

1 SENATE BILL NO. 119

2 INTRODUCED BY J. HINKLE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING HUNTING LICENSE LAWS; CLARIFYING
5 WHICH HUNTING LICENSES ARE AVAILABLE TO CERTAIN NONRESIDENTS AT A DISCOUNTED PRICE;
6 AUTHORIZING NONRESIDENT COLLEGE STUDENTS, NONRESIDENT YOUTH, AND NONRESIDENT
7 RELATIVES OF RESIDENTS TO PURCHASE A NONRESIDENT ELK-ONLY COMBINATION LICENSE;
8 AUTHORIZING NONRESIDENT COLLEGE STUDENTS AND NONRESIDENT YOUTH TO PURCHASE A
9 CLASS B-11 NONRESIDENT DEER COMBINATION LICENSE; RECLASSIFYING THE NONRESIDENT YOUTH
10 BIG GAME COMBINATION LICENSE AS A CLASS B-10 LICENSE; REMOVING AN OBSOLETE
11 REQUIREMENT FOR NONRESIDENT YOUTH TO PURCHASE A CLASS B-13 LICENSE AS A PREREQUISITE
12 FOR A CLASS B-12 NONRESIDENT ELK B TAG; PROVIDING RULEMAKING AUTHORITY; AMENDING
13 SECTIONS 87-2-511, 87-2-514, 87-2-522, 87-2-525, AND 87-2-526, MCA; AND PROVIDING A DELAYED
14 EFFECTIVE DATE."

15

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

17

18 **Section 1.** Section 87-2-511, MCA, is amended to read:

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

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

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

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

30 (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for

1 providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and
2 this title.

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

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

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

17 (6) (a) An applicant who applies for a Class B-10 license and an applicable special elk permit but who
18 is not successful in a drawing for the special elk permit may choose to retain only the Class B-7 portion of the
19 Class B-10 license. The department shall sell the Class B-7 portion as a Class B-11 license for the fee set in
20 87-2-510. The provisions of this subsection (6)(a) do not affect the limits established in 87-2-510(2). The
21 remaining elk tag portion of the Class B-10 license must be sold by the department as an elk-only combination
22 license for a fee of \$831.

23 (b) Subject to the statutory quota provided in 87-2-505, if the department determines all available elk-only
24 combination licenses have sold by December 1 in any license year, the cost of the elk-only combination license
25 must be adjusted for the subsequent license year based on any change to the consumer price index from the
26 previous year. The consumer price index to be used for calculations is the consumer price index for all urban
27 consumers (CPI-U). The adjusted cost must be rounded down to the nearest even-numbered amount and applies
28 to subsequent license years unless the conditions of this subsection are met.

29 (c) The department may retain 10% of the Class B-10 license fee if an applicant chooses to buy only a
30 portion of the Class B-10 license pursuant to subsection (6)(a) after the Class B-10 license has been issued to

1 the applicant.

2 (d) The revenue collected pursuant to this subsection (6) must be deposited in the state special revenue
3 account to the credit of the department and may not be allocated pursuant to other statutory requirements
4 generally applicable to Class B-10 or Class B-11 licenses.

5 ~~(7) Subject to 87-2-522(2), at the time of application, an applicant for a Class B-13 license shall provide~~
6 ~~the name and automated licensing system number of the adult immediate family member who will accompany~~
7 ~~the youth."~~

8

9 **Section 2.** Section 87-2-514, MCA, is amended to read:

10 **"87-2-514. Nonresident relative of resident allowed to purchase nonresident licenses at reduced**
11 **cost -- definitions.** (1) For the purposes of this section, the following definitions apply:

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

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

15 (2) Except as otherwise provided in this chapter, a nonresident relative of a resident who meets the
16 qualifications of subsection (5) may purchase the following at one-half the cost:

17 (a) a Class B nonresident fishing license;

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

19 (c) one of the following:

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

21 ~~(d)~~ (ii) a Class B-11 nonresident deer combination license; or

22 (iii) a nonresident elk-only combination license.

23 (3) The nonresident relative of a resident shall also purchase a nonresident wildlife conservation license
24 as prescribed in 87-2-202 and a nonresident base hunting license as prescribed in 87-2-116 if the nonresident
25 relative of a resident purchases a hunting license.

26 (4) Class B-10 and Class B-11 licenses sold pursuant to subsection (2) are not included in the limit on
27 the number of available Class B-10 and Class B-11 licenses issued pursuant to 87-2-505 and 87-2-510.
28 Nonresident elk-only combination licenses sold pursuant to subsection (2) are in addition to nonresident elk-only
29 combination licenses available for sale pursuant to 87-2-511.

30 (5) To qualify for a license pursuant to subsection (2), a nonresident relative of a resident shall apply at

1 any department regional office or at the department's state office in Helena and present proof of the following:

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

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

6 (c) proof that the applicant is a nonresident relative of a resident.

7 (6) Of the fee paid for a hunting license purchased pursuant to subsection (2), 28.5% must be deposited
8 in the account established in 87-1-290."

9

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

11 **"87-2-522. ~~Class B-13 nonresident~~ Nonresident youth big game combination license licenses.**

12 (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, and who
13 is 12 years of age or older or will turn 12 years old before or during the season for which the license is issued and
14 who is under 18 years of age may, upon payment of a fee of one-half of the cost of a regularly priced ~~Class B-10~~
15 ~~nonresident big game combination~~ license and subject to the limitations prescribed by law and department
16 regulation, apply to the fish, wildlife, and parks office in Helena, Montana, to purchase: ~~a Class B-13 nonresident~~
17 ~~youth big game combination license~~

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

19 (b) a Class B-11 nonresident deer combination license; or

20 (c) a nonresident elk-only combination license.

21 (2) (a) ~~The holder of a Class B-13 license is entitled to all the privileges of a Class B license, a Class B-1~~
22 ~~license, a Class B-7 license, an elk tag, and a nonresident wildlife conservation license. When using a Class B-13~~
23 ~~license issued pursuant to this section, the holder must be accompanied by an adult immediate family member~~
24 ~~who is the holder of a valid Class B-7, Class B-10, or Class B-11, or nonresident elk-only combination license~~
25 ~~or who is the holder of a valid resident deer or elk tag. As used in this subsection, an adult immediate family~~
26 ~~member means an applicant's natural or adoptive parent, grandparent, brother, or sister who is 18 years of age~~
27 ~~or older.~~

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

30 (3) ~~Class B-13~~ B-10 and Class B-11 licenses issued pursuant to this section are not included in the limit

1 on the number of available Class B-10 ~~and nonresident big game combination~~ Class B-11 licenses issued
 2 pursuant to 87-2-505 ~~and 87-2-510~~. Nonresident elk-only combination licenses issued pursuant to this section
 3 are in addition to nonresident elk-only combination licenses available for sale pursuant to 87-2-511.

4 ~~(4) The holder of a valid Class B-13 license may apply for a Class B-12 nonresident elk-B tag license~~
 5 ~~when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is \$270. The license~~
 6 ~~entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions~~
 7 ~~specified by the commission."~~

8

9 **Section 4.** Section 87-2-525, MCA, is amended to read:

10 **"87-2-525. ~~Class B-14 nonresident~~ Nonresident college student big game combination license**
 11 **licenses.** (1) A student who is not a resident, as defined in 87-2-102, and who meets the qualifications of
 12 subsection (2) may purchase a ~~Class B-14 nonresident college student big game combination license~~ the
 13 following for one-half of the cost of a ~~Class B-10 nonresident big game combination license~~ if that student:

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

15 (b) a Class B-11 nonresident deer combination license; or

16 (c) a nonresident elk-only combination license.

17 ~~(a)~~(2) To qualify for a license pursuant to subsection (1), a student must:

18 (a) ~~be~~ is currently enrolled as a full-time student at a postsecondary educational institution in Montana,
 19 with 12 credits or more being considered full-time; or

20 (b) (i) ~~has~~ have a natural or adoptive parent who currently is a Montana resident, as defined in 87-2-102;

21 (ii) ~~has~~ have a high school diploma from a Montana public, private, or home school or can provide
 22 certified verification that the applicant has a high school equivalency diploma issued in Montana; and

23 (iii) ~~is~~ be currently enrolled as a full-time student at a postsecondary educational institution in another
 24 state.

25 ~~(2) The holder of a Class B-14 license is entitled to all the privileges of a Class B license, a Class B-1~~
 26 ~~license, a Class B-7 license, an elk tag, and a nonresident wildlife conservation license.~~

27 (3) Application for a ~~Class B-14 nonresident college student big game combination license~~ license issued
 28 pursuant to this section may be made after the second Monday in September at any department regional office
 29 or at the department headquarters in Helena. To qualify, the applicant shall present a valid student identification
 30 card and verification of current full-time enrollment at a postsecondary educational institution as required by the

1 department.

2 (4) Class B-10 and Class B-11 licenses issued pursuant to this section are not included in the limit on
 3 the number of available Class B-10 and Class B-11 licenses issued pursuant to 87-2-505 and 87-2-510.
 4 Nonresident elk-only combination licenses issued pursuant to this section are in addition to nonresident elk-only
 5 combination licenses available for sale pursuant to 87-2-511."

6

7 **Section 5.** Section 87-2-526, MCA, is amended to read:

8 **"87-2-526. License for nonresident to hunt with resident sponsor or family member -- use of**
 9 **license revenue.** (1) The department may offer for sale 500 B-10 nonresident big game combination licenses,
 10 ~~and 500 B-11 nonresident deer combination licenses, and 500 nonresident elk-only combination licenses~~ that
 11 must be used as provided in this section and as authorized by department rules. Sale of licenses pursuant to this
 12 section does not affect the license quotas established for Class B-10 and Class B-11 licenses in 87-2-505 and
 13 87-2-510 or the number of nonresident elk-only combination licenses available pursuant to 87-2-511. The price
 14 of licenses sold under this subsection is one-half of the fee set for the equivalent license in 87-2-505, ~~and~~
 15 87-2-510, or 87-2-511.

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

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

29 (4) If the department receives more applications for licenses than the number that are available under
 30 subsection (1), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful in the

1 drawing must be entered in the general drawing for a nonresident license provided under 87-2-505 or 87-2-510,
2 as applicable.

3 (5) All money received from the sale of licenses under subsection (1) must be deposited in a separate
4 account and must be used by the department to acquire public hunting access to inaccessible public land, which
5 may include obtaining hunting access through private land to inaccessible public land."

6

7 NEW SECTION. **Section 6. Effective date.** [This act] is effective March 1, 2018.

8

- END -