

1 SENATE BILL NO. 301

2 INTRODUCED BY R. RIPLEY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ENACTING A MORATORIUM ON THE PURCHASE OF LAND IN
5 FEE BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS UNTIL JULY 1, 2015; AMENDING SECTIONS
6 23-1-102, 23-1-108, 23-2-103, 87-1-209, 87-1-285, 87-1-301, 87-1-605, 87-1-703, 87-1-709, 87-2-526, AND
7 87-5-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."
8

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

11 **Section 1.** Section 23-1-102, MCA, is amended to read:

12 **"23-1-102. Powers and duties of department of fish, wildlife, and parks -- moratorium on land**
13 **purchase.** (1) The department shall make a study to determine the scenic, historic, archaeologic, scientific, and
14 recreational resources of the state. ~~The~~ Except as provided in subsection (5), the department may by purchase,
15 lease, agreement, or acceptance of donations acquire for the state any areas, sites, or objects that in its opinion
16 should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state
17 historical sites. The department, with the consent of the commission, may acquire by condemnation, pursuant
18 to Title 70, chapter 30, lands or structures for the purposes provided in 87-1-209(2).

19 (2) The department may accept in the name of the state, in fee or otherwise, any areas, sites, or objects
20 conveyed, entrusted, donated, or devised to the state. It may accept gifts, grants, bequests, or contributions of
21 money or other property to be spent or used for any of the purposes of this part.

22 (3) A contract, for any of the purposes of this part, may not be entered into or another obligation incurred
23 until money has been appropriated by the legislature or is otherwise available. If the contract or obligation pertains
24 to acquisition of areas or sites in excess of either 100 acres or \$100,000 in value, the board of land
25 commissioners shall specifically approve the acquisition.

26 (4) The department has jurisdiction, custody, and control of all state parks, recreational areas, public
27 camping grounds, historical sites, and monuments, except wayside camps and other public conveniences
28 acquired, improved, and maintained by the department of transportation and contiguous to the state highway
29 system. The department may designate lands under its control as state parks, state historical sites, state
30 monuments, or by any other designation that it considers appropriate. The department may remove or change

1 the designation of any area or portion of an area and may name or change the name of any area. The department
 2 may lease those portions of designated lands that are necessary for the proper administration of the lands in
 3 keeping with the basic purpose of this part.

4 (5) The department may not purchase or enter into a contract to purchase land in fee until July 1, 2015."

5

6 **Section 2.** Section 23-1-108, MCA, is amended to read:

7 **"23-1-108. Acquisition of certain state parks, monuments, or historical sites -- moratorium on land**

8 **purchase.** (1) Any person, association, or representative of a governing unit may submit a proposal for the
 9 acquisition of a site or area described in 23-1-102 from the income of the trust fund created in 15-35-108 to the
 10 department of fish, wildlife, and parks by July 1 of the year preceding the convening of a legislative session.

11 (2) The fish, wildlife, and parks commission shall present to the legislature by the 15th day of any
 12 legislative session a list of areas, sites, or objects that were proposed for purchase for use as state parks, state
 13 recreational areas, state monuments, or state historical sites with the money contained in the parks account.

14 (3) ~~The~~ Except as provided in subsection (4), the legislature must is required to appropriate funds from
 15 this account before any park, area, monument, or site may be purchased.

16 (4) The department may not purchase or enter into a contract to purchase land in fee until July 1, 2015."

17

18 **Section 3.** Section 23-2-103, MCA, is amended to read:

19 **"23-2-103. Compliance with federal act authorized -- powers of department -- moratorium on land**

20 **purchase.** (1) The department of fish, wildlife, and parks shall do those things necessary to comply with the
 21 provisions of the Land and Water Conservation Fund Act of 1965. Among other things, the department of fish,
 22 wildlife, and parks may:

23 ~~(1)(a)~~ (a) prepare a comprehensive statewide outdoor recreational plan ~~which shall~~ that must contain an
 24 evaluation of the demand for and supply of outdoor recreational resources and facilities in Montana and a
 25 program for implementation of the plan;

26 ~~(2)(b)~~ (b) accept and administer moneys paid by the secretary of the interior for approved projects;

27 ~~(3)(c)~~ (c) contract with other state agencies, cities, counties, and other political subdivisions of the state,
 28 private organizations, and agencies of the federal government;

29 ~~(4)(d)~~ (d) except as provided in subsection (2), acquire, other than by eminent domain, and develop outdoor
 30 recreational areas and facilities and land and waters and interests in land and waters for such areas and facilities;

1 ~~(5)~~(e) for the purpose of implementing the Land and Water Conservation Fund Act of 1965, coordinate
 2 its activities with and represent the interests of all agencies of state, city, county, and other governmental units
 3 with outdoor recreational responsibilities.

4 (2) The department may not purchase or enter into a contract to purchase land in fee until July 1, 2015."

5
 6 **Section 4.** Section 87-1-209, MCA, is amended to read:

7 **"87-1-209. (Temporary) Acquisition and sale of land or water -- moratorium.** (1) Subject to 87-1-218
 8 and except as provided in subsection (8) of this section, the department, with the consent of the commission and,
 9 in the case of land acquisition involving more than 100 acres or \$100,000 in value, the approval of the board of
 10 land commissioners, may acquire by purchase, lease, agreement, gift, or devise and may acquire easements
 11 upon land or water for the purposes listed in this subsection. Any acquisition of land or water rights for purposes
 12 of this subsection, except that portion of acquisitions made with funds provided under 87-1-242(1), must include
 13 an additional 20% above the purchase price to be used for maintenance of land or water acquired by the
 14 department. The additional amount above the purchase price or \$300,000, whichever is less, must be deposited
 15 in the account established in 87-1-230. As used in this subsection, "maintenance" means that term as defined
 16 in and consistent with the good neighbor policy in 23-1-127(2). The department may develop, operate, and
 17 maintain acquired land or water rights:

- 18 (a) for fish hatcheries or nursery ponds;
 19 (b) as land or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or
 20 protection;
 21 (c) for public hunting, fishing, or trapping areas;
 22 (d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or fur-bearing
 23 animals needed for propagation or stocking purposes or to exercise control measures of undesirable species;
 24 (e) for state parks and outdoor recreation;
 25 (f) to extend and consolidate by exchange, land or water rights suitable for these purposes.

26 (2) The department, with the consent of the commission, may acquire by condemnation, as provided in
 27 Title 70, chapter 30, land or structures for the preservation of historical or archaeological sites that are threatened
 28 with destruction or alteration.

29 (3) (a) Subject to section 2(3), Chapter 560, Laws of 2005, the department, with the consent of the
 30 commission, may dispose of land and water rights acquired by it on those terms after public notice as required

1 by subsection (3)(b) of this section, without regard to other laws that provide for sale or disposal of state land and
2 with or without reservation, as it considers necessary and advisable. The department, with the consent of the
3 commission, may convey department land and water rights for full market value to other governmental entities
4 or to adjacent landowners without regard to the requirements of subsection (3)(b) or (3)(c) if the land is less than
5 10 acres or if the full market value of the interest to be conveyed is less than \$20,000. When the department
6 conveys land or water rights to another governmental entity or to an adjacent landowner pursuant to this
7 subsection, the department, in addition to giving notice pursuant to subsection (3)(b), shall give notice by mail
8 to the landowners whose property adjoins the department property being conveyed.

9 (b) Subject to section 2(3), Chapter 560, Laws of 2005, notice of sale describing the land or water rights
10 to be disposed of must be published once a week for 3 successive weeks in a newspaper with general circulation
11 printed and published in the county where the land or water right is situated or, if a newspaper is not published
12 in that county, then in any newspaper with general circulation in that county.

13 (c) The notice must advertise for cash bids to be presented to the director within 60 days from the date
14 of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an amount equal
15 to 10% of the amount bid. The highest bid must be accepted upon payment of the balance due within 10 days
16 after mailing notice by certified mail to the highest bidder. If that bidder defaults on payment of the balance due,
17 then the next highest bidders must be similarly notified in succession until a sale is completed. Deposits must be
18 returned to the unsuccessful bidders except bidders defaulting after notification.

19 (d) The department shall reserve the right to reject any bids that do not equal or exceed the full market
20 value of the land or water right as determined by the department. If the department does not receive a bid that
21 equals or exceeds fair market value, it may then sell the land or water rights at private sale. The price accepted
22 on any private sale must exceed the highest bid rejected in the bid process.

23 (4) When necessary and advisable for the management and use of department property, the director
24 is authorized to grant or acquire from willing sellers right-of-way easements for purposes of utilities, roads,
25 drainage facilities, ditches for water conveyance, and pipelines if the full market value of the interest to be
26 acquired is less than \$20,000. Whenever possible, easements must include a weed management plan. Approval
27 of the commission is not required for grants and acquisitions made pursuant to this subsection. In granting any
28 right-of-way pursuant to this subsection, the department shall obtain a fair market value, but the department is
29 not otherwise required to follow the disposal requirements of subsection (3). The director shall report any
30 easement grant or acquisition made pursuant to this subsection to the commission at its next regular meeting.

1 (5) The department shall convey land and water rights without covenants of warranty by deed executed
2 by the governor or in the governor's absence or disability by the lieutenant governor, attested by the secretary
3 of state and further countersigned by the director.

4 (6) Subject to 87-1-218, the department, with the consent of the commission, is authorized to utilize the
5 installment contract method to facilitate the acquisition of wildlife management areas in which game and nongame
6 fur-bearing animals and game and nongame birds may breed and replenish and areas that provide access to
7 fishing sites for the public. The total cost of installment contracts may not exceed the cost of purchases authorized
8 by the department and appropriated by the legislature.

9 (7) The department is authorized to enter into leases of land under its control in exchange for services
10 to be provided by the lessee on the leased land.

11 (8) The department may not purchase or enter into a contract to purchase land in fee until July 1, 2015.
12 (Terminates June 30, 2013--sec. 8, Ch. 427, L. 2009.)

13 **87-1-209. (Effective July 1, 2013) Acquisition and sale of lands or waters -- moratorium.** (1) Subject
14 to 87-1-218 and except as provided in subsection (8) of this section, the department, with the consent of the
15 commission and, in the case of land acquisition involving more than 100 acres or \$100,000 in value, the approval
16 of the board of land commissioners, may acquire by purchase, lease, agreement, gift, or devise and may acquire
17 easements upon lands or waters for the purposes listed in this subsection. The department may develop, operate,
18 and maintain acquired lands or waters:

19 (a) for fish hatcheries or nursery ponds;

20 (b) as lands or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or
21 protection;

22 (c) for public hunting, fishing, or trapping areas;

23 (d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or fur-bearing
24 animals needed for propagation or stocking purposes or to exercise control measures of undesirable species;

25 (e) for state parks and outdoor recreation;

26 (f) to extend and consolidate by exchange, lands or waters suitable for these purposes.

27 (2) The department, with the consent of the commission, may acquire by condemnation, as provided in
28 Title 70, chapter 30, lands or structures for the preservation of historical or archaeological sites that are
29 threatened with destruction or alteration.

30 (3) (a) Subject to section 2(3), Chapter 560, Laws of 2005, the department, with the consent of the

1 commission, may dispose of lands and water rights acquired by it on those terms after public notice as required
2 by subsection (3)(b) of this section, without regard to other laws that provide for sale or disposal of state lands
3 and with or without reservation, as it considers necessary and advisable. The department, with the consent of
4 the commission, may convey department lands and water rights for full market value to other governmental
5 entities or to adjacent landowners without regard to the requirements of subsection (3)(b) or (3)(c) if the land is
6 less than 10 acres or if the full market value of the interest to be conveyed is less than \$20,000. When the
7 department conveys land or water rights to another governmental entity or to an adjacent landowner pursuant
8 to this subsection, the department, in addition to giving notice pursuant to subsection (3)(b), shall give notice by
9 mail to the landowners whose property adjoins the department property being conveyed.

10 (b) Subject to section 2(3), Chapter 560, Laws of 2005, notice of sale describing the lands or waters to
11 be disposed of must be published once a week for 3 successive weeks in a newspaper with general circulation
12 printed and published in the county where the lands or waters are situated or, if a newspaper is not published in
13 that county, then in any newspaper with general circulation in that county.

14 (c) The notice must advertise for cash bids to be presented to the director within 60 days from the date
15 of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an amount equal
16 to 10% of the amount bid. The highest bid must be accepted upon payment of the balance due within 10 days
17 after mailing notice by certified mail to the highest bidder. If that bidder defaults on payment of the balance due,
18 then the next highest bidders must be similarly notified in succession until a sale is completed. Deposits must be
19 returned to the unsuccessful bidders except bidders defaulting after notification.

20 (d) The department shall reserve the right to reject any bids that do not equal or exceed the full market
21 value of the lands and waters as determined by the department. If the department does not receive a bid that
22 equals or exceeds fair market value, it may then sell the lands or water rights at private sale. The price accepted
23 on any private sale must exceed the highest bid rejected in the bid process.

24 (4) When necessary and advisable for the management and use of department property, the director
25 is authorized to grant or acquire from willing sellers right-of-way easements for purposes of utilities, roads,
26 drainage facilities, ditches for water conveyance, and pipelines if the full market value of the interest to be
27 acquired is less than \$20,000. Whenever possible, easements must include a weed management plan. Approval
28 of the commission is not required for grants and acquisitions made pursuant to this subsection. In granting any
29 right-of-way pursuant to this subsection, the department shall obtain a fair market value, but the department is
30 not otherwise required to follow the disposal requirements of subsection (3). The director shall report any

1 easement grant or acquisition made pursuant to this subsection to the commission at its next regular meeting.

2 (5) The department shall convey lands and water rights without covenants of warranty by deed executed
3 by the governor or in the governor's absence or disability by the lieutenant governor, attested by the secretary
4 of state and further countersigned by the director.

5 (6) Subject to 87-1-218, the department, with the consent of the commission, is authorized to utilize the
6 installment contract method to facilitate the acquisition of wildlife management areas in which game and nongame
7 fur-bearing animals and game and nongame birds may breed and replenish and areas that provide access to
8 fishing sites for the public. The total cost of installment contracts may not exceed the cost of purchases authorized
9 by the department and appropriated by the legislature.

10 (7) The department is authorized to enter into leases of land under its control in exchange for services
11 to be provided by the lessee on the leased land.

12 (8) The department may not purchase or enter into a contract to purchase land in fee until July 1, 2015."

13

14 **Section 5.** Section 87-1-285, MCA, is amended to read:

15 **"87-1-285. Fishing access enhancement program created -- private landowner assistance to**
16 **promote public fishing access -- rules.** (1) The department may establish programs of landowner assistance
17 that encourage public access to and across private lands for purposes of fishing and may adopt rules to carry
18 out program purposes. Rules may address but are not limited to incentives for private landowners who allow
19 public fishing access on or across their lands, where legal access does not presently exist. Participation in the
20 fishing access enhancement program is established through a cooperative agreement between a landowner and
21 the department, including other resource management agencies when appropriate, that allows access for public
22 fishing with certain restrictions or use rules.

23 (2) The department may also develop similar voluntary programs that are designed to promote public
24 access across private lands for fishing purposes.

25 (3) Participation in a program established under subsection (1) is voluntary. Programs may not be
26 structured in a manner that provides assistance to a private landowner who charges a fee for fishing access to
27 private land that is enrolled in the program or who does not provide reasonable public fishing access to private
28 land that is enrolled in the program. The commission shall develop criteria by which tangible benefits are allocated
29 to participating landowners, and the department may distribute the benefits to participating landowners.

30 (4) Funds Except as provided in 87-1-605(4), funds from the account established pursuant to 87-1-605

1 may be used to purchase or lease public fishing access at county road bridge crossings or for necessary parking
2 facilities, trails, or ramps to facilitate fishing access to public waters at bridge crossings."

3

4 **Section 6.** Section 87-1-301, MCA, is amended to read:

5 **"87-1-301. Powers of commission -- moratorium on land purchase.** (1) The commission:

6 (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife,
7 fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment
8 of all other responsibilities of the department as provided by law;

9 (b) shall establish the hunting, fishing, and trapping rules of the department;

10 (c) shall establish the rules of the department governing the use of lands owned or controlled by the
11 department and waters under the jurisdiction of the department;

12 (d) must have the power within the department to establish wildlife refuges and bird and game preserves;

13 (e) shall approve all acquisitions or transfers by the department of interests in land or water, except as
14 provided in 87-1-209(4) and subsection (7) of this section;

15 (f) shall review and approve the budget of the department prior to its transmittal to the budget office;

16 (g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but
17 less than \$5,000; and

18 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided
19 in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as
20 provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider
21 landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular
22 hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal
23 opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting
24 district where a restriction on elk hunting on public property is proposed.

25 (2) The commission may adopt rules regarding the use and type of archery equipment that may be
26 employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in
27 archery equipment change.

28 (3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons,
29 conditions, programs, or other provisions that the commission considers appropriate to promote or enhance
30 hunting by Montana's youth and persons with disabilities.

- 1 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:
- 2 (i) separate deer licenses from nonresident elk combination licenses;
- 3 (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the
- 4 deer tag;
- 5 (iii) condition the use of the deer licenses; and
- 6 (iv) limit the number of licenses sold.
- 7 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and
- 8 appropriate to regulate the harvest by nonresident big game combination license holders:
- 9 (i) for the biologically sound management of big game populations of elk, deer, and antelope;
- 10 (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and
- 11 (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321
- 12 through 87-1-325.
- 13 (5) The commission may adopt rules establishing license preference systems to distribute hunting
- 14 licenses and permits:
- 15 (a) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant
- 16 who has been unsuccessful for a shorter period of time; and
- 17 (b) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(b), "qualifying
- 18 landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by
- 19 the commission.
- 20 (6) (a) The commission may adopt rules to:
- 21 (i) limit the number of nonresident mountain lion hunters in designated hunting districts; and
- 22 (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting
- 23 districts.
- 24 (b) The commission shall consider, but is not limited to consideration of, the following factors:
- 25 (i) harvest of lions by resident and nonresident hunters;
- 26 (ii) history of quota overruns;
- 27 (iii) composition, including age and sex, of the lion harvest;
- 28 (iv) historical outfitter use;
- 29 (v) conflicts among hunter groups;
- 30 (vi) availability of public and private lands; and

1 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.

2 (7) The commission may not approve the purchase or approve the entry into a contract to purchase land
3 in fee until July 1, 2015."

4
5 **Section 7.** Section 87-1-605, MCA, is amended to read:

6 **"87-1-605. Fees used to purchase recreational facilities -- moratorium on land purchase.** (1) ~~One~~
7 ~~dollar~~ Except as provided in subsection (4), \$1 of the fee for a Class A resident fishing license, 10% of the fee
8 for a Class A-8 resident temporary fishing license, \$1 of the fee for a Class B-4 nonresident fishing license, \$3.50
9 of the fee for a Class B-5 nonresident fishing license, and \$5 of the fee for a Class B nonresident fishing license
10 must be used for the purchase, operation, development, and maintenance of:

11 (a) fishing accesses;

12 (b) stream, river, and lake frontages; and

13 (c) the land considered necessary to provide recreational use of fishing accesses and stream, river, and
14 lake frontages.

15 (2) The amount of funds used for operation and maintenance must equal at least 50% of the money set
16 aside each year under this section and must be expended as provided in subsection (3). The funds raised under
17 this section may not be used in lieu of any funds or sources of funds currently being used for acquisition or
18 purchase of fishing accesses or stream, river, or lake frontages and the land considered necessary to provide
19 recreational use of fishing accesses and stream, river, and lake frontages but are in addition to those funds. The
20 funds used for operation and maintenance may be used only for these purposes on lands acquired with funds
21 under this section after April 30, 1974.

22 (3) Operation and maintenance money set aside each year under this section must be expended based
23 on the following priority:

24 (a) weed management;

25 (b) streambank restoration; and

26 (c) general operation and maintenance.

27 (4) The department may not purchase or enter into a contract to purchase land in fee until July 1, 2015."
28

29 **Section 8.** Section 87-1-703, MCA, is amended to read:

30 **"87-1-703. Cooperative agreements on federally owned land -- moratorium on land purchase.** (1)

1 The department, in the name of the state and with the approval of the governor, shall have the power to enter into
 2 cooperative agreements on federally owned lands with the government of the United States or any department
 3 or bureau thereof or with an individual or individuals, private corporations, or partnerships for the purpose of
 4 carrying on any fish restoration projects created and established under the provisions of 87-1-701 through
 5 87-1-703, and Except as provided in subsection (2), the department shall have the power to acquire by purchase,
 6 either by cash or upon installments, or lease or by gift or by devise or individually or in conjunction with the
 7 government of the United States or some department or bureau thereof such lands or other property or interest
 8 therein as may be necessary for the purpose of carrying on any fish restoration and management projects created
 9 and established under the provisions of said Dingell-Johnson bill of the congress of the United States, and the
 10 state does reserve to itself, acting through its legislature, the right to direct the department to abandon any fish
 11 restoration and management projects created and established as the state may in its judgment think proper. The
 12 department shall have no power to exercise the right of eminent domain to condemn or acquire property under
 13 87-1-701 through 87-1-703.

14 (2) The department may not purchase or enter into a contract to purchase land in fee until July 1, 2015."
 15

16 **Section 9.** Section 87-1-709, MCA, is amended to read:

17 **"87-1-709. Cooperation with United States for wildlife restoration -- moratorium on land purchase.**

18 (1) The department, in the name of the state and with the approval of the governor, shall have the power to enter
 19 into the cooperative agreements on federally owned lands with the government of the United States or some
 20 department or bureau thereof or with an individual or individuals, private corporations, or partnerships for the
 21 purpose of carrying on any wildlife restoration project and established under the provisions of said
 22 Pittman-Robertson Act of the congress of the United States, and Except as provided in subsection (2), the
 23 department shall have the power to acquire by purchase, either for cash or upon installments, or lease or by gift
 24 or devise, either individually or in conjunction with the government of the United States or some department or
 25 bureau thereof, such lands or other property or interests therein as may be necessary for the purpose of carrying
 26 on any wildlife restoration project created and established under the provisions of said Pittman-Robertson Act
 27 of the congress of the United States. The state of Montana does reserve to itself, acting through its legislature,
 28 the right to direct the department to abandon any wildlife restoration projects created and established as the state
 29 of Montana may in its judgment think proper, provided the department shall have no power to exercise the right
 30 of eminent domain to condemn or acquire property under 87-1-708 through 87-1-710.

1 (2) The department may not purchase or enter into a contract to purchase land in fee until July 1, 2015."

2

3 **Section 10.** Section 87-2-526, MCA, is amended to read:

4 **"87-2-526. (Temporary) License for nonresident to hunt with resident sponsor or family member**
 5 **-- use of license revenue -- moratorium on land purchase.** (1) In addition to the nonresident licenses provided
 6 for in 87-2-505 and 87-2-510, the department may offer for sale 500 B-10 nonresident big game combination
 7 licenses and 500 B-11 nonresident deer combination licenses. The licenses may be used only as provided in this
 8 section and as authorized by department rules. Sale of licenses pursuant to this section may not affect the license
 9 quotas established in 87-2-505 and 87-2-510. The price of licenses sold under this subsection must be the same
 10 as nonresident big game combination licenses and nonresident deer combination licenses offered by general
 11 drawing pursuant to 87-2-505 and 87-2-510.

12 (2) A license authorized in subsection (1) may be used only by an adult nonresident family member of
 13 a resident who sponsors the license application and who meets the qualifications of subsection (3). The
 14 nonresident family member must have completed a Montana hunter safety and education course prior to March
 15 1, 2010, or have previously purchased a resident hunting license. A nonresident family member who receives
 16 a license pursuant to subsection (1) must be accompanied in the field by a sponsor or family member who meets
 17 the qualifications of subsection (3).

18 (3) To qualify as a sponsor or family member who will accompany a nonresident licensed under
 19 subsection (1), a person must be a resident, as defined in 87-2-102, who is 18 years old or older and possesses
 20 a current resident hunting license and who is related to the nonresident within the second degree of kinship by
 21 blood or marriage. The second degree of kinship includes a mother, father, brother, sister, son, daughter, spouse,
 22 grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, mother-in-law,
 23 stepfather, stepmother, stepbrother, stepsister, stepson, and stepdaughter. The sponsor shall list on the license
 24 application the names of family members who are eligible to hunt with the nonresident hunter.

25 (4) If the department receives more applications for licenses than the number that are available under
 26 subsection (1), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful in the
 27 drawing must be entered in the general drawing for a nonresident license provided under 87-2-505 or 87-2-510,
 28 as applicable.

29 (5) ~~##~~ Except as provided in subsection (6), all money received from the sale of licenses under
 30 subsection (1) must be deposited in a separate account and must be used by the department to acquire public

1 hunting access to inaccessible public land, which may include obtaining hunting access through private land to
2 inaccessible public land.

3 (6) The department may not purchase or enter into a contract to purchase land in fee until July 1, 2015.

4 (Terminates March 1, 2014--sec. 4, Ch. 345, L. 2009.)"

5

6 **Section 11.** Section 87-5-108, MCA, is amended to read:

7 **"87-5-108. Establishment of programs -- moratorium on land purchase.** (1) ~~The~~ Except as provided
8 in subsection (4), the director shall establish programs, including acquisition of land or aquatic habitat, that are
9 considered necessary for management of nongame and endangered wildlife. The department shall establish
10 policies that are necessary to carry out the purpose of 87-5-109 and this section.

11 (2) In carrying out programs authorized by this section, the department may enter into agreements with
12 federal agencies, political subdivisions of the state, or with private persons for administration and management
13 of any area established under 87-5-109 and this section or used for management of nongame or endangered
14 wildlife.

15 (3) The governor shall review other programs administered by the governor and, to the extent
16 practicable, use those programs in furtherance of the purposes of 87-5-109 and this section. The governor shall
17 also encourage other state and federal agencies to use their authorities in furtherance of the purposes of
18 87-5-109 and this section.

19 (4) The department may not purchase or enter into a contract to purchase land in fee until July 1, 2015."

20

21 NEW SECTION. Section 12. Saving clause. [This act] does not affect rights and duties that matured,
22 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

23

24 NEW SECTION. Section 13. Effective date. [This act] is effective on passage and approval.

25

26 NEW SECTION. Section 14. Termination. [This act] terminates June 30, 2015.

27

- END -