

HOUSE BILL NO. 537

INTRODUCED BY B. HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO NONRESIDENT HUNTING LICENSES; AUTHORIZING THE SALE OF OUTFITTER-SPONSORED LICENSES; REVISING FEES FOR CERTAIN NONRESIDENT HUNTING LICENSES AND REVISING THE DISPOSITION OF THOSE FEES; AMENDING SECTIONS 87-1-242, 87-1-266, 87-1-601, 87-2-202, 87-2-505, 87-2-510, 87-2-511, AND 87-2-512, MCA; REPEALING SECTION 87-1-290, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**Section 1.** Section 87-1-242, MCA, is amended to read:

**"87-1-242. (Temporary) Funding for wildlife habitat.** (1) The amount of money specified in this subsection from the sale of each hunting license or permit listed must be used exclusively by the commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature:

- (a) Class B-10, nonresident combination, \$77;
- (b) Nonresident antelope, \$20;
- (c) Nonresident moose, \$20;
- (d) Nonresident mountain goat, \$20;
- (e) Nonresident mountain sheep, \$20;
- (f) Class D-1, nonresident mountain lion, \$20;
- (g) Nonresident black bear, \$20;
- (h) Nonresident wild turkey, \$10;
- (i) Class AAA, combination sports, \$7;
- (j) Class B-11 nonresident deer combination, \$200.

(2) Twenty percent of any increase in the fee for the Class B-7 license or any license or permit listed in subsection (1), except outfitter-sponsored Class B-10 and Class B-11 licenses subject to variable pricing under 87-1-268, must be allocated for use as provided in subsection (1).

(3) Eighty percent of the money allocated by this section, together with the interest and income from the money, must be used to secure wildlife habitat pursuant to 87-1-209.

1 (4) Twenty percent of the money allocated by this section must be used as follows:

2 (a) up to 50% a year may be used for development and maintenance of real property used for wildlife  
3 habitat; and

4 (b) the remainder and any money not allocated for development and maintenance under subsection  
5 (4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for  
6 use in the manner prescribed for the development and maintenance of real property used for wildlife habitat.

7 **87-1-242. (Effective March 1, 2011) Funding for wildlife habitat.** (1) The amount of money specified  
8 in this subsection from the sale of each hunting license or permit listed must be used exclusively by the  
9 commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature:

10 (a) Class B-10, nonresident combination, \$77;

11 (b) Nonresident antelope, \$20;

12 (c) Nonresident moose, \$20;

13 (d) Nonresident mountain goat, \$20;

14 (e) Nonresident mountain sheep, \$20;

15 (f) Class D-1, nonresident mountain lion, \$20;

16 (g) Nonresident black bear, \$20;

17 (h) Nonresident wild turkey, \$10;

18 (i) Class AAA, combination sports, \$7;

19 (j) Class B-11 nonresident deer combination, \$200.

20 (2) Twenty percent of any increase in the fee for the Class B-7 license or any license or permit listed in  
21 subsection (1), except outfitter-sponsored Class B-10 and Class B-11 licenses subject to variable pricing under  
22 [section 9], must be allocated for use as provided in subsection (1).

23 (3) Eighty percent of the money allocated by this section, together with the interest and income from the  
24 money, must be used to secure wildlife habitat pursuant to 87-1-209.

25 (4) Twenty percent of the money allocated by this section must be used as follows:

26 (a) up to 50% a year may be used for development and maintenance of real property used for wildlife  
27 habitat; and

28 (b) the remainder and any money not allocated for development and maintenance under subsection  
29 (4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for  
30 use in the manner prescribed for the development and maintenance of real property used for wildlife habitat."

1  
2           **Section 2.** Section 87-1-266, MCA, is amended to read:  
3           **"87-1-266. (Temporary) Hunter management program -- benefits for providing hunting access --**  
4 **nonresident landowner limitation -- restriction on landowner liability.** (1) As provided in 87-1-265, the  
5 department may establish a voluntary hunter management program to provide tangible benefits to private  
6 landowners enrolled in the block management program who grant access to their land for public hunting. The  
7 decision to enroll a landowner in the hunter management program is the responsibility of the department. Benefits  
8 may be granted as provided in this section and by rule.

9           (2) As a benefit for enrolling property in the hunter management program, a resident landowner who  
10 becomes a cooperator in the program and who agrees to provide public hunting access may receive one Class  
11 AAA combination sports license, without charge, if the landowner is the owner of record. The license may be used  
12 for the full hunting or fishing season in any district where it is valid. The license may not be transferred by gift or  
13 sale.

14           (3) As a benefit for enrolling property in the hunter management program, a nonresident landowner who  
15 becomes a cooperator in the program and who agrees to provide public hunting access may receive one Class  
16 B-10 nonresident big game combination license, without charge, if the landowner is the owner of record. The  
17 license may be used for the full hunting or fishing season in any district where it is valid. The license may not be  
18 transferred by gift or sale. The grant of a license under this subsection also qualifies the licensee to apply for a  
19 permit through the normal drawing process. The grant of a license under this subsection does not affect the limits  
20 established under 87-1-268 and 87-2-505.

21           (4) (a) Instead of receiving the benefits provided in subsection (2) or (3), a landowner of record who  
22 becomes a cooperator in the hunter management program and who agrees to provide public hunting access may  
23 designate an immediate family member to receive a Class AAA combination sports license, without charge, if the  
24 family member is a resident or a Class B-10 nonresident big game combination license, without charge, if the  
25 family member is a nonresident. An employee rather than a family member may be designated to receive a  
26 license.

27           (b) For purposes of this subsection (4), an immediate family member means a parent, grandparent, child,  
28 or grandchild of the cooperator by blood or marriage, a spouse, a legally adopted child, a sibling of the  
29 cooperator or spouse, or a niece or nephew.

30           (c) For purposes of this subsection (4), the term "employee" means a person who works full time and

1 year-round for the landowner as part of an active farm or ranch operation.

2 (d) An immediate family member or employee who is designated to receive a license pursuant to this  
3 subsection (4) must be eligible for licensure under current Montana law and may not transfer the license by gift  
4 or sale.

5 (e) The grant of a Class B-10 nonresident big game combination license to an immediate family member  
6 or employee pursuant to this subsection (4) does not affect the limits established in 87-1-268 and 87-2-505.

7 (5) Any landowner who is enrolled in the block management program may receive the benefits provided  
8 under the hunter management program, as outlined in this section, and the benefits provided under the hunting  
9 access enhancement program, as outlined in 87-1-267.

10 (6) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies  
11 to a landowner who participates in the hunter management program.

12 **87-1-266. (Effective March 1, 2011) Hunter management program -- benefits for providing hunting**  
13 **access -- nonresident landowner limitation -- restriction on landowner liability.** (1) As provided in 87-1-265,  
14 the department may establish a voluntary hunter management program to provide tangible benefits to private  
15 landowners enrolled in the block management program who grant access to their land for public hunting. The  
16 decision to enroll a landowner in the hunter management program is the responsibility of the department. Benefits  
17 may be granted as provided in this section and by rule.

18 (2) As a benefit for enrolling property in the hunter management program, a resident landowner who  
19 becomes a cooperator in the program and who agrees to provide public hunting access may receive one Class  
20 AAA combination sports license, without charge, if the landowner is the owner of record. The license may be used  
21 for the full hunting or fishing season in any district where it is valid. The license may not be transferred by gift or  
22 sale.

23 (3) As a benefit for enrolling property in the hunter management program, a nonresident landowner who  
24 becomes a cooperator in the program and who agrees to provide public hunting access may receive one Class  
25 B-10 nonresident big game combination license, without charge, if the landowner is the owner of record. The  
26 license may be used for the full hunting or fishing season in any district where it is valid. The license may not be  
27 transferred by gift or sale. The grant of a license under this subsection also qualifies the licensee to apply for a  
28 permit through the normal drawing process. The grant of a license under this subsection does not affect the limits  
29 established under [section 9] and 87-2-505.

30 (4) (a) Instead of receiving the benefits provided in subsection (2) or (3), a landowner of record who

1 becomes a cooperator in the hunter management program and who agrees to provide public hunting access may  
2 designate an immediate family member to receive a Class AAA combination sports license, without charge, if the  
3 family member is a resident or a Class B-10 nonresident big game combination license, without charge, if the  
4 family member is a nonresident. An employee rather than a family member may be designated to receive a  
5 license.

6 (b) For purposes of this subsection (4), an immediate family member means a parent, grandparent, child,  
7 or grandchild of the cooperator by blood or marriage, a spouse, a legally adopted child, a sibling of the  
8 cooperator or spouse, or a niece or nephew.

9 (c) For purposes of this subsection (4), the term "employee" means a person who works full time and  
10 year-round for the landowner as part of an active farm or ranch operation.

11 (d) An immediate family member or employee who is designated to receive a license pursuant to this  
12 subsection (4) must be eligible for licensure under current Montana law and may not transfer the license by gift  
13 or sale.

14 (e) The grant of a Class B-10 nonresident big game combination license to an immediate family member  
15 or employee pursuant to this subsection (4) does not affect the limits established in [section 9] and 87-2-505.

16 (5) Any landowner who is enrolled in the block management program may receive the benefits provided  
17 under the hunter management program, as outlined in this section, and the benefits provided under the hunting  
18 access enhancement program, as outlined in 87-1-267.

19 (6) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies  
20 to a landowner who participates in the hunter management program."

21

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

23 **"87-1-601. (Temporary) Use of fish and game money.** (1) (a) Except as provided in subsections (7)  
24 and (9), all money collected or received from the sale of hunting and fishing licenses or permits, from the sale  
25 of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from  
26 appropriations or received by the department from any other state source must be turned over to the department  
27 of revenue and placed in the state special revenue fund to the credit of the department.

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

30 (c) All interest earned on money from the following sources must be placed in the state special revenue

1 fund to the credit of the department:

2 (i) the general license account;

3 (ii) the license drawing account;

4 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,  
5 87-2-722, and 87-2-724; and

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

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

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

13 (4) Except as provided in subsections (7) and (8), all money collected or received from fines and forfeited  
14 bonds, except money collected or received by a justice's court, that relates to violations of state fish and game  
15 laws under Title 87 must be deposited by the department of revenue and credited to the department in a state  
16 special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and  
17 game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the  
18 fine is not imposed in addition to the costs of prosecution.

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

21 (i) the sale of surplus real property;

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

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

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

30 (6) Money received from the collection of license drawing applications is subject to the deposit

1 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit  
2 schedule pursuant to 17-6-105(8).

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

5 (8) The department of revenue shall deposit in the state general fund one-half of the money received  
6 from the fines pursuant to 87-1-102.

7 (9) (a) The department shall deposit all money received from the search and rescue surcharge in  
8 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as  
9 provided for in 10-3-801.

10 (b) Upon certification by the department of reimbursement requests submitted by the department of  
11 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the  
12 department may transfer funds from the special revenue account to the search and rescue account provided for  
13 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

14 (c) Using funds in the department's search and rescue account that are not already committed to  
15 reimbursement for search and rescue missions, the department may provide matching funds to the department  
16 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion  
17 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears  
18 to the statewide total of search and rescue missions.

19 (d) Any money deposited in the special revenue account is available for reimbursement of search and  
20 rescue missions and to provide matching funds to reimburse counties for search and rescue training and  
21 equipment costs.

22 **87-1-601. (Effective March 1, 2011) Use of fish and game money.** (1) (a) Except as provided in  
23 ~~87-1-290~~ and subsections (7) and (9) of this section, all money collected or received from the sale of hunting and  
24 fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the  
25 fish and game laws of this state, or from appropriations or received by the department from any other state source  
26 must be turned over to the department of revenue and placed in the state special revenue fund to the credit of  
27 the department.

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

30 (c) All interest earned on money from the following sources must be placed in the state special revenue

1 fund to the credit of the department:

2 (i) the general license account;

3 (ii) the license drawing account;

4 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,  
5 87-2-722, and 87-2-724; and

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

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

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

13 (4) Except as provided in subsections (7) and (8), all money collected or received from fines and forfeited  
14 bonds, except money collected or received by a justice's court, that relates to violations of state fish and game  
15 laws under Title 87 must be deposited by the department of revenue and credited to the department in a state  
16 special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and  
17 game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the  
18 fine is not imposed in addition to the costs of prosecution.

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

21 (i) the sale of surplus real property;

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

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

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

30 (6) Money received from the collection of license drawing applications is subject to the deposit



1 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit  
2 schedule pursuant to 17-6-105(8).

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

5 (8) The department of revenue shall deposit in the state general fund one-half of the money received  
6 from the fines pursuant to 87-1-102.

7 (9) (a) The department shall deposit all money received from the search and rescue surcharge in  
8 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as  
9 provided for in 10-3-801.

10 (b) Upon certification by the department of reimbursement requests submitted by the department of  
11 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the  
12 department may transfer funds from the special revenue account to the search and rescue account provided for  
13 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

14 (c) Using funds in the department's search and rescue account that are not already committed to  
15 reimbursement for search and rescue missions, the department may provide matching funds to the department  
16 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion  
17 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears  
18 to the statewide total of search and rescue missions.

19 (d) Any money deposited in the special revenue account is available for reimbursement of search and  
20 rescue missions and to provide matching funds to reimburse counties for search and rescue training and  
21 equipment costs."

22

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

24 **"87-2-202. (Temporary) Application -- fee -- expiration.** (1) Except as provided in 87-2-803(12), a  
25 wildlife conservation license must be sold upon written application. The application must contain the applicant's  
26 name, age, [last four digits of the applicant's social security number,] occupation, street address of permanent  
27 residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen  
28 of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid  
29 Montana driver's license, a Montana driver's examiner's identification card, a tribal identification card, or other  
30 identification specified by the department to substantiate the required information when applying for a wildlife

1 conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity  
2 and qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license  
3 pursuant to 87-2-803(12). It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation  
4 license to an applicant who fails to produce the required identification at the time of application for licensure.

5 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be  
6 recorded according to rules that the department may prescribe.

7 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a  
8 search and rescue surcharge.

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

11 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the  
12 wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access  
13 enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage  
14 enhanced hunting access through the hunter management and hunting access enhancement programs  
15 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when  
16 the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only  
17 once during any license year.

18 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses  
19 the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced  
20 outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access  
21 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage  
22 enhanced hunting access through the hunter management and hunting access enhancement programs  
23 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when  
24 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable  
25 only once during any license year.

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

27 [(5) The department shall keep the applicant's social security number confidential, except that the  
28 number may be provided to the department of public health and human services for use in administering Title  
29 IV-D of the Social Security Act.]

30 (6) The department shall delete the applicant's social security number in any electronic database [5 years

1 after the date that application is made for the most recent license]. (Bracketed language terminates or is amended  
2 on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in  
3 subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch.  
4 596, L. 2003.)

5 **87-2-202. (Effective March 1, 2011) Application -- fee -- expiration.** (1) Except as provided in  
6 87-2-803(12), a wildlife conservation license must be sold upon written application. The application must contain  
7 the applicant's name, age, [last four digits of the applicant's social security number,] occupation, street address  
8 of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and  
9 status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall  
10 present a valid Montana driver's license, a Montana driver's examiner's identification card, a tribal identification  
11 card, or other identification specified by the department to substantiate the required information when applying  
12 for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the  
13 applicant's identity and qualifications to purchase a wildlife conservation license or to receive a free wildlife  
14 conservation license pursuant to 87-2-803(12). It is unlawful and a misdemeanor for a license agent to sell a  
15 wildlife conservation license to an applicant who fails to produce the required identification at the time of  
16 application for licensure.

17 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be  
18 recorded according to rules that the department may prescribe.

19 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a  
20 search and rescue surcharge.

21 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is  
22 a search and rescue surcharge.

23 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the  
24 wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access  
25 enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage  
26 enhanced hunting access through the hunter management and hunting access enhancement programs  
27 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when  
28 the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only  
29 once during any license year.

30 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses

1 the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced  
2 outfitter-sponsored Class B-10 or Class B-11 license issued under [section 9], an additional hunting access  
3 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage  
4 enhanced hunting access through the hunter management and hunting access enhancement programs  
5 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when  
6 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable  
7 only once during any license year.

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

9 [(5) The department shall keep the applicant's social security number confidential, except that the  
10 number may be provided to the department of public health and human services for use in administering Title  
11 IV-D of the Social Security Act.]

12 (6) The department shall delete the applicant's social security number in any electronic database [5 years  
13 after the date that application is made for the most recent license]. (Bracketed language terminates or is amended  
14 on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in  
15 subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch.  
16 596, L. 2003.)"

17

18 **Section 5.** Section 87-2-505, MCA, is amended to read:

19 **"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as  
20 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years  
21 of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon  
22 payment of the fee of \$628 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) or upon  
23 payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to  
24 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the  
25 limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena,  
26 Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years  
27 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  
28 includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class  
29 B-10 licenses may be sold in any 1 license year.

30 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big

1 game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk  
2 permits established by the commission.

3 **87-2-505. (Effective March 1, 2011) Class B-10--nonresident big game combination license.** (1) ~~(a)~~  
4 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is  
5 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued  
6 may, upon payment of the fee of ~~\$897~~ \$628 plus the nonresident hunting access enhancement fee in  
7 87-2-202(3)(d) or upon payment of the fee established as provided in [section 9] if the license is one of the  
8 licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed  
9 outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and  
10 parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a  
11 holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an  
12 elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202.

13 ~~(b)~~ Not more than ~~17,000~~ 11,500 unreserved Class B-10 licenses may be sold in any 1 license year.

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

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

19 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big  
20 game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk  
21 permits established by the commission."  
22

23 **Section 6.** Section 87-2-510, MCA, is amended to read:

24 **"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as otherwise  
25 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  
26 older or who will turn 12 years old before or during the season for which the license is issued may, upon payment  
27 of a fee of \$328 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), upon payment of the  
28 fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants  
29 indicating their intent to use the services of a licensed outfitter or upon payment of the fee of \$328 plus the  
30 nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant

1 to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor  
 2 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks  
 3 office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder  
 4 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  
 5 includes the nonresident wildlife conservation license as prescribed in 87-2-202.

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

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

10 **87-2-510. (Effective March 1, 2011) Class B-11--nonresident deer combination license.** (1) ~~(a)~~  
 11 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is  
 12 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued  
 13 may, upon payment of a fee of ~~\$527~~ \$328 plus the nonresident hunting access enhancement fee in  
 14 87-2-202(3)(d), upon payment of the fee established as provided in [section 9] if the license is one of those  
 15 reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter, or  
 16 upon payment of the fee of \$328 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) if the  
 17 license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident  
 18 sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department  
 19 regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a Class B-11 nonresident  
 20 deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class  
 21 B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as  
 22 prescribed in 87-2-202.

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

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

28 (2) Not more than ~~4,600~~ 2,300 unreserved Class B-11 licenses may be sold in any 1 license year.

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

1 established by the commission."  
2

3 **Section 7.** Section 87-2-511, MCA, is amended to read:

4 **"87-2-511. (Temporary) Sale and use of Class B-10, Class B-11, and Class B-13 licenses.** (1) The  
5 department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with a number of authorized  
6 Class B-10 and Class B-11 licenses, as determined under 87-1-268, reserved for applicants using the services  
7 of a licensed outfitter and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their  
8 intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

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

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

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

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

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

29 (4) Each application for an outfitter-sponsored license under subsection (1) must contain a written  
30 affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game hunted by the

1 applicant under the license and must indicate the name of the licensed outfitter with whom the applicant will hunt.  
2 In addition, the application must be accompanied by a certificate that is signed by a licensed outfitter and that  
3 affirms that the outfitter will:

4 (a) accompany the applicant;

5 (b) provide guiding services for the species hunted by the applicant;

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

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

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

13 (5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with the  
14 affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter is unavailable  
15 or if the applicant wishes to use the services of separate outfitters for hunting different species of game, an  
16 outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance with the affirmations  
17 under subsection (4), upon advance written notification to the board by the sponsoring licensed outfitter or the  
18 substitute outfitter.

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

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

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

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

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



1           **87-2-511. (Effective March 1, 2011) Sale and use of Class B-10, Class B-11, and Class B-13**  
2 **licenses.** (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with a  
3 number of authorized Class B-10 and Class B-11 licenses, as determined under [section 9], reserved for  
4 applicants using the services of a licensed outfitter and 2,000 of the authorized Class B-11 licenses reserved for  
5 applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in  
6 subsections (2) and (3).

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

11           (a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;  
12           (b) submit to the department, in a manner prescribed by the department, complete records of who hunted  
13 with the resident sponsor, where they hunted, and what game was taken; and  
14           (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for  
15 providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and  
16 this title.

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

27           (4) Each application for an outfitter-sponsored license under subsection (1) must contain a written  
28 affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game hunted by the  
29 applicant under the license and must indicate the name of the licensed outfitter with whom the applicant will hunt.  
30 In addition, the application must be accompanied by a certificate that is signed by a licensed outfitter and that

1 affirms that the outfitter will:

2 (a) accompany the applicant;

3 (b) provide guiding services for the species hunted by the applicant;

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

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

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

11 (5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with the  
12 affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter is unavailable  
13 or if the applicant wishes to use the services of separate outfitters for hunting different species of game, an  
14 outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance with the affirmations  
15 under subsection (4), upon advance written notification to the board by the sponsoring licensed outfitter or the  
16 substitute outfitter.

17 ~~(4)(6)~~ A nonresident who hunts under the authority of a resident landowner-sponsored license shall  
18 conduct all deer hunting on the deeded lands of the sponsoring landowner.

19 (7) Permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license through an  
20 outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.

21 (8) The department shall make the reserved outfitter-sponsored Class B-10 and Class B-11 licenses that  
22 remain unsold available as provided in [section 9].

23 ~~(5)(9)~~ All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued  
24 by a drawing among all applicants for the respective unreserved licenses.

25 ~~(6)(10)~~ The department shall offer the Class B-13 nonresident youth big game combination license for  
26 sale on March 1. An applicant shall provide the name and automated licensing system number of the adult  
27 immediate family member who will accompany the youth. The adult sponsor must possess either a valid Class  
28 B-10 or Class B-11 license or a valid resident deer or elk tag at the time of application."

29

30 **Section 8.** Section 87-2-512, MCA, is amended to read:

1           **"87-2-512. (Temporary) Separation of Class B-7 license from Class B-10 license for deer**  
2 **management purposes -- disposition of license revenue.** (1) The commission may by rule separate the Class  
3 B-7 license from the Class B-10 license and sell the separated Class B-7 license, giving a preference to any  
4 Class B-10 license holder to purchase one of the separated Class B-7 licenses. In the case of separated Class  
5 B-7 licenses that are not purchased by Class B-10 license holders, the commission, for purposes of sound deer  
6 management:

7           (a) may authorize the sale of not more than 5,000 Class B-7 licenses that have been separated from the  
8 Class B-10 licenses, as limited by 87-2-504;

9           (b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11  
10 combination licenses;

11           (c) shall set the fees for the separated licenses as follows:

12           (i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in 87-2-505  
13 for licenses in the general category and may not be more than the fee set by the commission for licenses in the  
14 outfitter-sponsored category as specified in 87-1-268; and

15           (ii) the fee for the separated Class B-11 licenses may not be more than the fees specified in 87-2-510  
16 for licenses in the general and landowner-sponsored categories and may not be more than the fee set by the  
17 commission for licenses in the outfitter-sponsored category as specified in 87-1-268;

18           (d) may assign the separated Class B-7 or Class B-11 licenses for use in specific administrative regions,  
19 portions of administrative regions, hunting districts, or portions of hunting districts;

20           (e) may allocate a portion of the separated Class B-7 or Class B-11 licenses among the general and  
21 landowner-sponsored categories established in 87-2-510 and 87-2-511 but not count those licenses as part of  
22 the statutory quotas, with the Class B-7 licenses then subject to the requirements and procedures of 87-2-511;

23           (f) may allocate a portion of the separated Class B-7 or Class B-11 licenses to the outfitter-sponsored  
24 category subject to the requirements and procedures of 87-2-511, except that licenses in the outfitter-sponsored  
25 category may not comprise more than one-third of the licenses issued pursuant to this section and the number  
26 issued, when added to the number of Class B-11 licenses issued under 87-1-268, may not exceed 2,300 in any  
27 license year; and

28           (g) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary to  
29 manage the harvest of deer, including restricting the use of a license to either mule deer or whitetail deer.

30           (2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses must

1 be deposited in the state special revenue account to the credit of the department and not allocated pursuant to  
2 other statutory requirements generally applicable to Class B-11 licenses. The revenue from Class B-10 licenses  
3 sold without a deer tag must be allocated in the same manner as revenue from Class B-10 licenses sold with a  
4 deer tag.

5 **87-2-512. (Effective March 1, 2011) Separation of Class B-7 license from Class B-10 license for**  
6 **deer management purposes -- disposition of license revenue.** (1) The commission may by rule separate the  
7 Class B-7 license from the Class B-10 license and sell the separated Class B-7 license, giving a preference to  
8 any Class B-10 license holder to purchase one of the separated Class B-7 licenses. In the case of separated  
9 Class B-7 licenses that are not purchased by Class B-10 license holders, the commission, for purposes of sound  
10 deer management:

11 (a) may authorize the sale of not more than 5,000 Class B-7 licenses that have been separated from the  
12 Class B-10 licenses, as limited by 87-2-504;

13 (b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11  
14 combination licenses;

15 (c) shall set the fees for the separated licenses as follows:

16 (i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in 87-2-505  
17 for licenses in the general category and may not be more than the fee set by the commission for licenses in the  
18 outfitter-sponsored category as specified in [section 9]; and

19 (ii) the fee for the separated Class B-11 licenses may not be more than the fees specified in 87-2-510  
20 for licenses in the general and landowner-sponsored categories and may not be more than the fee set by the  
21 commission for licenses in the outfitter-sponsored category as specified in [section 9];

22 (d) may assign the separated Class B-7 or Class B-11 licenses for use in specific administrative regions,  
23 portions of administrative regions, hunting districts, or portions of hunting districts;

24 (e) may allocate a portion of the separated Class B-7 or Class B-11 licenses among the general and  
25 landowner-sponsored categories established in 87-2-510 and 87-2-511 but not count those licenses as part of  
26 the statutory quotas, with the Class B-7 licenses then subject to the requirements and procedures of 87-2-511;  
27 and

28 (f) may allocate a portion of the separated Class B-7 or Class B-11 licenses to the outfitter-sponsored  
29 category subject to the requirements and procedures of 87-2-511, except that licenses in the outfitter-sponsored  
30 category may not make up more than one-third of the licenses issued pursuant to this section and the number

1 issued, when added to the number of Class B-11 licenses issued under [section 9], may not exceed 2,300 in any  
 2 license year; and

3 ~~(f)~~(g) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary to  
 4 manage the harvest of deer, including restricting the use of a license to either mule deer or whitetail deer.

5 (2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses must  
 6 be deposited in the state special revenue account to the credit of the department and not allocated pursuant to  
 7 other statutory requirements generally applicable to Class B-11 licenses. The revenue from Class B-10 licenses  
 8 sold without a deer tag must be allocated in the same manner as revenue from Class B-10 licenses sold with a  
 9 deer tag."

10  
 11 **NEW SECTION. Section 9. Variable pricing of outfitter-sponsored Class B-10 and B-11 licenses.**

12 The commission shall annually set fees for outfitter-sponsored Class B-10 and Class B-11 licenses allowed under  
 13 87-2-505 and 87-2-510. The fees must be set at a market rate intended to sell as close as possible to but not  
 14 more than an average of 5,500 Class B-10 licenses and 2,300 Class B-11 licenses each year, calculated over  
 15 a 5-year period. The sale period for the licenses must be established so that by the last date in the established  
 16 period, those licenses that are unsold, up to 5,500 Class B-10 licenses and 2,300 Class B-11 licenses, may be  
 17 reallocated by the commission for a drawing at a price set by the commission.

18  
 19 **NEW SECTION. Section 10. Codification instruction.** [Section 9] is intended to be codified as an  
 20 integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 9].

21  
 22 **NEW SECTION. Section 11. Repealer.** The following section of the Montana Code Annotated is  
 23 repealed:

24 87-1-290. Hunting access account.

25  
 26 **NEW SECTION. Section 12. Effective date.** [This act] is effective March 1, 2012.

27 - END -