

## 1 HOUSE BILL NO. 353

2 INTRODUCED BY S. GUNDERSON

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ISSUANCE OF REPLACEMENT HUNTING  
 5 LICENSES, PERMITS, AND TAGS FOR HARVESTED GAME ANIMALS DETERMINED TO BE UNFIT FOR  
 6 HUMAN CONSUMPTION; AMENDING SECTIONS 87-2-104 AND 87-6-304, MCA; AND PROVIDING AN  
 7 IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 87-2-104, MCA, is amended to read:

12 **"87-2-104. Number of licenses, permits, or tags allowed -- fees.** (1) The department may prescribe  
 13 rules and regulations for the issuance or sale of a replacement license, permit, or tag if the original license,  
 14 permit, or tag is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

15 (2) The department shall issue a replacement license, permit, or tag to a person who lawfully  
 16 harvested a game animal, but the meat of the animal was determined by the department to be unfit for human  
 17 consumption. To obtain a replacement license, permit, or tag pursuant to this subsection, the person:

18 (a) shall surrender the carcass and horns, if applicable, of the harvested animal determined to be unfit  
 19 for human consumption; and

20 (b) may choose to be issued the replacement for the same license year or the next license year.

21 ~~(2)~~(3) When authorized by the commission for game management purposes, the department may:

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

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

27 (c) issue one or more Class A-9 resident antlerless elk B tag licenses or Class B-12 nonresident  
 28 antlerless elk B tag licenses to an applicant. Unless otherwise reduced pursuant to subsection ~~(4)~~(5), the fee

1 for a Class B-12 license is \$270.

2 ~~(3)~~(4) For all of the game management licenses issued under subsection ~~(2)~~(3), the commission shall  
3 determine the hunting districts or portions of hunting districts for which the licenses are to be issued, the  
4 number of licenses to be issued, and all terms and conditions for the use of the licenses.

5 ~~(4)~~(5) The fee for a resident or nonresident license of any class issued under subsection ~~(2)~~(3) may  
6 be reduced annually by the department."

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

9 **"87-6-304. License, permit, or tag offenses.** (1) A person may not apply for, purchase, or possess  
10 more than one license, permit, or tag of any one class or more than one special license for any one species  
11 listed in 87-2-701. This provision does not apply to Class B-4, Class B-5, or Class E-2 licenses or to licenses  
12 issued under 87-2-104~~(2)~~(3) for game management purposes. However, when more than one license, permit,  
13 or tag is authorized by the commission, a person may not apply for, purchase, or possess more licenses,  
14 permits, or tags than are authorized.

15 (2) The holder of a replacement license, permit, or tag may not make the replacement license, permit,  
16 or tag available for use by another person.

17 (3) Except as provided in 87-6-305(2), a person to whom a license or permit has been issued may not  
18 fish, hunt for any game bird or game animal, or attempt to hunt for any fur-bearing animal in this state unless  
19 the person is carrying the required license or permit at the time.

20 (4) A person may not refuse to exhibit a license or permit and the identification used in purchasing a  
21 license or permit for inspection to a warden or other officer requesting to see it.

22 (5) A person may not at any time alter or change a license in any material manner or loan or transfer  
23 any license to another person. A person other than the person to whom a license is issued may not use the  
24 license. A person may not attach the person's license to a game animal killed by another person.

25 (6) A person convicted of a violation of this section shall be fined not less than \$50 or more than  
26 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, except  
27 as provided in subsection (7), the person, upon conviction or forfeiture of bond or bail, may be subject to  
28 forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or

1 trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set  
2 by the court.

3 (7) A person convicted under subsection (1), (2), or (5) of unlawfully procuring, possessing, using, or  
4 transferring a replacement license, permit, or tag shall forfeit any current hunting, fishing, or trapping license  
5 issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction  
6 or forfeiture of bond or bail unless a court imposes a longer period. For each subsequent violation, the person  
7 shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or  
8 trap in this state for the same period of time imposed by the court for the person's previous violation plus an  
9 additional 24 months."

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11 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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