

HOUSE BILL NO. 432

INTRODUCED BY T. JACOBSON

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING HUNTING LICENSE LAWS FOR NONRESIDENTS WHO HAVE RESIDENT FAMILY MEMBERS; AMENDING SECTIONS 87-1-290, 87-2-522, AND 87-2-526, MCA; REPEALING SECTIONS 87-2-514 AND 87-2-515, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

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10 **Section 1.** Section 87-1-290, MCA, is amended to read:

11 **"87-1-290. Hunting access account.** (1) There is a hunting access account in the state special revenue
12 fund. Funds deposited in this account may be used only for the purpose of funding any hunting access program
13 established by law or by the department through administrative rule.

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

15 (a) 25% of the fee for Class B-10 nonresident big game combination licenses pursuant to 87-2-505(1)(c)
16 and 25% of the fee for Class B-11 nonresident deer combination licenses pursuant to 87-2-510(1)(b); and

17 ~~—— (b) 25% of the fee for hunting licenses issued to nonresident relatives of a resident pursuant to 87-2-514;~~18 **and**19 ~~(c)~~(b) the hunting access enhancement fees assessed pursuant to 87-2-202(3)(c) and (3)(d).

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

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

23 **"87-2-522. Class B-13--nonresident youth big game combination license.** (1) Except as otherwise
24 provided in this chapter, a person who is not a resident, as defined in 87-2-102, and who is 12 years of age or
25 older or will turn 12 years old before or during the season for which the license is issued and who is under 18
26 years of age may, upon payment of a fee of one-half the cost of a regularly priced Class B-10 nonresident big
27 game combination license, plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), and subject
28 to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office in
29 Helena, Montana, to purchase a Class B-13 nonresident youth big game combination license.

30 (2) The holder of a Class B-13 license is entitled to all the privileges of a Class B license, a Class B-1

1 license, a Class B-7 license, an elk tag, and a nonresident wildlife conservation license. When using a Class B-13
 2 license, the holder must be accompanied by an adult immediate family member who is the holder of a valid Class
 3 B-7, Class B-10, or Class B-11, ~~or Class B-15~~ license or ~~who is the holder of~~ a valid resident deer or elk tag. As
 4 used in this subsection, an adult immediate family member means an applicant's natural or adoptive parent,
 5 grandparent, brother, or sister who is 18 years of age or older.

6 (3) Class B-13 licenses are not included in the limit on the number of available Class B-10 nonresident
 7 big game combination licenses issued pursuant to 87-2-505.

8 (4) The holder of a valid Class B-13 license may apply for a Class B-12 nonresident elk B tag license
 9 when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is \$270. The license
 10 entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions
 11 specified by the commission."
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13 **Section 3.** Section 87-2-526, MCA, is amended to read:

14 **"87-2-526. License for nonresident to hunt with resident sponsor or family member -- use of**
 15 **license revenue.** (1) ~~In addition to the nonresident licenses provided for in 87-2-505 and 87-2-510, the~~ The
 16 department may offer for sale 500 B-10 nonresident big game combination licenses and 500 B-11 nonresident
 17 deer combination licenses. ~~The licenses may~~ that must be used only as provided in this section and as authorized
 18 by department rules. Sale of licenses pursuant to this section ~~may does~~ not affect the license quotas established
 19 in 87-2-505 and 87-2-510. The price of licenses sold under this subsection ~~must be the same as nonresident big~~
 20 ~~game combination licenses and nonresident deer combination licenses offered by general drawing pursuant to~~
 21 is one-half of the fee set for the equivalent license in 87-2-505 and or 87-2-510.

22 (2) A license authorized in subsection (1) may be used only by an adult nonresident family member of
 23 a resident who sponsors the license application and who meets the qualifications of subsection (3). The
 24 nonresident family member must be accompanied in the field by the sponsor or another family member who
 25 meets the qualifications of subsection (3). In addition, the nonresident family member must:

26 (a) have completed a Montana hunter safety and education course prior to March 1, 2015; or

27 (b) have previously purchased a resident hunting license; or

28 (c) have been born in Montana or born to or adopted by parents who were residents at the time of birth.

29 ~~A nonresident family member who receives a license pursuant to subsection (1) must be accompanied in the field~~
 30 ~~by a sponsor or family member who meets the qualifications of subsection (3).~~

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

9 (4) If the department receives more applications for licenses than the number that are available under
 10 subsection (1), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful in the
 11 drawing, upon payment of the difference between the fee established for a license sold pursuant to this section
 12 and the equivalent license sold pursuant to 87-2-505 or 87-2-510, must be entered in the general drawing for a
 13 ~~nonresident~~ the license provided under 87-2-505 or 87-2-510, as applicable.

14 (5) All money received from the sale of licenses under subsection (1) must be deposited in a separate
 15 account and must be used by the department to acquire public hunting access to inaccessible public land, which
 16 may include obtaining hunting access through private land to inaccessible public land."
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18 NEW SECTION. Section 4. Repealer. The following sections of the Montana Code Annotated are
 19 repealed:

- 20 87-2-514. Nonresident relative of resident allowed to purchase nonresident licenses at reduced cost --
 21 definitions.
 22 87-2-515. Class B-15 nonresident elk license.
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24 NEW SECTION. Section 5. Effective date. [This act] is effective March 1, 2016.

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