

HOUSE BILL NO. 387

INTRODUCED BY K. FLYNN, GREEF, KNUDSEN, WELBORN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE ISSUANCE OF CERTAIN
5 NONRESIDENT BIG GAME HUNTING LICENSES ~~AND PERMITS~~; ESTABLISHING A PREFERENCE POINT
6 SYSTEM FOR CLASS B-10 NONRESIDENT BIG GAME COMBINATION LICENSES; AND CLASS B-11
7 NONRESIDENT DEER COMBINATION LICENSES, ~~AND SPECIAL ELK AND DEER PERMITS~~; ESTABLISHING
8 AN EARLY BIRD APPLICATION PROCESS FOR CLASS B-10 AND CLASS B-11 LICENSES; AMENDING
9 SECTIONS 87-1-290, 87-1-301, 87-2-113, 87-2-505, ~~87-2-506~~; 87-2-510, AND 87-2-511, MCA; AND
10 PROVIDING ~~A DELAYED~~ AN EFFECTIVE DATE."

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

13
14 **Section 1.** Section 87-1-290, MCA, is amended to read:
15 **"87-1-290. (Effective March 1, 2011) Hunting access account.** (1) There is a hunting access account
16 in the state special revenue fund. Funds deposited in this account may be used only for the purpose of funding
17 any hunting access program established by law or by the department through administrative rule.
18 (2) The following funds must be deposited in the account:
19 (a) 25% of the fee for Class B-10 nonresident big game combination licenses pursuant to 87-2-505~~(1)(c)~~
20 and 25% of the fee for Class B-11 nonresident deer combination licenses pursuant to 87-2-510~~(1)(b)~~;
21 (b) 25% of the fee for hunting licenses issued to nonresident children of a resident pursuant to 87-2-514;
22 ~~and~~
23 (c) the hunting access enhancement fees assessed pursuant to 87-2-202(3)(c) and (3)(d); and
24 (d) the application fee collected pursuant to [section 9 8].
25 (3) Any interest or income earned on the account must be deposited in the account."

26
27 **Section 2.** Section 87-1-301, MCA, is amended to read:
28 **"87-1-301. Powers of commission.** (1) The commission:
29 (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife,
30 fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment

- 1 of all other responsibilities of the department as provided by law;
- 2 (b) shall establish the hunting, fishing, and trapping rules of the department;
- 3 (c) shall establish the rules of the department governing the use of lands owned or controlled by the
4 department and waters under the jurisdiction of the department;
- 5 (d) must have the power within the department to establish wildlife refuges and bird and game preserves;
- 6 (e) shall approve all acquisitions or transfers by the department of interests in land or water, except as
7 provided in 87-1-209(4);
- 8 (f) shall review and approve the budget of the department prior to its transmittal to the budget office;
- 9 (g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but
10 less than \$5,000; and
- 11 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided
12 in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as
13 provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider
14 landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular
15 hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal
16 opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting
17 district where a restriction on elk hunting on public property is proposed.
- 18 (2) The commission may adopt rules regarding the use and type of archery equipment that may be
19 employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in
20 archery equipment change.
- 21 (3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons,
22 conditions, programs, or other provisions that the commission considers appropriate to promote or enhance
23 hunting by Montana's youth and persons with disabilities.
- 24 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:
- 25 (i) separate deer licenses from nonresident elk combination licenses;
- 26 (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the
27 deer tag;
- 28 (iii) condition the use of the deer licenses; and
- 29 (iv) limit the number of licenses sold.
- 30 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and

1 appropriate to regulate the harvest by nonresident big game combination license holders:

2 (i) for the biologically sound management of big game populations of elk, deer, and antelope;

3 (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

4 (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321
5 through 87-1-325.

6 (5) ~~The Subject to the provisions of [section 8 7], the~~ commission may adopt rules establishing license
7 preference systems to distribute hunting licenses and permits:

8 (a) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant
9 who has been unsuccessful for a shorter period of time; and

10 (b) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(b), "qualifying
11 landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by
12 the commission.

13 (6) (a) The commission may adopt rules to:

14 (i) limit the number of nonresident mountain lion hunters in designated hunting districts; and

15 (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting
16 districts.

17 (b) The commission shall consider, but is not limited to consideration of, the following factors:

18 (i) harvest of lions by resident and nonresident hunters;

19 (ii) history of quota overruns;

20 (iii) composition, including age and sex, of the lion harvest;

21 (iv) historical outfitter use;

22 (v) conflicts among hunter groups;

23 (vi) availability of public and private lands; and

24 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters."
25

26 **Section 3.** Section 87-2-113, MCA, is amended to read:

27 **"87-2-113. Drawing and application fees.** (1) When the department determines a drawing is necessary
28 prior to issuance of hunting licenses for any game species during a hunting season, it shall collect a \$5 per
29 species drawing fee with each application submitted.

30 (2) (a) If a resident participates in a preference system adopted by the commission, the department shall

1 collect an additional application fee of \$2 for each application form to fund the administration of the preference
2 system.

3 (b) ~~¶ Except as provided in [section 8 7], if~~ a nonresident participates in a preference system adopted
4 by the commission, the department shall collect an additional application fee of \$20 for each application form to
5 fund the administration of the preference system.

6 (3) Drawing fees collected pursuant to this section must be deposited in the state special revenue fund
7 to the credit of the department as set forth in 87-1-601.

8 (4) The payment of a drawing fee confers no hunting rights or privileges.

9 (5) The commission may waive the provisions of subsection (1) when a drawing is required for a special
10 season under 87-1-304."

11

12 **Section 4.** Section 87-2-505, MCA, is amended to read:

13 ~~"87-2-505. (Temporary) Class B-10--nonresident big game combination license. (1) Except as~~
14 ~~otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years~~
15 ~~of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon~~
16 ~~payment of the fee of \$628 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) or upon~~
17 ~~payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to~~
18 ~~87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the~~
19 ~~limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena,~~
20 ~~Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years~~
21 ~~of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license~~
22 ~~includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class~~
23 ~~B-10 licenses may be sold in any 1 license year.~~

24 ~~—— (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big~~
25 ~~game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk~~
26 ~~permits established by the commission.~~

27 **87-2-505. (Effective March 1, 2011) Class B-10--nonresident big game combination license. (1) (a)**
28 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is
29 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued
30 may, upon payment of the fee of \$897 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d)

1 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks
 2 office, Helena, Montana, to purchase a B-10 nonresident big game combination license pursuant to subsection
 3 (2) that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7
 4 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202.

5 ~~(b)~~(2) Not more than 17,000 Class B-10 licenses may be sold in any 1 license year. Of those:

6 (a) 60% must be issued pursuant to [section 8 7]; and

7 (b) 40% must be issued pursuant to [section 9 8].

8 ~~(c)~~(3) Of the fee paid for the purchase of a Class B-10 nonresident big game combination license
 9 pursuant to subsection (1)~~(a)~~, 25% must be deposited in the account established in 87-1-290.

10 ~~(d)~~(4) The cost of the Class B-10 nonresident big game combination license must be adjusted annually
 11 based on any change to the consumer price index from the previous year. The consumer price index to be used
 12 for calculations is the consumer price index for all urban consumers (CPI-U).

13 ~~(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big
 14 game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk
 15 permits established by the commission.~~

16 (5) A PERSON WHO IS NOT A RESIDENT, AS DEFINED IN 87-2-102, WHO IS UNSUCCESSFUL IN THE CLASS B-10
 17 BIG GAME COMBINATION LICENSE DRAWING MAY PAY A FEE OF \$25 TO PARTICIPATE IN A PREFERENCE SYSTEM FOR DEER
 18 AND ELK PERMITS ESTABLISHED BY THE COMMISSION."

19
 20 ~~Section 5.~~ Section 87-2-506, MCA, is amended to read:

21 ~~"87-2-506. Restrictions on hunting licenses. (1) The department may prescribe by rule the number
 22 of hunting licenses to be issued. Any license sold may be restricted to a specific administrative region, hunting
 23 district, or other designated area and may specify the species, age, and sex to be taken and the time period for
 24 which the license is valid.~~

25 ~~(2) When Except as provided in [section 8], when the number of valid resident applications for big game
 26 licenses or permits of a single class or type exceeds the number of licenses or permits the department desires
 27 to issue in an administrative region, hunting district, or other designated area, then the number of big game
 28 licenses or permits issued to nonresident license or permit holders in the region, district, or area may not exceed
 29 40% of the total issued.~~

30 ~~(3) Disabled veterans who meet the qualifying criteria provided in 87-2-803(5) must be provided a total~~

1 of 50 Class A-3 deer A tags, 50 Class A-4 deer B tags, 50 Class B-7 deer A tags, 50 Class B-8 deer B tags, and
 2 50 special antelope licenses annually, which may be used within the administrative region, hunting district, or
 3 other designated area of the disabled veteran's choice, except in a region, district, or area where the number of
 4 licenses are less than the number of applicants, in which case qualifying disabled veterans are eligible for no
 5 more than 10% of the total licenses for that region, district, or area."

6

7 **Section 5.** Section 87-2-510, MCA, is amended to read:

8 **"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as otherwise
 9 provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or
 10 older or who will turn 12 years old before or during the season for which the license is issued may, upon payment
 11 of a fee of \$328 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), upon payment of the
 12 fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants
 13 indicating their intent to use the services of a licensed outfitter or upon payment of the fee of \$328 plus the
 14 nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant
 15 to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor
 16 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks
 17 office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder
 18 who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license
 19 includes the nonresident wildlife conservation license as prescribed in 87-2-202.

20 ——— (2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year.

21 ——— (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer
 22 combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits
 23 established by the commission.

24 **87-2-510. (Effective March 1, 2011) Class B-11--nonresident deer combination license.** (1) (a)
 25 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is
 26 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued
 27 may, upon payment of a fee of \$527 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) and
 28 subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office,
 29 Helena, Montana, to purchase a Class B-11 nonresident deer combination license pursuant to subsection (2) that
 30 entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7

1 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

2 (2) Not more than 4,600 unreserved Class B-11 licenses may be sold in any 1 license year. Of those:

3 (a) 60% must be issued pursuant to [section 8 7]; and

4 (b) 40% must be issued pursuant to [section 9 8].

5 ~~(b)(3)~~ Of the fee paid for the purchase of a Class B-11 nonresident deer combination license pursuant
6 to subsection (1)~~(a)~~, 25% must be deposited in the account established in 87-1-290.

7 ~~(c)(4)~~ The cost of the Class B-11 nonresident deer combination license must be adjusted annually based
8 on any change to the consumer price index from the previous year. The consumer price index to be used for
9 calculations is the consumer price index for all urban consumers (CPI-U).

10 ~~(2) Not more than 4,600 unreserved Class B-11 licenses may be sold in any 1 license year.~~

11 ~~———— (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer~~
12 ~~combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits~~
13 ~~established by the commission.~~

14 (5) A PERSON WHO IS NOT A RESIDENT, AS DEFINED IN 87-2-102, WHO IS UNSUCCESSFUL IN THE CLASS B-11
15 DEER COMBINATION LICENSE DRAWING MAY PAY A FEE OF \$25 TO PARTICIPATE IN A PREFERENCE SYSTEM FOR DEER AND
16 ELK PERMITS ESTABLISHED BY THE COMMISSION."

17

18 **Section 6.** Section 87-2-511, MCA, is amended to read:

19 **~~"87-2-511. (Temporary) Sale and use of Class B-10, Class B-11, and Class B-13 licenses.~~** (1) The
20 department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with a number of authorized
21 Class B-10 and Class B-11 licenses, as determined under 87-1-268, reserved for applicants using the services
22 of a licensed outfitter and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their
23 intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3):

24 ~~———— (2) Each application for a resident-sponsored license under subsection (1) must contain a written~~
25 ~~affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name~~
26 ~~of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied~~
27 ~~by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:~~

28 ~~———— (a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;~~

29 ~~———— (b) submit to the department, in a manner prescribed by the department, complete records of who hunted~~
30 ~~with the resident sponsor, where they hunted, and what game was taken; and~~

1 ~~_____ (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for~~
2 ~~providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and~~
3 ~~this title.~~

4 ~~_____ (3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the~~
5 ~~sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor.~~
6 ~~If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one~~
7 ~~applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses~~
8 ~~remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the~~
9 ~~second applicant sponsored by each resident landowner. The department shall conduct a drawing for any~~
10 ~~remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1)~~
11 ~~to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall~~
12 ~~conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may~~
13 ~~submit no more than 15 certificates of sponsorship in any license year.~~

14 ~~_____ (4) Each application for an outfitter-sponsored license under subsection (1) must contain a written~~
15 ~~affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game hunted by the~~
16 ~~applicant under the license and must indicate the name of the licensed outfitter with whom the applicant will hunt.~~
17 ~~In addition, the application must be accompanied by a certificate that is signed by a licensed outfitter and that~~
18 ~~affirms that the outfitter will:~~

19 ~~_____ (a) accompany the applicant;~~

20 ~~_____ (b) provide guiding services for the species hunted by the applicant;~~

21 ~~_____ (c) direct the applicant's hunting for all big game hunted by the applicant under the license and advise~~
22 ~~the applicant of game and trespass laws of the state;~~

23 ~~_____ (d) submit to the department, in a manner prescribed by the department, complete records of who hunted~~
24 ~~with the outfitter, where they hunted, and what game was taken; and~~

25 ~~_____ (e) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for~~
26 ~~providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and~~
27 ~~this title.~~

28 ~~_____ (5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with the~~
29 ~~affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter is unavailable~~
30 ~~or if the applicant wishes to use the services of separate outfitters for hunting different species of game, an~~

1 outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance with the affirmations
 2 under subsection (4), upon advance written notification to the board by the sponsoring licensed outfitter or the
 3 substitute outfitter.

4 ~~———(6) A nonresident who hunts under the authority of a resident landowner-sponsored license shall conduct
 5 all deer hunting on the deeded lands of the sponsoring landowner.~~

6 ~~———(7) Any permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license through an
 7 outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.~~

8 ~~———(8) The department shall make the reserved outfitter-sponsored Class B-10 and Class B-11 licenses that
 9 remain unsold available as provided in 87-1-268.~~

10 ~~———(9) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued
 11 by a drawing among all applicants for the respective unreserved licenses.~~

12 ~~———(10) The department shall offer the Class B-13 nonresident youth big game combination license for sale
 13 on March 1. An applicant shall provide the name and automated licensing system number of the adult immediate
 14 family member who will accompany the youth. The adult sponsor must possess either a valid Class B-10 or Class
 15 B-11 license or a valid resident deer or elk tag at the time of application.~~

16 **87-2-511. (Effective March 1, 2011) Sale and use of Class B-10, Class B-11, and Class B-13**
 17 **licenses.** (1) ~~The~~ Except as provided in [section 9 8], the department shall offer the Class B-10 and Class B-11
 18 licenses for sale on March 15, with 2,000 of the authorized Class B-11 licenses reserved for applicants indicating
 19 their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and
 20 (3).

21 (2) Each application for a resident-sponsored license under subsection (1) must contain a written
 22 affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name
 23 of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied
 24 by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:

25 (a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

26 (b) submit to the department, in a manner prescribed by the department, complete records of who hunted
 27 with the resident sponsor, where they hunted, and what game was taken; and

28 (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for
 29 providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and
 30 this title.

1 (3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the
 2 sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor.
 3 If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one
 4 applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses
 5 remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the
 6 second applicant sponsored by each resident landowner. The department shall conduct a drawing for any
 7 remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1)
 8 to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall
 9 conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may
 10 submit no more than 15 certificates of sponsorship in any license year.

11 (4) A nonresident who hunts under the authority of a resident landowner-sponsored license shall conduct
 12 all deer hunting on the deeded lands of the sponsoring landowner.

13 (5) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued
 14 by a drawing among all applicants for the respective unreserved licenses pursuant to 87-2-505(2) or 87-2-510(2).

15 (6) The department shall offer the Class B-13 nonresident youth big game combination license for sale
 16 on March 1. An applicant shall provide the name and automated licensing system number of the adult immediate
 17 family member who will accompany the youth. The adult sponsor must possess either a valid Class B-10 or Class
 18 B-11 license or a valid resident deer or elk tag at the time of application."

19
 20 NEW SECTION. **Section 7. Nonresident elk and deer license and permit preference point system.**

21 (1) The department shall establish a preference point system to distribute Class B-10 nonresident big game
 22 combination licenses; AND Class B-11 nonresident deer combination licenses; ~~and any applicable elk or deer~~
 23 ~~permits of a single class or type.~~

24 (2) In addition to payment of any fees established in 87-2-113, 87-2-505, and 87-2-510, nonresidents
 25 applying to purchase a Class B-10 or Class B-11 license may purchase a preference point, upon payment of a
 26 nonrefundable \$50 fee, that gives an applicant who has more preference points priority to receive a Class B-10
 27 or Class B-11 license ~~and any applicable elk or deer permits~~ over an applicant who has purchased fewer
 28 preference points.

29 (3) An applicant may:

30 (a) purchase only one preference point per license year; and

1 (b) purchase a preference point without applying for a Class B-10 or Class B-11 license. An applicant
 2 not applying for a Class B-10 or Class B-11 license may purchase a preference point only between July 1 and
 3 September 30 prior to the applicable license year. The department shall delete an applicant's accumulated
 4 preference points if the applicant does not apply for a Class B-10 or Class B-11 license for 2 consecutive years.

5 (4) Except as provided in subsection (3)(b), the department may not delete an applicant's accumulated
 6 preference points unless the applicant is ~~successful in the applicant's first choice hunting district~~ OBTAINS THE
 7 LICENSE APPLIED FOR, in which case the department shall delete the applicant's accumulated preference points.

8 (5) The department shall issue 75% of the Class B-10 and Class B-11 licenses made available for
 9 purchase pursuant to 87-2-505(2) and 87-2-510(2) by drawings in which the licenses are awarded to applicants
 10 in the order of which applicants have purchased the greatest number of preference points. If the number of
 11 licenses to be issued under this subsection exceeds the number of applicants who have purchased preference
 12 points, the remaining licenses must be added to the licenses issued pursuant to subsection (6).

13 (6) The department shall issue 25% of the Class B-10 and Class B-11 licenses made available for
 14 purchase pursuant to 87-2-505(2) and 87-2-510(2) by drawings in which the licenses are awarded to applicants
 15 who have not purchased any preference points.

16 ~~———— (7) For the purposes of this section and to meet the intent of 87-2-506, the department may issue a~~
 17 ~~number of special elk or deer permits to nonresidents in an administrative region, hunting district, or other~~
 18 ~~designated area that is equivalent to 10% of the final quota of special permits set by the commission for the same~~
 19 ~~administrative region, hunting district, or other designated area in the previous license year.~~

20 ~~(8)(7)~~ The department shall conduct a drawing for the issuance of special elk or deer permits for all
 21 nonresident applicants at the same time, regardless of whether an applicant has obtained a Class B-10 or Class
 22 B-11 license pursuant to [section 9 8].

23 ~~(9)(8)~~ Up to ~~six~~ FIVE applicants may apply as a party under this section. The department shall use an
 24 average of the number of preference points accumulated by those applicants to determine their priority in
 25 receiving licenses issued pursuant to subsection (5). The department shall consider any fraction that results from
 26 the calculation of an average when determining that priority.

27
 28 NEW SECTION. Section 8. Nonresident Class B-10 and Class B-11 early bird application. (1) On
 29 September 1 prior to the applicable license year, the department shall make available on the internet applications
 30 for nonresidents who, pursuant to 87-2-505(2)(b) or 87-2-510(2)(b), choose to apply to purchase a Class B-10

1 nonresident big game combination license or Class B-11 nonresident deer combination license under this section.

2 (2) Nonresidents applying under this section:

3 (a) shall pay a \$300 application fee in addition to any other applicable fee required by 87-2-113,
4 87-2-505, and 87-2-510;

5 (b) shall apply by January 1;

6 (c) shall only apply on the internet as prescribed by the department; and

7 (d) may not apply for a Class B-10 or Class B-11 license issued pursuant to 87-2-505(2)(a) or
8 87-2-510(2)(a).

9 (3) The department shall issue the Class B-10 and Class B-11 licenses made available under
10 87-2-505(2)(b) and 87-2-510(2)(b) on January 15. If the department receives more applications than the number
11 of available licenses, the department shall conduct a drawing pursuant to [section 8 7]. Any licenses that remain
12 unsold must be included in the drawings conducted pursuant to 87-2-505(2)(a) or 87-2-510(2)(a).

13 (4) The department shall refund any fees collected, except a fee collected pursuant to [section 8(2)], to
14 applicants who are unsuccessful under this section.

15 (5) Revenue collected from the fee established in subsection (2)(a) must be deposited in the hunting
16 access account established in 87-1-290.

17 (6) Up to six applicants may apply as a party under this section.

18

19 **NEW SECTION. Section 9. Codification instruction.** [Sections 7 AND 8 and 9] are intended to be
20 codified as an integral part of Title 87, chapter 2, part 5, and the provisions of Title 87, chapter 2, part 5, apply
21 to [sections 7 AND 8 and 9].

22

23 **NEW SECTION. Section 10. Effective date.** [This act] is effective ~~March 1, 2012~~ JULY 1, 2011.

24

- END -