

1 SENATE BILL NO. 238
2 INTRODUCED BY J. ELLIS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE SUPPORTING BOWHUNTERS WITH
5 DISABILITIES PROGRAM; PROVIDING FOR AN OPTIONAL DONATION ON CERTAIN HUNTING
6 LICENSES; ESTABLISHING THE SUPPORTING BOWHUNTERS WITH DISABILITIES ACCOUNT;
7 PROVIDING FOR DONATIONS TO BE DEPOSITED INTO THE ACCOUNT; PROVIDING RULEMAKING
8 AUTHORITY; AMENDING SECTIONS 87-1-601 AND 87-2-903, MCA; AND PROVIDING AN EFFECTIVE
9 DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 NEW SECTION. **Section 1. Supporting bowhunters with disabilities program -- findings --**

14 **optional donation -- rulemaking.** (1) The legislature finds that:

15 (a) archery hunting is an important part of Montana's harvest heritage that should be accessible to
16 as many individuals as possible;

17 (b) some hunters require expensive modified archery equipment specifically designed to
18 accommodate their disability;

19 (c) charitable and nonprofit organizations assist in defraying the costs of modified archery
20 equipment for some hunters;

21 (d) donations can help organizations provide more modified archery equipment to more hunters
22 with disabilities; and

23 (e) hunters should have the option of donating \$1 or more above the purchase price of certain
24 licenses to assist organizations in being able to provide modified archery equipment to greater numbers of
25 hunters with disabilities.

26 (2) A person who applies for or purchases a hunting license may donate \$1 or more in addition to
27 the price of the license to the supporting bowhunters with disabilities program.

28 (3) The department shall deposit donations received pursuant to this section into the supporting

1 bowhunters with disabilities account established in [section 2].

2 (4) The department shall adopt rules to implement the provisions of this section, including:

3 (a) providing the forms or mechanisms necessary for the supporting bowhunters with disabilities
4 donation option;

5 (b) regulating the payment of funds from the supporting bowhunters with disabilities account to a
6 nonprofit organization exempt from taxation under 26 U.S.C. 501(c)(3) to acquire modified archery equipment
7 for hunters who have a permit to modify archery equipment; and

8 (c) establishing guidelines for the donation of modified archery equipment purchased with funds
9 from the supporting bowhunters with disabilities account to Montana hunters who have a permit to modify
10 archery equipment.

11

12 **NEW SECTION. Section 2. Supporting bowhunters with disabilities account.** (1) There is a
13 supporting bowhunters with disabilities account in the state special revenue fund established by 17-2-102.
14 Funds deposited into this account must be used by the department for the purposes of [section 1].

15 (2) The following money must be deposited into the account:

16 (a) donations received pursuant to [section 1];

17 (b) interest earned on the account; and

18 (c) money received by the department in the form of gifts or grants or from any source intended to
19 be used for the purposes of [section 1].

20 (3) Any money in the account that is unspent or unencumbered at the end of a fiscal year must
21 remain in the account.

22

23 **Section 3.** Section 87-1-601, MCA, is amended to read:

24 **"87-1-601. Use of fish and game money.** (1) (a) Except as provided in 87-1-290, 87-1-293, 87-1-
25 623, [section 1], and subsections (8) and (10) of this section, all money collected or received from the sale of
26 hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for
27 violations of the fish and game laws of this state, or from appropriations or received by the department from any
28 other state source must be turned over to the department of revenue and placed in the state special revenue

1 fund to the credit of the department.

2 (b) Any money received from federal sources must be deposited in the federal special revenue
3 fund to the credit of the department.

4 (c) All interest earned on money from the following sources must be placed in the state special
5 revenue fund to the credit of the department:

6 (i) the general license account;

7 (ii) the license drawing account;

8 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,
9 87-2-722, and 87-2-724; and

10 (iv) money received from the sale of any other hunting and fishing license.

11 (2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set
12 apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures
13 authorized to be made by the department under the terms of this title. The money described in subsection (1)
14 must be spent for those purposes by the department, subject to appropriation by the legislature.

15 (3) Any reference to the fish and game fund in Title 87 means fish and game money in the state
16 special revenue fund and the federal special revenue fund.

17 (4) Except as provided in subsections (8) and (9), all money collected or received from fines and
18 forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish
19 and game laws under Title 87 must be deposited by the department of revenue and credited to the department
20 in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of
21 the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any
22 case in which the fine is not imposed in addition to the costs of prosecution.

23 (5) (a) Except as provided in 87-1-621, section 2(3), Chapter 560, Laws of 2005, and subsection
24 (6) of this section, money must be deposited in an account in the permanent fund if it is received by the
25 department from:

26 (i) the sale of surplus real property;

27 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the
28 department, except royalties or other compensation based on production; and

1 (iii) leases of interests in department real property not contemplated at the time of acquisition.

2 (b) The interest derived from the account, but not the principal, may be used only for the purpose
3 of operation, development, and maintenance of real property of the department and only upon appropriation by
4 the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws
5 or state statutes specifically naming the department or money received by the department, then the use of this
6 money must be limited in the manner, method, and amount to those uses that do not result in a violation.

7 (6) Money received from the sale or lease of lands acquired and managed for the purposes of Title
8 23, chapter 1, must be deposited in the state special revenue fund in the account established for miscellaneous
9 funds received for state parks and may be used only for the purposes of Title 23, chapter 1.

10 (7) Money received from the collection of license drawing applications is subject to the deposit
11 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit
12 schedule pursuant to 17-6-105(8).

13 (8) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-
14 806, or rules adopted under 77-1-804 must be deposited in the state general fund.

15 (9) The department of revenue shall deposit in the state general fund one-half of the money
16 received from the fines imposed pursuant to Title 87, chapter 6.

17 (10) The department shall deposit all money received from the voluntary search and rescue
18 donation in 87-2-202 in a state special revenue account to the credit of the department for search and rescue
19 purposes as provided for in 10-3-801."

20

21 **Section 4.** Section 87-2-903, MCA, is amended to read:

22 **"87-2-903. Compensation, fees, and duties of agents -- penalty for late submission of license**
23 **money.** (1) License agents, except salaried employees of the department, must receive for all services
24 rendered a commission of 50 cents for each transaction, plus any additional amount as determined under
25 subsection (9) and by rules adopted pursuant to subsection (10).

26 (2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction
27 if a purchase is made with a credit card or a debit card. A financial institution or credit card company may not
28 prohibit collection of the convenience fee provided for in this subsection.

1 (3) Each license agent shall submit to the department the money received from the sale of licenses
2 and aquatic invasive species prevention passes and from donations received pursuant to [76-17-102,] 81-7-
3 123, ~~and 87-1-293,~~ and [section 1] less the appropriate commission and convenience fee.

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

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

7 (6) The department may designate classes of license agents and may establish a protocol for each
8 class of agent. Each license agent shall keep the license account open at all reasonable hours to inspection by
9 the department, the director, the wardens, or the legislative auditor.

10 (7) For purposes of this section, the term "transaction" includes the sale of any license or permit,
11 collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not
12 include donations collected pursuant to [76-17-102,] 81-7-123, ~~and 87-1-293,~~ and [section 1] or the sale of
13 aquatic invasive species prevention passes pursuant to 23-2-541 or 87-2-130.

14 (8) If a license agent fails to submit to the department all money received from the declared sale of
15 licenses and aquatic invasive species prevention passes and from donations received pursuant to [76-17-102,]
16 81-7-123, ~~and 87-1-293,~~ and [section 1] less the appropriate commission and convenience fee, by the deadline
17 established by the department, an interest charge equal to the rate charged under 15-1-216 may 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) A license agent, except for an electronic service provider, must receive a commission of 50
21 cents for each ticket the agent processes for a hunting license lottery held pursuant to 87-1-271.

22 (10) The department may adopt rules necessary to implement this section. (Bracketed language
23 terminates June 30, 2027--sec. 10, Ch. 374, L. 2017.)"

24

25 **NEW SECTION. Section 5. Codification instruction.** (1) [Section 1] is intended to be codified as an
26 integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 1].

27 (2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 1, part 6, and the
28 provisions of Title 87, chapter 1, part 6, apply to [section 2].

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2 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2025.

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