

**Amendment - 1st Reading-white - Requested by: Jonathan Karlen - (H) Fish, Wildlife and Parks**

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

HB0773.001.001

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 ~~514 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-

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1 505 and 28.5% of the fee for Class B-11 nonresident deer combination licenses pursuant to 87-2-510;

2 ~~(b) 28.5% of the fee for hunting licenses issued to nonresident relatives of a resident pursuant to 87-~~  
3 ~~2-514;~~

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

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

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

7

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

9 **"87-2-522. Nonresident youth combination licenses.** (1) Except as otherwise provided in this  
10 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  
11 12 years old before or during the season for which the license is issued and who is under 18 years of age may,  
12 upon payment of a fee of one-half of the cost of a regularly priced license and subject to the limitations  
13 prescribed by law and department regulation, apply to the fish, wildlife, and parks office in Helena, Montana, to  
14 purchase:

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

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

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

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

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

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

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

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

27 (b) An applicant shall provide the name and automated licensing system number of the adult

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1 immediate family member who will accompany the youth when applying for a license pursuant to this section.

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

11 (4) If the department receives more applications for licenses than the number that are available  
12 under subsection (3), the department shall conduct a drawing for the licenses. ~~Applicants who are unsuccessful~~  
13 in the drawing must be entered in the general drawing for a nonresident license provided under 87-2-505 or 87-  
14 2-510, as applicable."

15  
16 **Section 4.** Section 87-2-526, MCA, is amended to read:

17 **"87-2-526. License for nonresident to hunt with resident sponsor or family member -- use of**  
18 **license revenue.** (1) For the purposes of this section, the following definitions apply:

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

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

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

24 (a) a Class B nonresident fishing license;

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

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

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

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

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

3 (d) as provided for by the commission:

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

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

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

13 (4) If the department receives more applications for licenses than the number that are available  
14 under subsection (3), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful  
15 in the drawing must be entered in the general drawing for a nonresident license provided under 87-2-505 or 87-  
16 2-510, as applicable.

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

23 ~~(3)(6)~~ To qualify as a sponsor or family member resident relative who will sponsor and accompany a  
24 nonresident relative licensed under subsection (1)(2), a person must: be

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

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

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1           ~~(c) be and who is related to the nonresident within the second degree of kinship by blood or~~  
2 marriage. The second degree of kinship includes a mother, father, brother, sister, son, daughter, spouse,  
3 grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, mother-in-law,  
4 stepfather, stepmother, stepbrother, stepsister, stepson, and stepdaughter. ~~The sponsor shall list on the license~~  
5 ~~application the names of family members who are eligible to hunt with the nonresident hunter.~~

6           ~~(4) If the department receives more applications for licenses than the number that are available~~  
7 ~~under subsection (1), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful~~  
8 ~~in the drawing must be entered in the general drawing for a nonresident license provided under 87-2-505 or 87-~~  
9 ~~2-510, as applicable.~~

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

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

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

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

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

20           ~~(5)(8) All money received from the sale of licenses under subsection (4) (2) must be deposited in a~~  
21 ~~separate account and must be used by the department to acquire public hunting access to inaccessible public~~  
22 ~~land, which may include obtaining hunting access through private land to inaccessible public land."~~

23

24           ~~NEW SECTION. Section 5. Repealer.~~ The following section of the Montana Code Annotated is  
25 repealed:

26 87-2-514.       Nonresident relative of resident allowed to purchase nonresident licenses at reduced cost --  
27 definitions.

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

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- END -

AMENDED