

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

1 license held and to possess the carcasses of those game animals as authorized by department rules:

2 (a) Class A-3, deer A tag, ~~\$16~~ \$17.50;

3 (b) Class A-4, deer B tag, ~~\$40~~ \$11;

4 (c) Class A-5, elk tag, ~~\$20~~ \$22;

5 (d) Class A-6, black bear tag, ~~\$19~~ \$21;

6 (e) Class A-9, resident antlerless elk B tag, ~~\$20~~ \$22.

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

9

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

11 **"87-2-504. Class B-7 and B-8--nonresident deer licenses.** (1) (a) Except as otherwise provided in  
12 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  
13 will turn 12 years old before or during the season for which the license is issued may, upon payment of the  
14 proper fee or fees and subject to the limitations prescribed by law and department regulation, be entitled to  
15 apply to the fish, wildlife, and parks office, Helena, Montana, to purchase one each of the following licenses:

16 (i) Class B-7, deer A tag, ~~\$250~~ \$275;

17 (ii) Class B-8, deer B tag, ~~\$75~~ \$82.

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

21 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be  
22 assigned for use in a specific administrative region or regions or a portion of a specific administrative region or  
23 regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If  
24 purchased as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state,  
25 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.

26 (3) The commission may prescribe the use of and set quotas for the sale of Class B-8 licenses by  
27 hunting districts, portions of a hunting district, groups of districts, or administrative regions."

28

1           **Section 4.** Section 87-2-505, MCA, is amended to read:

2           **"87-2-505. Class B-10--nonresident big game combination license.** (1) Except as otherwise  
3 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  
4 older or who will turn 12 years old before or during the season for which the license is issued may, upon  
5 payment of the fee of ~~\$984~~ \$1,079 and subject to the limitations prescribed by law and department regulation,  
6 apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game  
7 combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class  
8 B-1, and Class B-7 licenses and an elk tag.

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

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

12           (4) The cost of the Class B-10 nonresident big game combination license must be adjusted  
13 annually based on any change to the consumer price index from the previous year. The consumer price index  
14 to be used for calculations is the consumer price index for all urban consumers (CPI-U). The adjusted cost must  
15 be rounded down to the nearest even-numbered amount."

16

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

18           **"87-2-506. Restrictions on hunting licenses.** (1) The department may prescribe by rule the number  
19 of hunting licenses to be issued. Any license sold may be restricted to a specific administrative region, hunting  
20 district, or other designated area and may specify the species, age, and sex to be taken and the time period for  
21 which the license is valid.

22           (2) ~~When~~ Except as provided in subsection (4), when the number of valid resident applications for  
23 big game licenses or permits of a single class or type exceeds the number of licenses or permits the  
24 department desires to issue in an administrative region, hunting district, or other designated area, then the  
25 number of big game licenses or permits issued to nonresident license or permit holders in the region, district, or  
26 area may not exceed 10% of the total issued.

27           (3) Disabled veterans who meet the qualifying criteria provided in 87-2-817(1) must be provided a  
28 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

1 tags, and 50 special antelope licenses annually, which may be used within the administrative region, hunting  
 2 district, or other designated area of the disabled veteran's choice, except in a region, district, or area where the  
 3 number of licenses are less than the number of applicants, in which case qualifying disabled veterans are  
 4 eligible for no more than 10% of the total licenses for that region, district, or area.

5 (4) (a) Antelope licenses or permits issued to nonresident license or permit holders may not exceed  
 6 10% of the licenses and permits offered in a district.

7 (b) No more than 10% of elk licenses and permits sold to resident archers the previous year may  
 8 be sold to nonresident archers.

9 (c) This subsection (4) does not apply to licenses for persons with disabilities pursuant to 87-2-  
 10 803."

11

12 **Section 6.** Section 87-2-510, MCA, is amended to read:

13 **"87-2-510. Class B-11--nonresident deer combination license.** (1) (a) Except as otherwise  
 14 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  
 15 older or who will turn 12 years old before or during the season for which the license is issued may, upon  
 16 payment of a fee of \$577 and subject to the limitations prescribed by law and department regulation, apply to  
 17 the fish, wildlife, and parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination  
 18 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  
 19 Class B-7 licenses.

20 (b) Of the fee paid for the purchase of a Class B-11 nonresident deer combination license  
 21 pursuant to subsection (1)(a), 28.5% must be deposited in the account established in 87-1-290.

22 (c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually  
 23 based on any change to the consumer price index from the previous year. The consumer price index to be used  
 24 for calculations is the consumer price index for all urban consumers (CPI-U). The adjusted cost must be  
 25 rounded down to the nearest even-numbered amount.

26 (2) Not more than ~~4,600~~ 6,600 unreserved Class B-11 licenses may be sold in any 1 license year.

27 (3) Revenue collected pursuant to subsection (2) must be deposited in the state special revenue  
 28 account to the credit of the department and may not be allocated pursuant to other statutory requirements

1 generally applicable to Class B-11 licenses."

2

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

4 **"87-2-511. Sale and use of Class B-10 and Class B-11 licenses.** (1) The department shall offer the  
5 Class B-10 ~~and Class B-11~~ licenses for sale on April 1, ~~with 2,000 of the authorized Class B-11 licenses~~  
6 reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as  
7 provided in subsections ~~(2) and (3)~~.

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

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

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

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

18 ~~(3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the~~  
19 ~~sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor.~~

20 ~~If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one~~  
21 ~~applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses~~  
22 ~~remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the~~  
23 ~~second applicant sponsored by each resident landowner. The department shall conduct a drawing for any~~  
24 ~~remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1)~~

25 ~~to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department~~  
26 ~~shall conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11~~  
27 ~~license may submit no more than 15 certificates of sponsorship in any license year.~~

28 ~~(4) A nonresident who hunts under the authority of a resident landowner-sponsored license shall~~

1 ~~conduct all deer hunting on the deeded lands of the sponsoring landowner.~~

2 ~~(5)(2)~~ All Class B-10 ~~and Class B-11~~ licenses that are not reserved under subsection (1) must be  
3 issued by a drawing among all applicants for the respective unreserved licenses.

4 ~~(6)(3)~~ (a) An applicant who applies for a Class B-10 license and an applicable special elk permit but  
5 who is not successful in a drawing for the special elk permit may choose to retain only the Class B-7 portion of  
6 the Class B-10 license. The department shall sell the Class B-7 portion as a Class B-11 license for the fee set  
7 in 87-2-510. The provisions of this subsection ~~(6)(3)(a)~~ do not affect the limits established in 87-2-510(2). ~~The~~  
8 ~~remaining elk tag portion of the Class B-10 license must be sold by the department as an elk-only combination~~  
9 ~~license for a fee of \$831.~~

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

16 (c) The department may retain 10% of the Class B-10 license fee if an applicant chooses to buy  
17 only a portion of the Class B-10 license pursuant to subsection ~~(6)(a)(3)(a)~~ after the Class B-10 license has  
18 been issued to the applicant.

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

22

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

24 **"87-2-512. Separation of Class B-7 license from Class B-10 license for deer management**  
25 **purposes -- disposition of license revenue.** (1) The commission may by rule separate the Class B-7 license  
26 from the Class B-10 license and sell the separated Class B-7 license, giving a preference to any Class B-10  
27 license holder to purchase one of the separated Class B-7 licenses. In the case of separated Class B-7  
28 licenses that are not purchased by Class B-10 license holders, the commission, for purposes of sound deer

1 management:

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

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

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

7 (i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in 87-2-  
8 505 for licenses in the general category; and

9 (ii) the fee for the separated Class B-11 licenses may not be more than the fees specified in 87-2-  
10 510 for licenses in the general ~~and landowner-sponsored categories~~ category;

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

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

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

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

24

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

26 **"87-2-526. License for nonresident to hunt with resident sponsor or family member -- use of**  
27 **license revenue.** (1) The department may offer for sale 500 B-10 nonresident big game combination licenses,  
28 500 B-11 nonresident deer combination licenses, and 500 nonresident elk-only combination licenses that must

1 be used as provided in this section and as authorized by department rules. Sale of licenses pursuant to this  
 2 section ~~does not affect~~ must be given preference and are subtracted from the license quotas established for  
 3 Class B-10 and Class B-11 licenses in 87-2-505 and 87-2-510 or the number of nonresident elk-only  
 4 combination licenses available pursuant to 87-2-511. The price of licenses sold under this subsection is one-  
 5 half of the fee set for the equivalent license in 87-2-505, 87-2-510, or 87-2-511.

6 (2) A license authorized in subsection (1) may be used only by an adult nonresident family  
 7 member of a resident who sponsors the license application and who meets the qualifications of subsection (3).  
 8 The nonresident family member must have completed a Montana hunter safety and education course and have  
 9 previously purchased a resident hunting license. A nonresident family member who receives a license pursuant  
 10 to subsection (1) must be accompanied in the field by a sponsor or family member who meets the qualifications  
 11 of subsection (3).

12 (3) To qualify as a sponsor or family member who will accompany a nonresident licensed under  
 13 subsection (1), a person must be a resident, as defined in 87-2-102, who is 18 years old or older and  
 14 possesses a current resident hunting license and who is related to the nonresident within the second degree of  
 15 kinship by blood or marriage. The second degree of kinship includes a mother, father, brother, sister, son,  
 16 daughter, spouse, grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-  
 17 law, mother-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, and stepdaughter. The sponsor  
 18 shall list on the license application the names of family members who are eligible to hunt with the nonresident  
 19 hunter.

20 (4) If the department receives more applications for licenses than the number that are available  
 21 under subsection (1), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful  
 22 in the drawing must be entered in the general drawing for a nonresident license provided under 87-2-505 or 87-  
 23 2-510, as applicable.

24 (5) All money received from the sale of licenses under subsection (1) must be deposited in a  
 25 separate account and must be used by the department to acquire public hunting access to inaccessible public  
 26 land, which may include obtaining hunting access through private land to inaccessible public land."  
 27

28 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].

2 - END -