

## SENATE BILL NO. 143

INTRODUCED BY J. ELLSWORTH, M. BLASDEL, B. BROWN, C. GLIMM, S. HINEBAUCH, T. JACOBSON, J. SMALL, S. BERGLEE, R. FITZGERALD, W. GALT, S. GUNDERSON, M. HOPKINS, J. KASSMIER, C. KNUDSEN, R. MARSHALL, V. RICCI, E. BUTTREY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO CLASS B-10 AND CLASS B-11 ELK AND DEER COMBINATION LICENSES; ~~RESERVING A PERCENTAGE FOR NONRESIDENTS HUNTING WITH AN OUTFITTER; ESTABLISHING APPLICATION REQUIREMENTS AND FEES; ESTABLISHING AN EARLY DRAW WITH AN APPLICATION FEE; DIRECTING ALLOCATING REVENUE TO FUND PUBLIC ACCESS LAND AGREEMENTS; RECODIFYING LAWS RELATED TO PUBLIC ACCESS LAND AGREEMENTS AND RESIDENT SPONSORED CLASS B-11 LICENSES; CLARIFYING THE TOTAL NUMBER OF CLASS B-11 LICENSES AVAILABLE; REMOVING USE OF THE CONSUMER PRICE INDEX FOR LICENSE FEE CALCULATIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 87-1-295, 87-2-115, 87-2-505, 87-2-510, AND SECTION 87-2-511, MCA; REPEALING SECTIONS 87-1-296 AND 87-1-297, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.~~"

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

**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 licenses.** (1) The department shall offer the Class B-10 and Class B-11 licenses for sale through an early drawing and a general drawing as follows:

(A) (i) EXCEPT AS PROVIDED IN SUBSECTION (1)(A)(III), 40% OF THE CLASS B-10 AND CLASS B-11 LICENSES MADE AVAILABLE PURSUANT TO 87-2-505 AND 87-2-510 MAY BE PURCHASED THROUGH AN EARLY DRAWING TO OCCUR ON JANUARY 15 BY PERSONS WHO APPLY BETWEEN DECEMBER 1 AND DECEMBER 31 FOR A FEE OF \$300. IF APPLYING AS A PARTY, EACH PERSON MUST PAY THE APPLICATION FEE. APPLICATION FEES MUST BE USED BY THE DEPARTMENT TO

1 SECURE, DEVELOP, AND MAINTAIN WILDLIFE HABITAT PURSUANT TO 87-1-242. AT THE END OF EACH FISCAL YEAR,  
 2 UNOBLIGATED FUNDS COLLECTED PURSUANT TO THIS SUBSECTION (1)(A)(I) ARE AVAILABLE TO THE DEPARTMENT FOR  
 3 ANY PURPOSE PURSUANT TO 87-1-201(3).

4 (II) THE DEPARTMENT SHALL CONDUCT THE EARLY DRAWING IN ACCORDANCE WITH 87-2-115. APPLICANTS  
 5 WHO ARE UNSUCCESSFUL IN THE EARLY DRAWING MUST BE ENTERED IN THE GENERAL DRAWING CONDUCTED PURSUANT  
 6 TO SUBSECTION (1)(B). ANY LICENSES THAT REMAIN UNSOLD IN THE EARLY DRAWING MUST BE ISSUED IN THE GENERAL  
 7 DRAWING CONDUCTED PURSUANT TO SUBSECTION (1)(B).

8 (III) THE COMMISSION MAY INCREASE THE PERCENTAGE OF CLASS B-10 AND CLASS B-11 LICENSES AVAILABLE  
 9 FOR PURCHASE IN THE EARLY DRAWING TO UP TO 50% OF THE TOTAL AVAILABLE PURSUANT TO 87-2-505 AND 87-2-510  
 10 BASED ON PARTICIPATION IN THE PREVIOUS YEAR'S EARLY DRAWING.

11 (B) AFTER THE EARLY DRAWING IS CONDUCTED PURSUANT TO SUBSECTION (1)(A), THE DEPARTMENT SHALL  
 12 OFFER FOR SALE THE REMAINDER OF THE CLASS B-10 AND CLASS B-11 LICENSES MADE AVAILABLE PURSUANT TO 87-2-  
 13 505 AND 87-2-510 on April 1 through a general drawing conducted in accordance with 87-2-115 if the number of  
 14 applicants exceeds the number of available licenses., with 2,000 of the authorized

15 (2) In addition to the Class B-11 licenses authorized pursuant to 87-2-510, there are reserved 2,000  
 16 Class B-11 licenses for applicants indicating their intent to hunt with a resident sponsor on land owned by that  
 17 sponsor, as provided in ~~subsections (2) and subsection (3)~~ and this subsection.

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

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

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

25 (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for  
 26 providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47,  
 27 and this title.

28 (3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the

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

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

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

15 ~~(6)~~ (5) (a) An applicant who applies for a Class B-10 license and an applicable special elk permit but  
 16 who is not successful in a drawing for the special elk permit may choose to retain only the Class B-7 portion of  
 17 the Class B-10 license. The department shall sell the Class B-7 portion as a Class B-11 license for the fee set  
 18 in 87-2-510. The provisions of this subsection ~~(6)(a)~~ (5)(a) do not affect the limits established in 87-2-510(2).  
 19 The remaining elk tag portion of the Class B-10 license must be sold by the department as an elk-only  
 20 combination license for a fee of \$831.

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

27 (c) The department may retain 10% of the Class B-10 license fee if an applicant chooses to buy only  
 28 a portion of the Class B-10 license pursuant to subsection ~~(6)(a)~~ (5)(a) after the Class B-10 license has been

1 issued to the applicant.

2 (d) The revenue collected pursuant to this subsection ~~(6)~~ (5) must be deposited in the state special  
3 revenue account to the credit of the department and may not be allocated pursuant to other statutory  
4 requirements generally applicable to Class B-10 or Class B-11 licenses."

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7 NEW SECTION. **Section 2. Effective date.** [This act] is effective December 1, 2021.

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