

1 SENATE BILL NO. 525
 2 INTRODUCED BY P. FLOWERS, J. COHENOUR, T. RUNNING WOLF, M. MARLER, T. FRANCE, D. LOGE,
 3 R. FITZGERALD, B. MOLNAR, C. POPE, J. ELLIS, R. LYNCH, E. MCCLAFFERTY, M. NOLAND, P. GREEN,
 4 D. EMRICH, T. VERMEIRE

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO HUNTING LICENSES AND
 7 PERMITS; ESTABLISHING NONRESIDENT PREFERENCE POINT SYSTEMS; PROVIDING RULEMAKING
 8 AUTHORITY; ESTABLISHING LIMITS ON NONRESIDENT HUNTING LICENSES; PROHIBITING LICENSE
 9 TRANSFERS; PROVIDING A PENALTY FOR LICENSE TRANSFERS; AMENDING SECTIONS 87-2-104, 87-
 10 2-506, 87-2-507, ~~87-2-516~~, 87-2-520, 87-2-705, 87-2-817, AND 87-6-304, MCA; AND PROVIDING A
 11 DELAYED EFFECTIVE DATE."

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

14
 15 NEW SECTION. **Section 1. Nonresident preference point system.** (1) The department shall
 16 establish preference point systems to distribute nonresident hunting licenses for game animals, migratory game
 17 birds, and upland game birds as defined in 87-6-101(12), (17), and (34). This section does not apply to any
 18 game animals, migratory birds, and upland birds that are included in an established bonus point or preference
 19 point system as of [the effective date of this section].

20 (2) For each preference point system, nonresidents may purchase a preference point, on payment
 21 of a nonrefundable \$~~40~~ 50 fee, that gives an applicant who has more preference points priority to receive a
 22 license over an applicant who has purchased fewer preference points.

23 (3) The department shall adopt rules to implement this section.

24 (4) Fees collected from preference points must be placed in the state special revenue fund to the
 25 credit of the department pursuant to 87-1-601.

26
 27 **Section 2.** Section 87-2-104, MCA, is amended to read:

28 **"87-2-104. Number of licenses, permits, or tags allowed -- fees.** (1) The department may prescribe

1 rules and regulations for the issuance or sale of a replacement license, permit, or tag if the original license,
2 permit, or tag is lost, stolen, or destroyed ~~upon~~on payment of a fee not to exceed \$5.

3 (2) The department shall issue a replacement license, permit, or tag to a person who lawfully
4 harvested a game animal but the meat of the animal was determined by the department to be unfit for human
5 consumption due to disease or prior injury. To obtain a replacement license, permit, or tag pursuant to this
6 subsection, the person:

7 (a) shall surrender the entire animal determined to be unfit for human consumption; and

8 (b) may choose to be issued the replacement for the same license year or the next license year.

9 (3) When authorized by the commission for game management purposes, the department may:

10 (a) issue more than one Class A-3 resident deer A, Class A-4 resident deer B, Class B-7

11 nonresident deer A, Class B-8 nonresident deer B, Class E-1 resident wolf, Class E-2 nonresident wolf, or
12 special antelope license to an applicant;

13 (b) issue a special antlerless moose license, a special cow or calf bison license, or one or more
14 special adult ewe mountain sheep licenses to an applicant; and

15 (c) issue one or more Class A-9 resident antlerless elk B tag licenses or Class B-12 nonresident
16 antlerless elk B tag licenses to an applicant. Unless otherwise reduced pursuant to subsection (5), the fee for a
17 Class B-12 license is \$270.

18 (4) For all of the game management licenses issued under subsection (3), the commission shall
19 determine the hunting districts or portions of hunting districts for which the licenses are to be issued, the
20 number of licenses to be issued, and all terms and conditions for the use of the licenses. Unless otherwise
21 determined by the commission, All all game management licenses must be issued in compliance with the
22 provisions of 87-2-506(2) and (3).

23 (5) The fee for a resident or nonresident license of any class issued under subsection (3) may be
24 reduced annually by the department."

25

26 **Section 3.** Section 87-2-506, MCA, is amended to read:

27 **"87-2-506. Restrictions on hunting licenses.** (1) Subject to the provisions of subsections (2) and
28 (3), The the department may prescribe by rule the number of hunting licenses to be issued. Any license sold

1 may be restricted to a specific administrative region, hunting district, or other designated area and may specify
2 the species, age, and sex to be taken and the time period for which the license is valid.

3 (2) ~~When the number of valid resident applications for big game licenses or permits of a single~~
4 ~~class or type exceeds the number of licenses or permits the department desires to issue in an administrative~~
5 ~~region, hunting district, or other designated area, then the number of big game licenses or permits issued to~~
6 ~~nonresident license or permitholders in the region, district, or area may not exceed 10% of the total issued.~~

7 (a) For game animals, migratory game birds, and upland game birds as defined in 87-6-101(12),
8 (17), and (34), the number of licenses, tags, or permits issued to nonresidents through special drawings in an
9 administrative region, hunting district, or other designated area may not exceed 10% of the total issued from an
10 initial special drawing when:-

11 (i) the number of resident licenses are limited; and

12 (ii) a resident or residents participate in the special drawing.

13 (b) If there are surplus or leftover licenses, tags, or permits after an initial special drawing provided
14 under subsection (2)(a), the department shall offer those licenses, tags, or permits to both residents and
15 nonresidents.

16 (c) This subsection (2) does not apply to licenses issued under 87-2-516 and 87-2-705(2), (3), and
17 (4).

18 (3) The department shall place a limit on the number of licenses, tags, or permits issued to
19 nonresidents in any administrative region, hunting district, or other designated hunting area for game animals,
20 migratory game birds, and upland game birds as defined in 87-6-101(12), (17), and (34). This subsection does
21 not apply to licenses issued under 87-2-505, 87-2-510, and 87-2-511.

22 (3)(4) Disabled veterans who meet the qualifying criteria provided in 87-2-817(1) must be provided a
23 total of 50 Class A-3 deer A tags, 50 Class A-4 deer B tags, 50 Class B-7 deer A tags, 50 Class B-8 deer B
24 tags, and 50 special antelope licenses annually, which may be used within the administrative region, hunting
25 district, or other designated area of the disabled veteran's choice, except in a region, district, or area where the
26 number of licenses are less than the number of applicants, in which case qualifying disabled veterans are
27 eligible for no more than 10% of the total licenses for that region, district, or area."

28

1 **Section 4.** Section 87-2-507, MCA, is amended to read:

2 "**87-2-507. Class D-1--nonresident mountain lion license.** Except as otherwise provided in this
3 chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will
4 turn 12 years old before or during the season for which the license is issued may, ~~upon~~on payment of a fee of
5 \$320, receive a Class D-1 license that entitles a holder who is 12 years of age or older to hunt mountain lion
6 and possess the carcass of the mountain lion as authorized by department rules. All licenses must be issued in
7 compliance with the provisions of 87-2-506(2) and (3)."

8
9 **Section 5.** ~~Section 87-2-516, MCA, is amended to read:~~

10 ~~"87-2-516. **Drawing for Class A-9 and Class B-12 antlerless elk B tag licenses -- landowner**~~
11 ~~**preference.** (1) In the event the number of valid applications for Class A-9 resident antlerless elk B tag licenses~~
12 ~~or Class B-12 nonresident antlerless elk B tag licenses for a hunting district exceeds the quota set by the~~
13 ~~department for the district, the department shall award the permits by a drawing. All permits must be awarded in~~
14 ~~compliance with the provisions of 87-2-506(2) and (3).~~

15 ~~(2) Subject to the limitations of subsection (4), in a hunting district where Class A-9 and Class B-12~~
16 ~~licenses are issued, a corresponding Class A-9 or B-12 license must be issued, on application, to persons who:~~

17 ~~(a) own or have contracted to purchase 640 acres or more of contiguous land, at least some of~~
18 ~~which is used by elk; or~~

19 ~~(b) own 160 acres or more of contiguous production agricultural land on which the department~~
20 ~~documented elk game damage within the last 2 years.~~

21 ~~(3) A landowner who is eligible to receive a Class A-9 or Class B-12 license under subsection (2)~~
22 ~~may designate an immediate family member or a person employed by the landowner to apply for the license. A~~
23 ~~corporation owning qualifying land under subsection (2) may designate one of its shareholders to apply for the~~
24 ~~Class A-9 or Class B-12 license.~~

25 ~~(4) Subject to the management provisions provided in 87-1-321 through 87-1-325, 15% of the~~
26 ~~Class A-9 and Class B-12 licenses available each year in a hunting district must be available to landowners~~
27 ~~pursuant to subsection (2)."~~

28

1 **Section 5.** Section 87-2-520, MCA, is amended to read:

2 **"87-2-520. Supplemental game damage license -- terms and conditions.** (1) If at any time the
3 department determines, in conjunction with a landowner or a designated lessee acting as an agent for a
4 landowner, that game animals on the property are causing a level of damage to crops or other vegetation that
5 merits removal of a specific number of game animals or that the taking of a specific number of game animals is
6 advisable for game management purposes, the department may issue nontransferable resident and
7 nonresident supplemental game damage hunting licenses for game management purposes on the property.

8 (2) Supplemental game damage hunting licenses may be issued only for antlerless animals and
9 may be issued only for use on lands eligible for game damage assistance pursuant to 87-1-225. A landowner
10 may not charge a fee to a hunter using a license obtained pursuant to this section.

11 (3) Supplemental game damage licenses may be issued to hunters as an alternative to issuing a
12 kill permit to a landowner.

13 (4) (a) In a hunting district with unlimited license quotas, a landowner may designate the resident
14 supplemental game damage license recipient ~~upon~~on approval of issuance, including a recipient who has
15 obtained an apprentice hunting certificate pursuant to 87-2-810.

16 (b) In a hunting district with limited permit quotas, a landowner may designate up to 75% of the
17 resident supplemental game damage license recipients, with the remainder of the licenses offered to hunters in
18 a manner prescribed by the department.

19 (5) If additional supplemental game damage licenses are available, the department may issue
20 those licenses to resident and nonresident hunters. All licenses must be issued in compliance with the
21 provisions of 87-2-506(2) and (3).

22 (6) A licensee shall pay the regular license price or an adjusted price set by the commission for
23 any supplemental game management license issued pursuant to subsection (1). Issuance of a supplemental
24 game damage license authorizes the licensee to hunt, take, and possess the game animal designated on the
25 license. All hunting under a supplemental game damage license must be conducted on the property designated
26 on the license and in accordance with department regulations."

27

28 **Section 6.** Section 87-2-705, MCA, is amended to read:

1 **"87-2-705. Drawing for special elk permits.** (1) In the event the number of valid applications for
 2 special elk permits for a hunting district exceeds the quota set by the department for the district, these permits
 3 shall must be awarded by a drawing. The department shall provide for those persons making valid application
 4 for special elk permits a method of selecting first, second, and third choice hunting districts for any drawing held
 5 pursuant to this section. Except for permits issued under 87-2-516 and those provided for under the provisions
 6 of subsections (2), (3), and (4) of this section, All- all permits must be awarded in compliance with the
 7 provisions of 87-2-506(2) and (3).

8 (2) Subject to the limitation of subsection (4), a person who owns or is contracting to purchase 640
 9 acres or more of contiguous land, at least some of which is used by elk, in a hunting district where elk permits
 10 are awarded under this section shall must be issued, ~~upon~~ on application, a permit to hunt elk in the hunting
 11 district under the terms and conditions of the permit.

12 (3) An applicant who receives a permit under subsection (2) may designate that the permit be
 13 issued to an immediate family member or a person employed by the landowner. A corporation owning
 14 qualifying land under subsection (2) may designate one of its shareholders to receive the permit.

15 (4) Fifteen percent of the special elk permits available each year under this section in a hunting
 16 district must be available to landowners under subsection (2).

17 (5) The department may promulgate the rules necessary to implement this section."
 18

19 **Section 7.** Section 87-2-817, MCA, is amended to read:

20 **"87-2-817. Licenses for service members.** (1) A veteran or a disabled member of the armed forces
 21 who meets the qualifications in 87-2-803(9) as a result of a combat-connected injury may apply at a fish,
 22 wildlife, and parks office for a regular Class A-3 deer A tag, a Class A-4 deer B tag, a Class B-7 deer A tag, a
 23 Class B-8 deer B tag, and a special antelope license made available under 87-2-506(~~3~~)(4) for one-half of the
 24 license fee. Licenses issued to veterans or disabled members of the armed forces under this part do not count
 25 against the number of special antelope licenses reserved for people with permanent disabilities, as provided in
 26 87-2-706.

27 (2) (a) A Montana resident who is a member of the Montana national guard or the federal reserve
 28 as provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a

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Drafter: Casey Pallister, (406) 444-3067

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1 contingency operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months
2 outside of the state, ~~upon~~on request and ~~upon~~on presentation of the documentation described in subsection
3 (2)(c), must be issued a free resident wildlife conservation license and a Class A resident fishing license or a
4 Class AAA resident combination sports license, which may not include a Class A-6 black bear tag, ~~upon~~on
5 payment of the resident base hunting license fee in 87-2-116 and the purchase of the resident aquatic invasive
6 species prevention pass pursuant to 87-2-130, in the license year that the member returns from military service
7 or in the year following the member's return, based on the member's election, and in any of the 4 years after the
8 member's election.

9 (b) If a Montana resident who meets the service qualifications of subsection (2)(a) is subsequently
10 required to serve another 2 months or more outside of the state under the same service qualifications, the
11 entitlement to free licenses provided pursuant to subsection (2)(a) resets and the member may start a new 5-
12 year entitlement period beginning in the license year that the member returns from the subsequent military
13 service or in the year following the member's return, based on the member's election. There is no limit on the
14 number of times the entitlement period may be reset if the Montana resident repeatedly meets the service
15 qualifications of subsection (2)(a).

16 (c) To be eligible for the free licenses provided for in subsection (2)(a) or (2)(b), an applicant shall,
17 in addition to the written application and proof of residency required in 87-2-202(1), provide to any regional
18 department office or to the department headquarters in Helena, by mail or in person, the member's DD form
19 214 verifying the member's release or discharge from active duty. The applicant is responsible for providing
20 documentation showing that the applicant participated in a contingency operation as provided in 10 U.S.C.
21 101(a)(13).

22 (d) The department's general license account must be reimbursed by a quarterly transfer of funds
23 from the general fund to the general license account for costs associated with the free licenses granted
24 pursuant to this subsection (2) during the preceding calendar quarter. Reimbursement costs must be
25 designated as license revenue.

26 (3) A member of the armed forces who forfeited a license or permit issued through a drawing as a
27 result of deployment outside of the continental United States in support of a contingency operation as provided
28 in 10 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, ~~upon~~on application in

1 the year of the member's return from deployment or in the first year that the license or permit is made available
2 after the member's return."

3

4 **Section 8.** Section 87-6-304, MCA, is amended to read:

5 **"87-6-304. License, permit, or tag offenses.** (1) A person may not apply for, purchase, or possess
6 more than one license, permit, or tag of any one class or more than one special license for any one species
7 listed in 87-2-701. This provision does not apply to Class B-4, Class B-5, or Class E-2 licenses or to licenses
8 issued under 87-2-104(3) for game management purposes. However, when more than one license, permit, or
9 tag is authorized by the commission, a person may not apply for, purchase, or possess more licenses, permits,
10 or tags than are authorized.

11 (2) The holder of a replacement license, permit, or tag may not make the replacement license,
12 permit, or tag available for use by another person.

13 (3) Except as provided in 87-6-305(2), a person to whom a license or permit has been issued may
14 not fish, hunt for any game bird or game animal, or attempt to hunt for any fur-bearing animal in this state
15 unless the person is carrying the required license or permit at the time.

16 (4) A person may not refuse to exhibit a license or permit and the identification used in purchasing
17 a license or permit for inspection to a warden or other officer requesting to see it.

18 (5) A person may not at any time alter or change a license in any material manner.

19 (6) A person may not sell, or loan, or gift, or by any other means transfer any license to another
20 person. A person other than the person to whom a license is issued may not use the license. A person may not
21 attach the person's license to a game animal killed by another person.

22 (6)(7) A person convicted of a violation of this section shall be fined not less than \$50 or more than
23 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. A person convicted
24 under subsection (2) or (6) of selling or by any other means transferring a license shall be subject to an
25 additional fine of not less than \$1,000 or more than \$5,000. In addition, except as provided in subsection ~~(7)~~ (8),
26 the person, ~~upon~~ on conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting,
27 fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state
28 lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

