

SENATE BILL NO. 301

INTRODUCED BY R. RIPLEY, BRENDEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ENACTING A MORATORIUM ON THE PURCHASE OF CERTAIN
5 LAND IN FEE BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS UNTIL JULY 1, ~~2015~~ 2013;
6 AMENDING SECTIONS 23-1-102, 23-1-108, 23-2-103, 87-1-209, ~~87-1-285~~, 87-1-301, 87-1-605, 87-1-703,
7 87-1-709, 87-2-526, AND 87-5-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
8 TERMINATION DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 23-1-102, MCA, is amended to read:
13 **"23-1-102. Powers and duties of department of fish, wildlife, and parks -- moratorium on land**
14 **purchase.** (1) The department shall make a study to determine the scenic, historic, archaeological, scientific, and
15 recreational resources of the state. ~~The~~ Except as provided in subsection (5), the department may by purchase,
16 lease, agreement, or acceptance of donations acquire for the state any areas, sites, or objects that in its opinion
17 should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state
18 historical sites. The department, with the consent of the commission, may acquire by condemnation, pursuant
19 to Title 70, chapter 30, lands or structures for the purposes provided in 87-1-209(2).

20 (2) The department may accept in the name of the state, in fee or otherwise, any areas, sites, or objects
21 conveyed, entrusted, donated, or devised to the state. It may accept gifts, grants, bequests, or contributions of
22 money or other property to be spent or used for any of the purposes of this part.

23 (3) A contract, for any of the purposes of this part, may not be entered into or another obligation incurred
24 until money has been appropriated by the legislature or is otherwise available. If the contract or obligation pertains
25 to acquisition of areas or sites in excess of either 100 acres or \$100,000 in value, the board of land
26 commissioners shall specifically approve the acquisition.

27 (4) The department has jurisdiction, custody, and control of all state parks, recreational areas, public
28 camping grounds, historical sites, and monuments, except wayside camps and other public conveniences
29 acquired, improved, and maintained by the department of transportation and contiguous to the state highway
30 system. The department may designate lands under its control as state parks, state historical sites, state

1 monuments, or by any other designation that it considers appropriate. The department may remove or change
 2 the designation of any area or portion of an area and may name or change the name of any area. The department
 3 may lease those portions of designated lands that are necessary for the proper administration of the lands in
 4 keeping with the basic purpose of this part.

5 (5) The department may not purchase or enter into a contract to purchase land in fee IF LAND IS MORE
 6 THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, 2015 2013."

7
 8 **Section 2.** Section 23-1-108, MCA, is amended to read:

9 **"23-1-108. Acquisition of certain state parks, monuments, or historical sites -- moratorium on land**
 10 **purchase.** (1) Any person, association, or representative of a governing unit may submit a proposal for the
 11 acquisition of a site or area described in 23-1-102 from the income of the trust fund created in 15-35-108 to the
 12 department of fish, wildlife, and parks by July 1 of the year preceding the convening of a legislative session.

13 (2) The fish, wildlife, and parks commission shall present to the legislature by the 15th day of any
 14 legislative session a list of areas, sites, or objects that were proposed for purchase for use as state parks, state
 15 recreational areas, state monuments, or state historical sites with the money contained in the parks account.

16 (3) ~~The~~ Except as provided in subsection (4), the legislature must is required to appropriate funds from
 17 this account before any park, area, monument, or site may be purchased.

18 (4) The department may not purchase or enter into a contract to purchase land in fee IF LAND IS MORE
 19 THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, 2015 2013."

20
 21 **Section 3.** Section 23-2-103, MCA, is amended to read:

22 **"23-2-103. Compliance with federal act authorized -- powers of department -- moratorium on land**
 23 **purchase.** (1) The department of fish, wildlife, and parks shall do those things necessary to comply with the
 24 provisions of the Land and Water Conservation Fund Act of 1965. Among other things, the department of fish,
 25 wildlife, and parks may:

26 ~~(1)~~(a) prepare a comprehensive statewide outdoor recreational plan ~~which shall~~ that must contain an
 27 evaluation of the demand for and supply of outdoor recreational resources and facilities in Montana and a
 28 program for implementation of the plan;

29 ~~(2)~~(b) accept and administer moneys paid by the secretary of the interior for approved projects;

30 ~~(3)~~(c) contract with other state agencies, cities, counties, and other political subdivisions of the state,

1 private organizations, and agencies of the federal government;

2 ~~(4)(d)~~ except as provided in subsection (2), acquire, other than by eminent domain, and develop outdoor
3 recreational areas and facilities and land and waters and interests in land and waters for such areas and facilities;

4 ~~(5)(e)~~ for the purpose of implementing the Land and Water Conservation Fund Act of 1965, coordinate
5 its activities with and represent the interests of all agencies of state, city, county, and other governmental units
6 with outdoor recreational responsibilities.

7 (2) The department may not purchase or enter into a contract to purchase land in fee IF LAND IS MORE
8 THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, 2015 2013."

9

10 **Section 4.** Section 87-1-209, MCA, is amended to read:

11 **"87-1-209. (Temporary) Acquisition and sale of land or water -- moratorium.** (1) Subject to 87-1-218
12 and except as provided in subsection (8) of this section, the department, with the consent of the commission and,
13 in the case of land acquisition involving more than 100 acres or \$100,000 in value, the approval of the board of
14 land commissioners, may acquire by purchase, lease, agreement, gift, or devise and may acquire easements
15 upon land or water for the purposes listed in this subsection. Any acquisition of land or water rights for purposes
16 of this subsection, except that portion of acquisitions made with funds provided under 87-1-242(1), must include
17 an additional 20% above the purchase price to be used for maintenance of land or water acquired by the
18 department. The additional amount above the purchase price or \$300,000, whichever is less, must be deposited
19 in the account established in 87-1-230. As used in this subsection, "maintenance" means that term as defined
20 in and consistent with the good neighbor policy in 23-1-127(2). The department may develop, operate, and
21 maintain acquired land or water rights:

22 (a) for fish hatcheries or nursery ponds;

23 (b) as land or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or
24 protection;

25 (c) for public hunting, fishing, or trapping areas;

26 (d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or fur-bearing
27 animals needed for propagation or stocking purposes or to exercise control measures of undesirable species;

28 (e) for state parks and outdoor recreation;

29 (f) to extend and consolidate by exchange, land or water rights suitable for these purposes.

30 (2) The department, with the consent of the commission, may acquire by condemnation, as provided in

1 Title 70, chapter 30, land or structures for the preservation of historical or archaeological sites that are threatened
2 with destruction or alteration.

3 (3) (a) Subject to section 2(3), Chapter 560, Laws of 2005, the department, with the consent of the
4 commission, may dispose of land and water rights acquired by it on those terms after public notice as required
5 by subsection (3)(b) of this section, without regard to other laws that provide for sale or disposal of state land and
6 with or without reservation, as it considers necessary and advisable. The department, with the consent of the
7 commission, may convey department land and water rights for full market value to other governmental entities
8 or to adjacent landowners without regard to the requirements of subsection (3)(b) or (3)(c) if the land is less than
9 10 acres or if the full market value of the interest to be conveyed is less than \$20,000. When the department
10 conveys land or water rights to another governmental entity or to an adjacent landowner pursuant to this
11 subsection, the department, in addition to giving notice pursuant to subsection (3)(b), shall give notice by mail
12 to the landowners whose property adjoins the department property being conveyed.

13 (b) Subject to section 2(3), Chapter 560, Laws of 2005, notice of sale describing the land or water rights
14 to be disposed of must be published once a week for 3 successive weeks in a newspaper with general circulation
15 printed and published in the county where the land or water right is situated or, if a newspaper is not published
16 in that county, then in any newspaper with general circulation in that county.

17 (c) The notice must advertise for cash bids to be presented to the director within 60 days from the date
18 of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an amount equal
19 to 10% of the amount bid. The highest bid must be accepted upon payment of the balance due within 10 days
20 after mailing notice by certified mail to the highest bidder. If that bidder defaults on payment of the balance due,
21 then the next highest bidders must be similarly notified in succession until a sale is completed. Deposits must be
22 returned to the unsuccessful bidders except bidders defaulting after notification.

23 (d) The department shall reserve the right to reject any bids that do not equal or exceed the full market
24 value of the land or water right as determined by the department. If the department does not receive a bid that
25 equals or exceeds fair market value, it may then sell the land or water rights at private sale. The price accepted
26 on any private sale must exceed the highest bid rejected in the bid process.

27 (4) When necessary and advisable for the management and use of department property, the director
28 is authorized to grant or acquire from willing sellers right-of-way easements for purposes of utilities, roads,
29 drainage facilities, ditches for water conveyance, and pipelines if the full market value of the interest to be
30 acquired is less than \$20,000. Whenever possible, easements must include a weed management plan. Approval

1 of the commission is not required for grants and acquisitions made pursuant to this subsection. In granting any
2 right-of-way pursuant to this subsection, the department shall obtain a fair market value, but the department is
3 not otherwise required to follow the disposal requirements of subsection (3). The director shall report any
4 easement grant or acquisition made pursuant to this subsection to the commission at its next regular meeting.

5 (5) The department shall convey land and water rights without covenants of warranty by deed executed
6 by the governor or in the governor's absence or disability by the lieutenant governor, attested by the secretary
7 of state and further countersigned by the director.

8 (6) Subject to 87-1-218, the department, with the consent of the commission, is authorized to utilize the
9 installment contract method to facilitate the acquisition of wildlife management areas in which game and nongame
10 fur-bearing animals and game and nongame birds may breed and replenish and areas that provide access to
11 fishing sites for the public. The total cost of installment contracts may not exceed the cost of purchases authorized
12 by the department and appropriated by the legislature.

13 (7) The department is authorized to enter into leases of land under its control in exchange for services
14 to be provided by the lessee on the leased land.

15 (8) The department may not purchase or enter into a contract to purchase land in fee IF LAND IS MORE
16 THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, 2015 2013. (Terminates June 30, 2013--sec.
17 8, Ch. 427, L. 2009.)

18 **87-1-209. (Effective July 1, 2013) Acquisition and sale of lands or waters -- moratorium.** (1) Subject
19 to 87-1-218 and except as provided in subsection (8) of this section, the department, with the consent of the
20 commission and, in the case of land acquisition involving more than 100 acres or \$100,000 in value, the approval
21 of the board of land commissioners, may acquire by purchase, lease, agreement, gift, or devise and may acquire
22 easements upon lands or waters for the purposes listed in this subsection. The department may develop, operate,
23 and maintain acquired lands or waters:

24 (a) for fish hatcheries or nursery ponds;

25 (b) as lands or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or
26 protection;

27 (c) for public hunting, fishing, or trapping areas;

28 (d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or fur-bearing
29 animals needed for propagation or stocking purposes or to exercise control measures of undesirable species;

30 (e) for state parks and outdoor recreation;

1 (f) to extend and consolidate by exchange, lands or waters suitable for these purposes.

2 (2) The department, with the consent of the commission, may acquire by condemnation, as provided in
3 Title 70, chapter 30, lands or structures for the preservation of historical or archaeological sites that are
4 threatened with destruction or alteration.

5 (3) (a) Subject to section 2(3), Chapter 560, Laws of 2005, the department, with the consent of the
6 commission, may dispose of lands and water rights acquired by it on those terms after public notice as required
7 by subsection (3)(b) of this section, without regard to other laws that provide for sale or disposal of state lands
8 and with or without reservation, as it considers necessary and advisable. The department, with the consent of
9 the commission, may convey department lands and water rights for full market value to other governmental
10 entities or to adjacent landowners without regard to the requirements of subsection (3)(b) or (3)(c) if the land is
11 less than 10 acres or if the full market value of the interest to be conveyed is less than \$20,000. When the
12 department conveys land or water rights to another governmental entity or to an adjacent landowner pursuant
13 to this subsection, the department, in addition to giving notice pursuant to subsection (3)(b), shall give notice by
14 mail to the landowners whose property adjoins the department property being conveyed.

15 (b) Subject to section 2(3), Chapter 560, Laws of 2005, notice of sale describing the lands or waters to
16 be disposed of must be published once a week for 3 successive weeks in a newspaper with general circulation
17 printed and published in the county where the lands or waters are situated or, if a newspaper is not published in
18 that county, then in any newspaper with general circulation in that county.

19 (c) The notice must advertise for cash bids to be presented to the director within 60 days from the date
20 of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an amount equal
21 to 10% of the amount bid. The highest bid must be accepted upon payment of the balance due within 10 days
22 after mailing notice by certified mail to the highest bidder. If that bidder defaults on payment of the balance due,
23 then the next highest bidders must be similarly notified in succession until a sale is completed. Deposits must be
24 returned to the unsuccessful bidders except bidders defaulting after notification.

25 (d) The department shall reserve the right to reject any bids that do not equal or exceed the full market
26 value of the lands and waters as determined by the department. If the department does not receive a bid that
27 equals or exceeds fair market value, it may then sell the lands or water rights at private sale. The price accepted
28 on any private sale must exceed the highest bid rejected in the bid process.

29 (4) When necessary and advisable for the management and use of department property, the director
30 is authorized to grant or acquire from willing sellers right-of-way easements for purposes of utilities, roads,

1 drainage facilities, ditches for water conveyance, and pipelines if the full market value of the interest to be
 2 acquired is less than \$20,000. Whenever possible, easements must include a weed management plan. Approval
 3 of the commission is not required for grants and acquisitions made pursuant to this subsection. In granting any
 4 right-of-way pursuant to this subsection, the department shall obtain a fair market value, but the department is
 5 not otherwise required to follow the disposal requirements of subsection (3). The director shall report any
 6 easement grant or acquisition made pursuant to this subsection to the commission at its next regular meeting.

7 (5) The department shall convey lands and water rights without covenants of warranty by deed executed
 8 by the governor or in the governor's absence or disability by the lieutenant governor, attested by the secretary
 9 of state and further countersigned by the director.

10 (6) Subject to 87-1-218, the department, with the consent of the commission, is authorized to utilize the
 11 installment contract method to facilitate the acquisition of wildlife management areas in which game and nongame
 12 fur-bearing animals and game and nongame birds may breed and replenish and areas that provide access to
 13 fishing sites for the public. The total cost of installment contracts may not exceed the cost of purchases authorized
 14 by the department and appropriated by the legislature.

15 (7) The department is authorized to enter into leases of land under its control in exchange for services
 16 to be provided by the lessee on the leased land.

17 (8) The department may not purchase or enter into a contract to purchase land in fee IF LAND IS MORE
 18 THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, 2015 2013."

19

20 ~~Section 5. Section 87-1-285, MCA, is amended to read:~~

21 ~~"87-1-285. Fishing access enhancement program created -- private landowner assistance to~~
 22 ~~promote public fishing access -- rules. (1) The department may establish programs of landowner assistance~~
 23 ~~that encourage public access to and across private lands for purposes of fishing and may adopt rules to carry~~
 24 ~~out program purposes. Rules may address but are not limited to incentives for private landowners who allow~~
 25 ~~public fishing access on or across their lands, where legal access does not presently exist. Participation in the~~
 26 ~~fishing access enhancement program is established through a cooperative agreement between a landowner and~~
 27 ~~the department, including other resource management agencies when appropriate, that allows access for public~~
 28 ~~fishing with certain restrictions or use rules.~~

29 ~~(2) The department may also develop similar voluntary programs that are designed to promote public~~
 30 ~~access across private lands for fishing purposes.~~

1 ~~———(3) Participation in a program established under subsection (1) is voluntary. Programs may not be~~
 2 ~~structured in a manner that provides assistance to a private landowner who charges a fee for fishing access to~~
 3 ~~private land that is enrolled in the program or who does not provide reasonable public fishing access to private~~
 4 ~~land that is enrolled in the program. The commission shall develop criteria by which tangible benefits are allocated~~
 5 ~~to participating landowners, and the department may distribute the benefits to participating landowners.~~

6 ~~———(4) Funds Except as provided in 87-1-605(4), funds from the account established pursuant to 87-1-605~~
 7 ~~may be used to purchase or lease public fishing access at county road bridge crossings or for necessary parking~~
 8 ~~facilities, trails, or ramps to facilitate fishing access to public waters at bridge crossings."~~

9

10 **Section 5.** Section 87-1-301, MCA, is amended to read:

11 **"87-1-301. Powers of commission -- moratorium on land purchase.** (1) The commission:

12 (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife,
 13 fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment
 14 of all other responsibilities of the department as provided by law;

15 (b) shall establish the hunting, fishing, and trapping rules of the department;

16 (c) shall establish the rules of the department governing the use of lands owned or controlled by the
 17 department and waters under the jurisdiction of the department;

18 (d) must have the power within the department to establish wildlife refuges and bird and game preserves;

19 (e) shall approve all acquisitions or transfers by the department of interests in land or water, except as
 20 provided in 87-1-209(4) and subsection (7) of this section;

21 (f) shall review and approve the budget of the department prior to its transmittal to the budget office;

22 (g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but
 23 less than \$5,000; and

24 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided
 25 in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as
 26 provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider
 27 landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular
 28 hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal
 29 opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting
 30 district where a restriction on elk hunting on public property is proposed.

1 (2) The commission may adopt rules regarding the use and type of archery equipment that may be
2 employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in
3 archery equipment change.

4 (3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons,
5 conditions, programs, or other provisions that the commission considers appropriate to promote or enhance
6 hunting by Montana's youth and persons with disabilities.

7 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

8 (i) separate deer licenses from nonresident elk combination licenses;

9 (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the
10 deer tag;

11 (iii) condition the use of the deer licenses; and

12 (iv) limit the number of licenses sold.

13 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and
14 appropriate to regulate the harvest by nonresident big game combination license holders:

15 (i) for the biologically sound management of big game populations of elk, deer, and antelope;

16 (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

17 (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321
18 through 87-1-325.

19 (5) The commission may adopt rules establishing license preference systems to distribute hunting
20 licenses and permits:

21 (a) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant
22 who has been unsuccessful for a shorter period of time; and

23 (b) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(b), "qualifying
24 landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by
25 the commission.

26 (6) (a) The commission may adopt rules to:

27 (i) limit the number of nonresident mountain lion hunters in designated hunting districts; and

28 (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting
29 districts.

30 (b) The commission shall consider, but is not limited to consideration of, the following factors:

- 1 (i) harvest of lions by resident and nonresident hunters;
 2 (ii) history of quota overruns;
 3 (iii) composition, including age and sex, of the lion harvest;
 4 (iv) historical outfitter use;
 5 (v) conflicts among hunter groups;
 6 (vi) availability of public and private lands; and
 7 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.
 8 (7) The commission may not approve the purchase or approve the entry into a contract to purchase land
 9 in fee IF LAND IS MORE THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, 2015 2013."

10
 11 **Section 6.** Section 87-1-605, MCA, is amended to read:

12 **"87-1-605. Fees used to purchase recreational facilities -- moratorium on land purchase.** (1) ~~One~~
 13 ~~dollar~~ Except as provided in subsection (4), \$1 of the fee for a Class A resident fishing license, 10% of the fee
 14 for a Class A-8 resident temporary fishing license, \$1 of the fee for a Class B-4 nonresident fishing license, \$3.50
 15 of the fee for a Class B-5 nonresident fishing license, and \$5 of the fee for a Class B nonresident fishing license
 16 must be used for the purchase, operation, development, and maintenance of:

- 17 (a) fishing accesses;
 18 (b) stream, river, and lake frontages; and
 19 (c) the land considered necessary to provide recreational use of fishing accesses and stream, river, and
 20 lake frontages.

21 (2) The amount of funds used for operation and maintenance must equal at least 50% of the money set
 22 aside each year under this section and must be expended as provided in subsection (3). The funds raised under
 23 this section may not be used in lieu of any funds or sources of funds currently being used for acquisition or
 24 purchase of fishing accesses or stream, river, or lake frontages and the land considered necessary to provide
 25 recreational use of fishing accesses and stream, river, and lake frontages but are in addition to those funds. The
 26 funds used for operation and maintenance may be used only for these purposes on lands acquired with funds
 27 under this section after April 30, 1974.

28 (3) Operation and maintenance money set aside each year under this section must be expended based
 29 on the following priority:

- 30 (a) weed management;

1 (b) streambank restoration; and

2 (c) general operation and maintenance.

3 (4) The department may not purchase or enter into a contract to purchase land in fee IF LAND IS MORE
 4 THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, ~~2015~~ 2013."

5

6 **Section 7.** Section 87-1-703, MCA, is amended to read:

7 **"87-1-703. Cooperative agreements on federally owned land -- moratorium on land purchase. (1)**

8 The department, in the name of the state and with the approval of the governor, shall have the power to enter into
 9 cooperative agreements on federally owned lands with the government of the United States or any department
 10 or bureau thereof or with an individual or individuals, private corporations, or partnerships for the purpose of
 11 carrying on any fish restoration projects created and established under the provisions of 87-1-701 through
 12 87-1-703, and Except as provided in subsection (2), the department shall have the power to acquire by purchase,
 13 either by cash or upon installments, or lease or by gift or by devise or individually or in conjunction with the
 14 government of the United States or some department or bureau thereof such lands or other property or interest
 15 therein as may be necessary for the purpose of carrying on any fish restoration and management projects created
 16 and established under the provisions of said Dingell-Johnson bill of the congress of the United States, and the
 17 state does reserve to itself, acting through its legislature, the right to direct the department to abandon any fish
 18 restoration and management projects created and established as the state may in its judgment think proper. The
 19 department shall have no power to exercise the right of eminent domain to condemn or acquire property under
 20 87-1-701 through 87-1-703.

21 (2) The department may not purchase or enter into a contract to purchase land in fee IF LAND IS MORE
 22 THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, ~~2015~~ 2013."

23

24 **Section 8.** Section 87-1-709, MCA, is amended to read:

25 **"87-1-709. Cooperation with United States for wildlife restoration -- moratorium on land purchase.**

26 (1) The department, in the name of the state and with the approval of the governor, shall have the power to enter
 27 into the cooperative agreements on federally owned lands with the government of the United States or some
 28 department or bureau thereof or with an individual or individuals, private corporations, or partnerships for the
 29 purpose of carrying on any wildlife restoration project and established under the provisions of said
 30 Pittman-Robertson Act of the congress of the United States, and Except as provided in subsection (2), the

1 department shall have the power to acquire by purchase, either for cash or upon installments, or lease or by gift
 2 or devise, either individually or in conjunction with the government of the United States or some department or
 3 bureau thereof, such lands or other property or interests therein as may be necessary for the purpose of carrying
 4 on any wildlife restoration project created and established under the provisions of said Pittman-Robertson Act
 5 of the congress of the United States. The state of Montana does reserve to itself, acting through its legislature,
 6 the right to direct the department to abandon any wildlife restoration projects created and established as the state
 7 of Montana may in its judgment think proper, provided the department shall have no power to exercise the right
 8 of eminent domain to condemn or acquire property under 87-1-708 through 87-1-710.

9 (2) The department may not purchase or enter into a contract to purchase land in fee IF LAND IS MORE
 10 THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, ~~2015~~ 2013."

11
 12 **Section 9.** Section 87-2-526, MCA, is amended to read:

13 **"87-2-526. (Temporary) License for nonresident to hunt with resident sponsor or family member**
 14 **-- use of license revenue -- moratorium on land purchase.** (1) In addition to the nonresident licenses provided
 15 for in 87-2-505 and 87-2-510, the department may offer for sale 500 B-10 nonresident big game combination
 16 licenses and 500 B-11 nonresident deer combination licenses. The licenses may be used only as provided in this
 17 section and as authorized by department rules. Sale of licenses pursuant to this section may not affect the license
 18 quotas established in 87-2-505 and 87-2-510. The price of licenses sold under this subsection must be the same
 19 as nonresident big game combination licenses and nonresident deer combination licenses offered by general
 20 drawing pursuant to 87-2-505 and 87-2-510.

21 (2) A license authorized in subsection (1) may be used only by an adult nonresident family member of
 22 a resident who sponsors the license application and who meets the qualifications of subsection (3). The
 23 nonresident family member must have completed a Montana hunter safety and education course prior to March
 24 1, 2010, or have previously purchased a resident hunting license. A nonresident family member who receives
 25 a license pursuant to subsection (1) must be accompanied in the field by a sponsor or family member who meets
 26 the qualifications of subsection (3).

27 (3) To qualify as a sponsor or family member who will accompany a nonresident licensed under
 28 subsection (1), a person must be a resident, as defined in 87-2-102, who is 18 years old or older and possesses
 29 a current resident hunting license and who is related to the nonresident within the second degree of kinship by
 30 blood or marriage. The second degree of kinship includes a mother, father, brother, sister, son, daughter, spouse,

1 grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, mother-in-law,
2 stepfather, stepmother, stepbrother, stepsister, stepson, and stepdaughter. The sponsor shall list on the license
3 application the names of family members who are eligible to hunt with the nonresident hunter.

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

8 (5) ~~All~~ Except as provided in subsection (6), all money received from the sale of licenses under
9 subsection (1) must be deposited in a separate account and must be used by the department to acquire public
10 hunting access to inaccessible public land, which may include obtaining hunting access through private land to
11 inaccessible public land.

12 (6) The department may not purchase or enter into a contract to purchase land in fee IF LAND IS MORE
13 THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, 2015 2013. (Terminates March 1, 2014--sec.
14 4, Ch. 345, L. 2009.)"

15

16 **Section 10.** Section 87-5-108, MCA, is amended to read:

17 **"87-5-108. Establishment of programs -- moratorium on land purchase.** (1) ~~The~~ Except as provided
18 in subsection (4), the director shall establish programs, including acquisition of land or aquatic habitat, that are
19 considered necessary for management of nongame and endangered wildlife. The department shall establish
20 policies that are necessary to carry out the purpose of 87-5-109 and this section.

21 (2) In carrying out programs authorized by this section, the department may enter into agreements with
22 federal agencies, political subdivisions of the state, or with private persons for administration and management
23 of any area established under 87-5-109 and this section or used for management of nongame or endangered
24 wildlife.

25 (3) The governor shall review other programs administered by the governor and, to the extent
26 practicable, use those programs in furtherance of the purposes of 87-5-109 and this section. The governor shall
27 also encourage other state and federal agencies to use their authorities in furtherance of the purposes of
28 87-5-109 and this section.

29 (4) The department may not purchase or enter into a contract to purchase land in fee IF LAND IS MORE
30 THAN 100 ACRES IN SIZE OR COSTS MORE THAN \$100,000 until July 1, 2015 2013."

