 (4) A bow and arrow license may not be issued to a resident or nonresident unless the ~~resident or~~
25 ~~nonresident presents to the person authorized to issue the license~~ receives an archery license issued for
26 a prior hunting season or ~~a certificate~~ receives proof of completion of a bowhunter education course from
27 the national bowhunter education foundation. Neither the department nor the license agent is required to
28 provide records of past archery license purchases. As part of the department's bow and arrow licensing
29 procedures, the department shall notify the public regarding ~~bow hunter~~ bowhunter education requirements.
30 ~~As part of these public information efforts, the department shall notify by mail all individuals who purchased~~

1 ~~a Class A-2 special bow and arrow license during the 1990-91 hunting season.~~

2 (5) The department shall provide for a course of instruction in the safe handling of firearms and
3 for that purpose may cooperate with any reputable organization having as one of its objectives the
4 promotion of safety in the handling of firearms. The department may designate as an instructor any person
5 it finds to be competent to give instructions in the handling of firearms. A person appointed shall give the
6 course of instruction and shall issue a certificate of competency in the safe handling of firearms to a person
7 successfully completing the course.

8 (6) The department shall provide for a course of instruction from the national bowhunter education
9 foundation and for that purpose may cooperate with any reputable organization having as one of its
10 objectives the promotion of safety in the handling of bow hunting tackle. The department may designate
11 as an instructor any person it finds to be competent to give the national bowhunter education foundation
12 instruction. A person appointed shall give the course of instruction and shall issue a certificate of
13 completion from the national bowhunter education foundation to any person successfully completing the
14 course.

15 (7) The department may adopt rules regarding how a person authorized to issue a license
16 determines proof of competency."

17

18 **Section 3.** Section 87-2-106, MCA, is amended to read:

19 **"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges.** (1) A license
20 may be procured from the director, ~~any~~ a warden, or ~~any an~~ an authorized agent of the director. The applicant
21 shall state the applicant's name, age, occupation, street address of permanent residence, ~~and post-office~~
22 mailing address, ~~the applicant's~~ qualifying length of time as a resident in the state of Montana, ~~whether and~~
23 status as a citizen of the United States or as an alien, and other facts, data, or descriptions as may be
24 required by the department. An applicant for a resident license shall present a valid Montana driver's
25 license, Montana driver's examiner's identification card, or other identification specified by the department
26 to substantiate the required information. It is the applicant's burden to provide documentation establishing
27 the applicant's identity and qualifications to purchase a license. It is unlawful and a misdemeanor for a
28 license agent to sell a hunting, fishing, or trapping license to an applicant who fails to produce the required
29 identification at the time of application for licensure. Except as provided in subsections (2) through (4), the
30 statements made by the applicant must be subscribed to before the officer or agent issuing the license.

1 (2) Except as provided in subsection (3), department employees or officers may issue licenses by
2 mail. Statements on an application for a license to be issued by mail need not be subscribed to before the
3 employee or officer.

4 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the
5 director and shall submit at the time of application a notarized affidavit that attests to fulfillment of the
6 requirements of 87-2-102(7). The director shall process the application in an expedient manner.

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

10 (5) A license is void unless subscribed to by the licensee and by an employee or officer of the
11 department or by a license agent or an authorized representative of the license agent.

12 (6) It is unlawful to subscribe to any statement, on ~~any~~ an application or license, that is materially
13 false. Any material false statement contained in an application renders the license issued pursuant to it void.
14 A person violating any provision of this subsection is guilty of a misdemeanor.

15 (7) (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of
16 affirming to a false statement to obtain a resident license shall be:

17 (i) fined not less than the greater of \$100 or twice the cost of the nonresident license that
18 authorized the sought-after privilege or more than \$1,000;

19 (ii) imprisoned in the county jail for not more than 6 months; or

20 (iii) both fined and imprisoned.

21 (b) In addition to the penalties specified in subsection (7)(a), upon conviction or forfeiture of bond
22 or bail, the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt,
23 fish, and trap in Montana for not less than 18 months.

24 (8) It is unlawful and a misdemeanor for a person to purposely or knowingly assist an unqualified
25 applicant in obtaining a resident license in violation of this section."

26

27 **Section 4.** Section 87-2-202, MCA, is amended to read:

28 "**87-2-202. Application —~~stamp attachment~~ -- fee -- expiration.** (1) A wildlife conservation license
29 must be sold upon written application. The application must contain the applicant's name, age, occupation,
30 ~~place of~~ street address of permanent residence, ~~post office~~ mailing address, ~~and the~~ qualifying length of

1 time as a resident in the state of Montana; ~~state whether the applicant is~~ and status as a citizen of the
 2 United States or as an alien; and must be subscribed signed by the applicant. The applicant shall present
 3 a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification
 4 specified by the department to substantiate the required information when applying for a wildlife
 5 conservation license. It is the applicant's burden to provide documentation establishing the applicant's
 6 identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for
 7 a license agent to sell a wildlife conservation license to an applicant who fails to produce the required
 8 identification at the time of application for licensure.

9 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department in the form
 10 ~~of tags or stamps issued to a holder of a wildlife conservation license~~ must be ~~affixed to or~~ recorded ~~on the~~
 11 ~~wildlife conservation license~~ according to rules that the department may prescribe.

12 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

13 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$5.

14 (4) Licenses issued are void after the last day of February next succeeding their issuance."
 15

16 **Section 5.** Section 87-2-411, MCA, is amended to read:

17 "**87-2-411. Stamp License required to hunt migratory game birds.** It is unlawful for any person
 18 15 years of age or older to hunt migratory game birds without first having obtained a valid migratory bird
 19 stamp license from the department. The fee for the stamp license is \$5."
 20

21 **Section 6.** Section 87-2-412, MCA, is amended to read:

22 "**87-2-412. Procurement and sale of artwork for migratory bird stamp -- disposition of proceeds.**

23 (1) The department shall contract with an art publisher for the selection, by contest or other method, of
 24 a design for the annual migratory bird stamp ~~required by 87-2-411~~ and for the production of the stamp and
 25 related artwork. The contract must provide that only designs submitted by Montana artists may be selected.
 26 The department shall provide for the sale of stamps exclusively by the department or its license agents, but
 27 may make other arrangements for the sale of related artwork that it determines appropriate. The
 28 procurement and sale of the stamps and artwork are exempt from the provisions of Title 18, chapter 4, part
 29 3.

30 (2) Money received from the sale of stamps and related artwork must be deposited in the state

1 special revenue fund for the use of the department and may be expended only for the protection,
2 conservation, and development of wetlands in Montana."
3

4 **Section 7.** Section 87-2-711, MCA, is amended to read:

5 **"87-2-711. Class AAA--combination sports license.** (1) A resident, as defined by 87-2-102, who
6 will be 12 years of age or older ~~prior to~~ before September 15 of the season for which the license is issued
7 is entitled to:

8 (a) upon payment of the sum of \$54, a combination sports license that permits the holder to
9 exercise all rights granted to holders of Class A, A-1, A-3, A-5, and resident conservation licenses as
10 prescribed in 87-2-202; or

11 (b) upon payment of the sum of \$64, a combination sports license that permits the holder to
12 exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6
13 license.

14 (2) The department ~~shall~~ may furnish each holder of a combination sports license an appropriate
15 decal."
16

17 **Section 8.** Section 87-2-902, MCA, is amended to read:

18 **"87-2-902. Bond or security of agent and preferred claim of state for license money.** (1) An
19 appointed license agent shall furnish a corporate surety bond or other security ~~as if~~ as required by department
20 rule. The bond ~~shall secure~~ secures the faithful performance of the duties imposed on the license agent and
21 the accounting for and payment to the state of all money received from the sale of hunting and fishing
22 licenses and any permits or certificates prescribed by the department. The license agent shall properly
23 account for all unsold licenses, permits, and certificates annually on ~~April~~ March 1 or at any other time at
24 the request of the director.

25 (2) All money received for the sale of licenses, permits, and certificates ~~at all times~~ belongs to the
26 state. In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state has a
27 preferred claim against the assets and estate of a license agent for all money owed the state."
28

29 **Section 9.** Section 87-2-903, MCA, is amended to read:

30 **"87-2-903. Compensation, fees, and duties of agents -- penalty for late submission of license**

1 money. (1) License agents, except salaried employees of the department, must receive for all services
 2 rendered ~~the sum a commission~~ of 50 cents for each license, permit, or certificate issued ~~transaction~~. Each
 3 license agent shall submit to the department all duplicates of each class of licenses sold and shall
 4 accompany the duplicate licenses with all money received for the sale of the licenses, less the appropriate
 5 fee.

6 ~~(2) The department may charge license agents a license agent administration fee of not more than~~
 7 ~~7 cents for each transaction.~~

8 ~~(3)(2) Each license agent shall submit to the department all administration fees and the money~~
 9 ~~received from the sale of licenses, less the appropriate commission.~~

10 ~~(4)(3) Each license agent shall submit to the department copies of each license sold.~~

11 ~~(5)(4) The department may charge license agents appointed after March 1, 1998, an electronic~~
 12 ~~license system installation fee not to exceed actual costs.~~

13 ~~(6)(5) The department may designate classes of license agents and may establish a deadline for~~
 14 ~~submission of license money by each class of agent. Each license agent shall keep the license account open~~
 15 ~~at all reasonable hours to inspection by the department, the director, the wardens, or the legislative auditor.~~

16 ~~(2)(7)(6) For purposes of this section, the term "license" "transaction" includes the sale of any~~
 17 ~~license, permit, and or certificate prescribed by the department.~~

18 ~~(3)(8)(7) If a license agent fails to submit to the department all money received from the declared~~
 19 ~~sale of licenses, less the appropriate fee, by the deadline established by the department, an interest charge~~
 20 ~~equal to the rate charged on late corporation license tax payments under 15-31-510(2) must be assessed.~~
 21 ~~Acceptance of late payments with interest does not preclude the department from summarily revoking the~~
 22 ~~appointment of a license agent under 87-2-904.~~

23 ~~(9)(8) The department may adopt rules necessary to implement this section."~~

24

25 **Section 10.** Section 87-2-1001, MCA, is amended to read:

26 **"87-2-1001. Reciprocal fishing privileges of licensees of bordering states.** (1) Any person who is
 27 properly licensed to fish in a state ~~which that~~ borders ~~the state of~~ Montana and who complies with Montana
 28 fish and game laws and regulations may fish in any part of a lake, reservoir, pond, or body of water in
 29 Montana that lies within or partly within 10 miles of the boundaries of ~~this state~~ Montana when ~~such the~~
 30 water is declared to be open to fishing by the department; ~~provided, however, that such~~ if the bordering

1 state grants the same or similar privileges in any ~~such~~ body or bodies of water or in all lakes, reservoirs,
2 ponds, or bodies of water similarly defined within its boundaries to holders of valid Montana fishing
3 licenses, and ~~provided further that such~~ if the bordering state enters into a reciprocal agreement with
4 Montana setting forth terms as provided by this part.

5 (2) The department is authorized to enter into reciprocal agreements with corresponding state
6 officials of adjoining states for purposes of providing ~~such~~ reciprocal fishing privileges upon any body or
7 bodies of water as described ~~above~~ in subsection (1). ~~Such A reciprocal agreements~~ agreement may include
8 provisions by which each state shall honor the license of the other state only when ~~there is affixed to such~~
9 a valid reciprocal license ~~a stamp~~ is purchased from the honoring state, the charge for ~~such stamp~~ the
10 reciprocal license being set by mutual agreement of the states."

11

12 NEW SECTION. Section 11. Effective date. [This act] is effective March 1, 1998.

13

-END-

1 SENATE BILL NO. 60

2 INTRODUCED BY SPRAGUE

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN PROVISIONS REGARDING FISH AND GAME
6 LICENSES; ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ADOPT RULES
7 REGARDING PROOF OF COMPETENCY IN SAFETY INSTRUCTION; REVISING THE INFORMATION
8 REQUIREMENTS AND THE FORM OF THE WILDLIFE CONSERVATION LICENSE; CLARIFYING PROVISIONS
9 RELATED TO THE MIGRATORY BIRD LICENSE AND MIGRATORY BIRD STAMP; ALLOWING RATHER THAN
10 REQUIRING THE DEPARTMENT TO FURNISH A DECAL TO THE HOLDER OF A COMBINATION SPORTS
11 LICENSE; REVISING THE DATE WHEN A LICENSE AGENT MUST ACCOUNT FOR UNSOLD LICENSES;
12 ALLOWING THE DEPARTMENT ~~TO CHARGE LICENSE AGENTS AN ADMINISTRATIVE FEE AND TO~~
13 ~~CHARGE NEW LICENSE AGENTS AN ELECTRONIC LICENSE SYSTEM INSTALLATION FEE;~~ ALLOWING THE
14 DEPARTMENT TO ADOPT RULES REGARDING THE COMPENSATION, FEES, AND DUTIES OF LICENSE
15 AGENTS; REVISING THE TERMS OF THE RECIPROCAL FISHING LICENSE; AMENDING SECTIONS
16 87-2-102, 87-2-105, 87-2-106, 87-2-202, 87-2-411, 87-2-412, 87-2-711, 87-2-902, 87-2-903, AND
17 87-2-1001, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE
REPRINTED. PLEASE REFER TO SECOND READING COPY
(YELLOW) FOR COMPLETE TEXT.**

APPROVED BY COM ON FISH,
WILDLIFE & PARKS

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15 AGENTS; REVISING THE TERMS OF THE RECIPROCAL FISHING LICENSE; AMENDING SECTIONS
16 87-2-102, 87-2-105, 87-2-106, 87-2-202, 87-2-411, 87-2-412, 87-2-711, 87-2-902, 87-2-903, AND
17 87-2-1001, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

18
19 STATEMENT OF INTENT

20 A statement of intent is required for this bill because 87-2-105(7) and 87-2-903~~(9)~~(8) grant
21 rulemaking authority to the department of fish, wildlife, and parks regarding standards applicable to license
22 agents.

23 It is intended that the rules adopted pursuant to 87-2-105(7) address the methods by which a
24 license agent determines proof of competency in hunter safety, particularly the competency of nonresidents
25 who apply for a Montana hunting license. It is intended that the rules recognize that a person who takes
26 a hunter safety course from a department-authorized instructor will be considered competent for licensing
27 purposes.

28 It is intended that rules adopted pursuant to 87-2-903~~(9)~~(8) address compensation, SYSTEM
29 INSTALLATION fees, and duties of license agents.

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

2

3 Section 1. Section 87-2-102, MCA, is amended to read:

4 "87-2-102. Resident defined. In determining a resident for the purpose of issuing resident fishing,
5 hunting, and trapping licenses, the following provisions apply:

6 (1) A member of the regular armed forces of the United States, a member's dependent, as defined
7 in 15-30-113, who resides in the member's Montana household, or a member of the armed forces of a
8 foreign government attached to the regular armed forces of the United States is considered a resident for
9 the purposes of this chapter if:

10 (a) the member was a resident of Montana under the provisions of subsection ~~(4)~~ at the time the
11 member entered the armed forces and continues to meet residency criteria of subsections (4)(b) through
12 (4)(e); or

13 (b) the member is currently stationed in and assigned to active duty in Montana, has resided in
14 Montana for at least 30 days, and presents official assignment orders and ~~a certificate~~ proof of
15 competency, as provided in 87-2-105, or a certificate verifying the successful completion of a hunter safety
16 course in any state or province. The 30-day residence requirement is waived in time of war. Reassignment
17 to another state, United States territory, or country terminates Montana residency for purposes of this
18 section, except that a reassigned member continues to qualify as a resident if the member's spouse and
19 dependents continue to physically reside in Montana and the member continues to meet the residency
20 criteria of subsections (4)(b) through (4)(e). The designation of Montana by a member of the regular armed
21 forces as a "home of record" or "home of residence" in that member's armed forces records does not
22 determine the member's residency for purposes of this section.

23 (2) A person who has physically resided in Montana as the person's principal or primary home or
24 place of abode for 180 consecutive days and who meets the criteria of subsection (4) immediately ~~prior~~
25 before ~~to~~ making application for any license is eligible to receive hunting, fishing, and trapping licenses. As
26 used in this section, a vacant lot or a premises used solely for business purposes is not considered a
27 principal or primary home or place of abode.

28 (3) A person who obtains residency under subsection (2) may continue to be a resident for
29 purposes of this section by physically residing in Montana as the person's principal or primary home or
30 place of abode for not less than 120 days a year and by meeting the criteria of subsection (4) prior to

1 making application for any resident hunting, fishing, or trapping license.

2 (4) In addition to the requirements of subsection (2) or (3), a person shall meet the following
3 criteria to be considered a resident for purposes of this section:

4 (a) the person's principal or primary home or place of abode is in Montana;

5 (b) the person files Montana state income tax returns as a resident if required to file;

6 (c) the person licenses and titles in Montana as required by law any vehicles that the person owns
7 and operates in Montana;

8 (d) the person does not possess or apply for any resident hunting, fishing, or trapping licenses from
9 another state or country or exercise resident hunting, fishing, or trapping privileges in another state or
10 country; and

11 (e) if the person registers to vote, the person registers only in Montana.

12 (5) A student who is enrolled full-time in a post-secondary educational institution out of state and
13 who would qualify for Montana resident tuition or who otherwise meets the residence requirements of
14 subsection (2) or (3) is considered a resident for purposes of this section.

15 (6) An enrollee of a job corps camp located within the state of Montana is, after a period of 30
16 days within Montana, considered a resident for the purpose of making application for a fishing license as
17 long as the person remains an enrollee in a Montana camp.

18 (7) A person who does not reside in Montana but who meets all of the following requirements is
19 a resident for purposes of obtaining hunting and fishing licenses:

20 (a) The person's principal employment is within this state and the income from this employment
21 is the principal source of the applicant's family income.

22 (b) The person is required to pay and has paid Montana income tax in a timely manner and proper
23 amount.

24 (c) The person has been employed within this state on a full-time basis for at least 12 consecutive
25 months immediately preceding each application.

26 (d) The person's state of residency has laws substantially similar to this subsection (7).

27 (8) An unmarried minor is considered a resident for the purposes of this section if the minor's
28 parents, legal guardian, or parent with joint custody, sole custody, or visitation rights is a resident for
29 purposes of this section. The minor is considered a resident for purposes of this section regardless of
30 whether the minor resides primarily in the state or otherwise qualifies as a resident. The resident parent or

1 guardian of the minor may be required to show proof of the parental, guardianship, or custodial relationship
2 to the minor.

3 (9) A person is not considered a resident for the purposes of this section if the person:

4 (a) claims residence in any other state or country for any purpose; or

5 (b) is an absentee property owner paying property tax on property in Montana.

6 (10) A license agent is not considered a representative of the state for the purpose of determining
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15 competency, as provided in this section, or a certificate verifying that the nonresident has successfully
16 completed a course in the safe handling of firearms in any state or province.

17 (3) A hunting license may not be issued to a member of the regular armed forces of the United
18 States or to a member of the armed forces of a foreign government attached to the armed forces of the
19 United States who is assigned to active duty in Montana and who is otherwise considered a resident under
20 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana
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28 provide records of past archery license purchases. As part of the department's bow and arrow licensing
29 procedures, the department shall notify the public regarding ~~bow hunter~~ bowhunter education requirements.
30 ~~As part of these public information efforts, the department shall notify by mail all individuals who purchased~~

1 ~~a Class A 2 special bow and arrow license during the 1990-91 hunting season.~~

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3 for that purpose may cooperate with any reputable organization having as one of its objectives the
4 promotion of safety in the handling of firearms. The department may designate as an instructor any person
5 it finds to be competent to give instructions in the handling of firearms. A person appointed shall give the
6 course of instruction and shall issue a certificate of competency in the safe handling of firearms to a person
7 successfully completing the course.

8 (6) The department shall provide for a course of instruction from the national bowhunter education
9 foundation and for that purpose may cooperate with any reputable organization having as one of its
10 objectives the promotion of safety in the handling of bow hunting tackle. The department may designate
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17

18 **Section 3.** Section 87-2-106, MCA, is amended to read:

19 **"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges.** (1) A license
20 may be procured from the director, ~~any a~~ warden, or ~~any an~~ authorized agent of the director. The applicant
21 shall state the applicant's name, age, occupation, street address of permanent residence, ~~and post-office~~
22 mailing address, ~~the applicant's~~ qualifying length of time as a resident in the state of Montana, ~~whether and~~
23 status as a citizen of the United States or as an alien, and other facts, data, or descriptions as may be
24 required by the department. An applicant for a resident license shall present a valid Montana driver's
25 license, Montana driver's examiner's identification card, or other identification specified by the department
26 to substantiate the required information. It is the applicant's burden to provide documentation establishing
27 the applicant's identity and qualifications to purchase a license. It is unlawful and a misdemeanor for a
28 license agent to sell a hunting, fishing, or trapping license to an applicant who fails to produce the required
29 identification at the time of application for licensure. Except as provided in subsections (2) through (4), the
30 statements made by the applicant must be subscribed to before the officer or agent issuing the license.

1 (2) Except as provided in subsection (3), department employees or officers may issue licenses by
2 mail. Statements on an application for a license to be issued by mail need not be subscribed to before the
3 employee or officer.

4 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the
5 director and shall submit at the time of application a notarized affidavit that attests to fulfillment of the
6 requirements of 87-2-102(7). The director shall process the application in an expedient manner.

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

10 (5) A license is void unless subscribed to by the licensee and by an employee or officer of the
11 department or by a license agent or an authorized representative of the license agent.

12 (6) It is unlawful to subscribe to any statement, on ~~any~~ an application or license, that is materially
13 false. Any material false statement contained in an application renders the license issued pursuant to it void.
14 A person violating any provision of this subsection is guilty of a misdemeanor.

15 (7) (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of
16 affirming to a false statement to obtain a resident license shall be:

17 (i) fined not less than the greater of \$100 or twice the cost of the nonresident license that
18 authorized the sought-after privilege or more than \$1,000;

19 (ii) imprisoned in the county jail for not more than 6 months; or

20 (iii) both fined and imprisoned.

21 (b) In addition to the penalties specified in subsection (7)(a), upon conviction or forfeiture of bond
22 or bail, the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt,
23 fish, and trap in Montana for not less than 18 months.

24 (8) It is unlawful and a misdemeanor for a person to purposely or knowingly assist an unqualified
25 applicant in obtaining a resident license in violation of this section."
26

27 **Section 4.** Section 87-2-202, MCA, is amended to read:

28 **"87-2-202. Application -- stamp attachment -- fee -- expiration.** (1) A wildlife conservation license
29 must be sold upon written application. The application must contain the applicant's name, age, occupation,
30 ~~place of~~ street address of permanent residence, ~~post-office~~ mailing address, ~~and the~~ qualifying length of

1 time as a resident in the state of Montana, ~~state whether the applicant is~~ and status as a citizen of the
 2 United States or as an alien; and must be subscribed signed by the applicant. The applicant shall present
 3 a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification
 4 specified by the department to substantiate the required information when applying for a wildlife
 5 conservation license. It is the applicant's burden to provide documentation establishing the applicant's
 6 identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for
 7 a license agent to sell a wildlife conservation license to an applicant who fails to produce the required
 8 identification at the time of application for licensure.

9 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department ~~in the form~~
 10 ~~of tags or stamps issued to a holder of a wildlife conservation license~~ must be ~~affixed to or~~ recorded on the
 11 ~~wildlife conservation license~~ according to rules that the department may prescribe.

12 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

13 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$5.

14 (4) Licenses issued are void after the last day of February next succeeding their issuance."
 15

16 **Section 5.** Section 87-2-411, MCA, is amended to read:

17 "**87-2-411. Stamp License required to hunt migratory game birds.** It is unlawful for any person
 18 15 years of age or older to hunt migratory game birds without first having obtained a valid migratory bird
 19 stamp license from the department. The fee for the stamp license is \$5."
 20

21 **Section 6.** Section 87-2-412, MCA, is amended to read:

22 "**87-2-412. Procurement and sale of artwork for migratory bird stamp -- disposition of proceeds.**

23 (1) The department shall contract with an art publisher for the selection, by contest or other method, of
 24 a design for the annual migratory bird stamp ~~required by 87-2-411~~ and for the production of the stamp and
 25 related artwork. The contract must provide that only designs submitted by Montana artists may be selected.
 26 The department shall provide for the sale of stamps exclusively by the department or its license agents, but
 27 may make other arrangements for the sale of related artwork that it determines appropriate. The
 28 procurement and sale of the stamps and artwork are exempt from the provisions of Title 18, chapter 4, part
 29 3.

30 (2) Money received from the sale of stamps and related artwork must be deposited in the state

1 special revenue fund for the use of the department and may be expended only for the protection,
 2 conservation, and development of wetlands in Montana."
 3

4 **Section 7.** Section 87-2-711, MCA, is amended to read:

5 **"87-2-711. Class AAA--combination sports license.** (1) A resident, as defined by 87-2-102, who
 6 will be 12 years of age or older ~~prior to~~ before September 15 of the season for which the license is issued
 7 is entitled to:

8 (a) upon payment of the sum of \$54, a combination sports license that permits the holder to
 9 exercise all rights granted to holders of Class A, A-1, A-3, A-5, and resident conservation licenses as
 10 prescribed in 87-2-202; or

11 (b) upon payment of the sum of \$64, a combination sports license that permits the holder to
 12 exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6
 13 license.

14 (2) The department ~~shall~~ may furnish each holder of a combination sports license an appropriate
 15 decal."
 16

17 **Section 8.** Section 87-2-902, MCA, is amended to read:

18 **"87-2-902. Bond or security of agent and preferred claim of state for license money.** (1) An
 19 appointed license agent shall furnish a corporate surety bond or other security ~~as~~ if required by department
 20 rule. The bond ~~shall secure~~ secures the faithful performance of the duties imposed on the license agent and
 21 the accounting for and payment to the state of all money received from the sale of hunting and fishing
 22 licenses and any permits or certificates prescribed by the department. The license agent shall properly
 23 account for all unsold licenses, permits, and certificates annually on ~~April~~ March 1 or at any other time at
 24 the request of the director.

25 (2) All money received for the sale of licenses, permits, and certificates ~~at all times~~ belongs to the
 26 state. In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state has a
 27 preferred claim against the assets and estate of a license agent for all money owed the state."
 28

29 **Section 9.** Section 87-2-903, MCA, is amended to read:

30 **"87-2-903. Compensation, fees, and duties of agents -- penalty for late submission of license**

1 money. (1) License agents, except salaried employees of the department, must receive for all services
 2 rendered ~~the sum~~ a commission of 50 cents for each license, permit, or certificate issued transaction. Each
 3 license agent shall submit to the department all duplicates of each class of licenses sold and shall
 4 accompany the duplicate licenses with all money received for the sale of the licenses, less the appropriate
 5 fee.

6 ~~(2) The department may charge license agents a license agent administration fee of not more than~~
 7 ~~7 cents for each transaction.~~

8 ~~(3)(2) Each license agent shall submit to the department all administration fees and the money~~
 9 ~~received from the sale of licenses, less the appropriate commission.~~

10 ~~(4)(3) Each license agent shall submit to the department copies of each license sold.~~

11 ~~(5)(4) The department may charge license agents appointed after March 1, 1998, an electronic~~
 12 ~~license system installation fee not to exceed actual costs.~~

13 ~~(6)(5) The department may designate classes of license agents and may establish a deadline for~~
 14 ~~submission of license money by each class of agent. Each license agent shall keep the license account open~~
 15 ~~at all reasonable hours to inspection by the department, the director, the wardens, or the legislative auditor.~~

16 ~~(2)(7)(6) For purposes of this section, the term "license" "transaction" includes the sale of any~~
 17 ~~license, permit, and or certificate prescribed by the department.~~

18 ~~(3)(9)(7) If a license agent fails to submit to the department all money received from the declared~~
 19 ~~sale of licenses, less the appropriate fee, by the deadline established by the department, an interest charge~~
 20 ~~equal to the rate charged on late corporation license tax payments under 15-31-510(2) must be assessed.~~
 21 ~~Acceptance of late payments with interest does not preclude the department from summarily revoking the~~
 22 ~~appointment of a license agent under 87-2-904.~~

23 ~~(9)(8) The department may adopt rules necessary to implement this section."~~

24
 25 **Section 10.** Section 87-2-1001, MCA, is amended to read:

26 **"87-2-1001. Reciprocal fishing privileges of licensees of bordering states.** (1) Any person who is
 27 properly licensed to fish in a state ~~which~~ that borders ~~the state of~~ Montana and who complies with Montana
 28 fish and game laws and regulations may fish in any part of a lake, reservoir, pond, or body of water in
 29 Montana that lies within or partly within 10 miles of the boundaries of ~~this state~~ Montana when ~~such~~ the
 30 water is declared to be open to fishing by the department; ~~provided, however, that such~~ if the bordering

1 state grants the same or similar privileges in any ~~such~~ body or bodies of water or in all lakes, reservoirs,
2 ponds, or bodies of water similarly defined within its boundaries to holders of valid Montana fishing
3 licenses, and ~~provided further that such~~ if the bordering state enters into a reciprocal agreement with
4 Montana setting forth terms as provided by this part.

5 (2) The department is authorized to enter into reciprocal agreements with corresponding state
6 officials of adjoining states for purposes of providing ~~such~~ reciprocal fishing privileges upon any body or
7 bodies of water as described ~~above~~ in subsection (1). ~~Such A reciprocal agreements agreement~~ may include
8 provisions by which each state shall honor the license of the other state only when ~~there is affixed to such~~
9 a valid reciprocal license ~~a stamp is~~ purchased from the honoring state, the charge for ~~such stamp~~ the
10 reciprocal license being set by mutual agreement of the states."

11

12 NEW SECTION. Section 11. Effective date. [This act] is effective March 1, 1998.

13

-END-