



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

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

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

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

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

- (a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;
- (b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and
- (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) a Class B nonresident fishing license;

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

(c) one of the following:

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

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

(iii) a nonresident elk-only combination license;

(d) if available:

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

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

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

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

(5) To qualify for a license pursuant to subsection (2), a nonresident relative of a resident shall apply at any department regional office or at the department's state office in Helena and present proof of the following:

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

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

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

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

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

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

(1) Except as otherwise 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 older or will turn 12 years old before or during the season for which the license is issued and 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 nonresident big game combination~~ license and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office in Helena, Montana, to purchase: ~~a Class B-13 nonresident youth big game combination license~~

(a) one of the following:

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

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

(iii) a nonresident elk-only combination license;

(b) if available:

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

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

(2) ~~(a) The holder of a Class B-13 license is entitled to all the privileges of a Class B license, a Class B-4 license, a Class B-7 license, an elk tag, and a nonresident wildlife conservation license. When using a Class B-13 license issued pursuant to this section, the holder must be accompanied by 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, Class B-12, or nonresident elk-only combination license or who is the holder of a valid resident deer or elk tag. As used in this subsection, an adult immediate family member means an applicant's natural or adoptive parent, grandparent, brother, or sister who~~

is 18 years of age or older.

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

(3) Class B-13 B-10 and Class B-11 licenses issued pursuant to this section are not included in the limit on the number of available Class B-10 and nonresident big game combination Class B-11 licenses issued pursuant to 87-2-505 and 87-2-510. Nonresident elk-only combination licenses issued pursuant to this section are in addition to nonresident elk-only combination licenses available for sale pursuant to 87-2-511.

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

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

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

(a) one of the following:

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

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

(iii) a nonresident elk-only combination license;

(b) if available:

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

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

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

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

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

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

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

state.

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

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

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

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

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

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

(3) To qualify as a sponsor or family member who will accompany a nonresident licensed under subsection (1), a person must be a resident, as defined in 87-2-102, who is 18 years old or older and possesses a current resident hunting license and who is related to the nonresident within the second degree of kinship by

blood or marriage. The second degree of kinship includes a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, mother-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, and stepdaughter. The sponsor shall list on the license application the names of family members who are eligible to hunt with the nonresident hunter.

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

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

Section 6. Effective date. [This act] is effective March 1, 2018.

- END -

I hereby certify that the within bill,
SB 0119, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2017.

SENATE BILL NO. 119

INTRODUCED BY J. HINKLE, B. BROWN, Z. BROWN, V. COURT, T. FACEY, K. FLYNN, T. JACOBSON,
D. KARY, B. SMITH, C. SMITH, B. TSCHIDA, C. VINCENT, J. WELBORN

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