

1 HOUSE BILL NO. 773
 2 INTRODUCED BY J. KARLEN, J. COHENOUR, T. RUNNING WOLF, C. KNUDSEN, G. NIKOLAKAKOS, M.
 3 MARLER, G. PARRY, J. ELLIS, P. FLOWERS, E. MCCLAFFERTY, G. HERTZ, C. SPRUNGER, P. TUSS, T.
 4 VERMEIRE

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING HUNTING AND FISHING LICENSE LAWS FOR
 7 NONRESIDENTS; REVISING LAWS RELATED TO NONRESIDENT RELATIVES OF RESIDENTS; LIMITING
 8 THE NUMBER OF NONRESIDENT YOUTH COMBINATION LICENSES; PROVIDING DEFINITIONS;
 9 AMENDING SECTIONS 87-1-270, 87-1-290, 87-2-522, AND 87-2-526, MCA; REPEALING SECTION 87-2-
 10 514, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

13
 14 **Section 1.** Section 87-1-270, MCA, is amended to read:

15 **"87-1-270. Allocation of license fees to hunting access programs.** (1) Except as provided in ~~87-2-~~
 16 ~~544 and~~ 87-2-805(3), the department shall use \$55 from the sale of each Class B-1 nonresident upland game
 17 bird license and \$25 from the sale of each Class B-2 3-day nonresident upland game bird license to encourage
 18 public access to private lands for hunting purposes in accordance with 87-1-265.

19 (2) The department shall use the hunting access fees collected pursuant to 87-2-116 to encourage
 20 public access to private and public lands for hunting purposes in accordance with 87-1-265."

21
 22 **Section 2.** Section 87-1-290, MCA, is amended to read:

23 **"87-1-290. Hunting access account.** (1) There is a hunting access account in the state special
 24 revenue fund. Funds deposited in this account must be used for the purpose of funding any hunting access
 25 program.

26 (2) The following funds must be deposited in the account:

27 (a) 28.5% of the fee for Class B-10 nonresident big game combination licenses pursuant to 87-2-
 28 505 and 28.5% of the fee for Class B-11 nonresident deer combination licenses pursuant to 87-2-510;

1 ~~(b) 28.5% of the fee for hunting licenses issued to nonresident relatives of a resident pursuant to 87-~~
2 ~~2-514;~~

3 ~~(e)(b)~~ the hunting access fees collected pursuant to 87-2-116; and

4 ~~(d)(c)~~ limited drawing refunds received pursuant to 87-2-124.

5 (3) Any interest or income earned on the account must be deposited in the account."

6

7 **Section 3.** Section 87-2-522, MCA, is amended to read:

8 "**87-2-522. Nonresident youth combination licenses.** (1) Except as otherwise provided in this
9 chapter, a person who is not a resident, as defined in 87-2-102, and who is 12 years of age or older or will turn
10 12 years old before or during the season for which the license is issued and who is under 18 years of age may,
11 upon payment of a fee of one-half of the cost of a regularly priced license and subject to the limitations
12 prescribed by law and department regulation, apply to the fish, wildlife, and parks office in Helena, Montana, to
13 purchase:

14 (a) one of the following pursuant to subsection (3):

15 (i) a Class B-10 nonresident big game combination license;

16 (ii) a Class B-11 nonresident deer combination license; or

17 (iii) a nonresident elk-only combination license;

18 (b) ~~if available~~ as provided for by the commission:

19 (i) a Class B-8 nonresident deer B tag;

20 (ii) a Class B-12 nonresident antlerless elk B tag license.

21 (2) (a) When using a license issued pursuant to this section, the holder must be accompanied by
22 an adult immediate family member who is the holder of a valid ~~Class B-7, Class B-8, Class B-10, or~~ Class B-11,
23 ~~Class B-12, or nonresident elk-only combination license or who is the holder of a valid resident deer or elk tag~~
24 license. As used in this subsection, an adult immediate family member means an applicant's natural or adoptive
25 parent, grandparent, brother, sister, stepparent, or legal guardian who is 18 years of age or older.

26 (b) An applicant shall provide the name and automated licensing system number of the adult
27 immediate family member who will accompany the youth when applying for a license pursuant to this section.

28 (3) The department may offer for sale 500 B-10 nonresident big game combination licenses, 500

1 B-11 nonresident deer combination licenses, and 500 nonresident elk-only combination licenses that must be
 2 used as provided in this section and as authorized by department rules. Sales of licenses pursuant to this
 3 section do not affect the license quotas established for Class B-10 and Class B-11 licenses in 87-2-505 and 87-
 4 2-510 or the number of nonresident elk-only combination licenses available pursuant to 87-2-511. Class B-10
 5 and Class B-11 licenses issued pursuant to this section are not included in the limit on the number of available
 6 Class B-10 and Class B-11 licenses issued pursuant to 87-2-505 and 87-2-510. Nonresident elk-only
 7 combination licenses issued pursuant to this section are in addition to nonresident elk-only combination
 8 licenses available for sale pursuant to 87-2-511.

9 (4) If the department receives more applications for licenses than the number that are available
 10 under subsection (3), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful
 11 in the drawing must be entered in the general drawing for a nonresident license provided under 87-2-505 or 87-
 12 2-510, as applicable."

13

14 **Section 4.** Section 87-2-526, MCA, is amended to read:

15 **"87-2-526. License for nonresident to hunt with resident sponsor or family member -- use of**
 16 **license revenue.** (1) For the purposes of this section, the following definitions apply:

17 (a) "Nonresident relative of a resident" means a person born in Montana who is the natural or
 18 adoptive child, sibling, or parent of a resident but is not a resident.

19 (b) "Resident" means a resident as defined in 87-2-102.

20 (2) Except as otherwise provided in this chapter, a nonresident relative of a resident who meets
 21 the qualifications of subsection (6) may purchase the following at one-half the cost:

22 (a) a Class B nonresident fishing license;

23 (b) a Class B-1 nonresident upland game bird license;

24 (c) one of the following if available pursuant to subsection (3):

25 (i) a Class B-10 nonresident big game combination license;

26 (ii) a Class B-11 nonresident deer combination license; or

27 (iii) a nonresident elk-only combination license; and

28 (d) as provided for by the commission:

1 (i) a Class B-8 nonresident deer B tag; and

2 (ii) a Class B-12 nonresident antlerless elk B tag license.

3 (3)_____The department may offer for sale 500 B-10 nonresident big game combination licenses, 500
 4 B-11 nonresident deer combination licenses, and 500 nonresident elk-only combination licenses that must be
 5 used as provided in this section and as authorized by department rules. Sale of licenses pursuant to this
 6 section does not affect the license quotas established for Class B-10 and Class B-11 licenses in 87-2-505 and
 7 87-2-510 or the number of nonresident elk-only combination licenses available pursuant to 87-2-511. ~~The price~~
 8 ~~of licenses sold under this subsection is one-half of the fee set for the equivalent license in 87-2-505, 87-2-510,~~
 9 ~~or 87-2-511.~~

10 (4)_____ If the department receives more applications for licenses than the number that are available
 11 under subsection (3), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful
 12 in the drawing must be entered in the general drawing for a nonresident license provided under 87-2-505 or 87-
 13 2-510, as applicable.

14 ~~(2)(5)~~ A license authorized in subsection ~~(4)~~ (2) may be used only by ~~an adult~~ a nonresident family
 15 ~~member~~ relative of a resident who sponsors the license application, accompanies the nonresident relative in the
 16 field, and who meets the qualifications of subsection (3) (6). ~~The nonresident family member must have~~
 17 ~~completed a Montana hunter safety and education course and have previously purchased a resident hunting~~
 18 ~~license. A nonresident family member who receives a license pursuant to subsection (1) must be accompanied~~
 19 ~~in the field by a sponsor or family member who meets the qualifications of subsection (3).~~

20 ~~(3)(6)~~ To qualify as a ~~sponsor or family member~~ resident relative who will sponsor and accompany a
 21 nonresident relative licensed under subsection ~~(4)~~ (2), a person must: ~~be~~

22 (a)_____ be a resident, as defined in 87-2-102, who is 18 years ~~old of age~~ or older; and

23 (b)_____ be the holder of ~~possesses~~ a current resident hunting license for the licenses issued under
 24 subsection (2)(b), (2)(c), or (2)(d) or a current fishing license for the license issued under subsection (2)(a); and

25 (c)_____ be ~~and who is~~ related to the nonresident within the second degree of kinship by blood or
 26 marriage. The second degree of kinship includes a mother, father, brother, sister, son, daughter, spouse,
 27 grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, mother-in-law,
 28 stepfather, stepmother, stepbrother, stepsister, stepson, and stepdaughter. ~~The sponsor shall list on the license~~

1 application the names of family members who are eligible to hunt with the nonresident hunter.

2 (4) If the department receives more applications for licenses than the number that are available
3 under subsection (1), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful
4 in the drawing must be entered in the general drawing for a nonresident license provided under 87-2-505 or 87-
5 2-510, as applicable.

6 (7) To qualify for a license pursuant to subsection (2), a nonresident relative of a resident shall
7 apply at any department regional office, at the department's state office in Helena, or online. The applicant shall
8 present proof of the following:

9 (a) a birth certificate verifying the applicant's birth in Montana or documentation that the applicant
10 was born to parents who were residents of Montana at the time of the applicant's birth;

11 (b) evidence that the applicant previously held a Montana resident hunting or fishing license or has
12 passed a hunter safety and education course in Montana pursuant to 87-2-105;

13 (c) proof that the applicant is a nonresident relative of a resident as defined in subsection (1)(a);
14 and

15 (d) proof that the resident relative meets the sponsor qualifications of subsection (6).

16 (5)(8) All money received from the sale of licenses under subsection (4) (2) must be deposited in a
17 separate account and must be used by the department to acquire public hunting access to inaccessible public
18 land, which may include obtaining hunting access through private land to inaccessible public land."

19
20 **NEW SECTION. Section 5. Repealer.** The following section of the Montana Code Annotated is
21 repealed:

22 87-2-514. Nonresident relative of resident allowed to purchase nonresident licenses at reduced cost --
23 definitions.

24
25 **NEW SECTION. Section 6. Effective date.** [This act] is effective March 1, 2024.

26 - END -