SENATE BILL NO. 512

INTRODUCED BY B. MOLNAR

A BILL FOR AN ACT ENTITLED: “AN ACT GENERALLY REVISING FISH AND GAME LICENSES; ESTABLISHING A POLICY FOR NONRESIDENT GAME BIRD HUNTERS; INCREASING LICENSE FEES; LIMITING CERTAIN LICENSES TO A PERCENTAGE SOLD THE PREVIOUS YEAR; PROVIDING AN EXCEPTION FOR DISABLED ARCHERY HUNTERS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 87-2-501, 87-2-504, 87-2-505, 87-2-506, 87-2-510, 87-2-511, 87-2-512, AND 87-2-526, MCA.”

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

NEW SECTION. Section 1. Policy toward nonresident game bird hunters. (1) It is the policy of this state to protect and preserve game birds and turkeys primarily for the citizens of this state while welcoming nonresidents licensed to hunt in Montana to enjoy the state’s public wildlife resources and acknowledging nonresidents’ financial contribution to Montana’s wildlife management and tourism industry.

(2) (a) Except as provided in subsection (2)(b), the commission shall by rule limit the number of game bird licenses to 10% of the number of licenses purchased the previous year by residents, as defined in 87-2-102.

(b) This subsection (2) does not apply to licenses for persons with disabilities pursuant to 87-2-803.

Section 2. Section 87-2-501, MCA, is amended to read:

"87-2-501. Class A-3, A-4, A-5, A-6, and A-9 resident deer, elk, and bear licenses -- fees. (1) Except as otherwise provided in this chapter, a resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued, upon payment of the proper fee or fees, is entitled to purchase one of each of the following licenses at the prescribed cost that will entitle a holder who is 12 years of age or older to hunt the game animal or animals authorized by the
license held and to possess the carcasses of those game animals as authorized by department rules:

(a) Class A-3, deer A tag, $16 $17.50;
(b) Class A-4, deer B tag, $10 $11;
(c) Class A-5, elk tag, $20 $22;
(d) Class A-6, black bear tag, $19 $21;
(e) Class A-9, resident antlerless elk B tag, $20 $22.

(2) Subject to the management provisions provided in 87-1-321 through 87-1-325, a person may not take more than three elk during any license year, only one of which may be antlered.

Section 3. Section 87-2-504, MCA, is amended to read:

"87-2-504. Class B-7 and B-8--nonresident deer licenses. (1) (a) Except as otherwise provided in this 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 turn 12 years old before or during the season for which the license is issued may, upon payment of the proper fee or fees and subject to the limitations prescribed by law and department regulation, be entitled to apply to the fish, wildlife, and parks office, Helena, Montana, to purchase one each of the following licenses:

(i) Class B-7, deer A tag, $250 $275;
(ii) Class B-8, deer B tag, $75 $82.

(b) The license entitles a holder who is 12 years of age or older to hunt the game animal or animals authorized by the license and to possess the carcasses of those animals as authorized by commission rules.

(2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be assigned for use in a specific administrative region or regions or a portion of a specific administrative region or regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state, except as provided in 87-2-512(1)(d). Not more than 5,000 Class B-7 licenses may be sold in any license year.

(3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by hunting districts, portions of a hunting district, groups of districts, or administrative regions."
Section 4. Section 87-2-505, MCA, is amended to read:

"87-2-505. Class B-10--nonresident big game combination license. (1) Except as otherwise provided in this 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 turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of $981 $1,079 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag.

(2) Not more than 17,000 Class B-10 licenses may be sold in any 1 license year.

(3) Of the fee paid for the purchase of a Class B-10 nonresident big game combination license pursuant to subsection (1), 28.5% must be deposited in the account established in 87-1-290.

(4) The cost of the Class B-10 nonresident big game combination license must be adjusted annually 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."

Section 5. Section 87-2-506, MCA, is amended to read:

"87-2-506. Restrictions on hunting licenses. (1) The department may prescribe by rule the number of hunting licenses to be issued. Any license sold may be restricted to a specific administrative region, hunting district, or other designated area and may specify the species, age, and sex to be taken and the time period for which the license is valid.

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

(3) Disabled veterans who meet the qualifying criteria provided in 87-2-817(1) must be provided a 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.
tags, and 50 special antelope licenses annually, which may be used within the administrative region, hunting
district, or other designated area of the disabled veteran's choice, except in a region, district, or area where the
number of licenses are less than the number of applicants, in which case qualifying disabled veterans are
eligible for no more than 10% of the total licenses for that region, district, or area.
(4) (a) Antelope licenses or permits issued to nonresident license or permitholders may not exceed
10% of the licenses and permits offered in a district.
(b) No more than 10% of elk licenses and permits sold to resident archers the previous year may
be sold to nonresident archers.
(c) This subsection (4) does not apply to licenses for persons with disabilities pursuant to 87-2-
Section 6. Section 87-2-510, MCA, is amended to read:
87-2-510. Class B-11--nonresident deer combination license. (1) (a) Except as otherwise
provided in this 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 turn 12 years old before or during the season for which the license is issued may, upon
payment of a fee of $577 and subject to the limitations prescribed by law and department regulation, apply to
the fish, wildlife, and parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination
license that entitles a holder who is 12 years of age or older to all the privileges of the Class B, Class B-1, and
Class B-7 licenses.
(b) Of the fee paid for the purchase of a Class B-11 nonresident deer combination license
pursuant to subsection (1)(a), 28.5% must be deposited in the account established in 87-1-290.
(c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually
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.
(2) Not more than 4,600 unreserved Class B-11 licenses may be sold in any 1 license year.
(3) Revenue collected pursuant to subsection (2) 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-11 licenses."

Section 7. Section 87-2-511, MCA, is amended to read:

"87-2-511. Sale and use of Class B-10 and Class B-11 licenses. (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on April 1, 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
68th Legislature 2023

Section 8. Section 87-2-512, MCA, is amended to read:

"87-2-512. Separation of Class B-7 license from Class B-10 license for deer management purposes -- disposition of license revenue. (1) The commission may by rule separate the Class B-7 license from the Class B-10 license and sell the separated Class B-7 license, giving a preference to any Class B-10 license holder to purchase one of the separated Class B-7 licenses. In the case of separated Class B-7 licenses that are not purchased by Class B-10 license holders, the commission, for purposes of sound deer management,

(5)(2) 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)(3)(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)(3)(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)(3)(a) after the Class B-10 license has been issued to the applicant.

(d) The revenue collected pursuant to this subsection (6)(3) 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."
management:

(a) may authorize the sale of not more than 5,000 Class B-7 licenses that have been separated from the Class B-10 licenses, as limited by 87-2-504;

(b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11 combination licenses;

(c) shall set the fees for the separated licenses as follows:

(i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in 87-2-505 for licenses in the general category; and

(ii) the fee for the separated Class B-11 licenses may not be more than the fees specified in 87-2-510 for licenses in the general and landowner-sponsored categories;

(d) may assign the separated Class B-7 or Class B-11 licenses for use in specific administrative regions, portions of administrative regions, hunting districts, or portions of hunting districts;

(e) may allocate a portion of the separated Class B-7 or Class B-11 licenses among the general and landowner-sponsored categories established in 87-2-510 and 87-2-511 but not count those licenses as part of the statutory quotas, with the Class B-7 licenses then subject to the requirements and procedures of 87-2-511; and

(f) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary to manage the harvest of deer, including restricting the use of a license to either mule deer or whitetail deer.

(2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses must be deposited in the state special revenue account to the credit of the department and not allocated pursuant to other statutory requirements generally applicable to Class B-11 licenses. The revenue from Class B-10 licenses sold without a deer tag must be allocated in the same manner as revenue from Class B-10 licenses sold with a deer tag.”

Section 9. 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, 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 must be given preference and are subtracted from 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, 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 and 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.”

NEW SECTION. Section 10. Codification instruction. [Section 1] is intended to be codified as an
1 integral part of Title 87, chapter 3, part 4, and the provisions of Title 87, chapter 3, part 4, apply to [section 1].

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