

1 HOUSE BILL NO. 635  
 2 INTRODUCED BY J. KASSMIER, E. BUTTREY, D. SALOMON, J. WELBORN, J. COHENOUR, D. LOGE, W.  
 3 SALES, D. HARVEY, B. GILLESPIE, M. MARLER, P. FLOWERS, G. PARRY, T. VERMEIRE, P. GREEN, J.  
 4 KARLEN, R. LYNCH

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 6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A LANDOWNER PREFERENCE POOL FOR  
 7 CLASS B-10 NONRESIDENT BIG GAME COMBINATION LICENSES; ALLOWING PURCHASE OF AN  
 8 ADDITIONAL BONUS POINT FOR CERTAIN NONRESIDENT LANDOWNERS; PROVIDING RULEMAKING  
 9 AUTHORITY; AMENDING SECTION 87-2-115, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

12  
 13 NEW SECTION. **Section 1. Landowner preference for Class B-10 nonresident big game**  
 14 **combination license.** (1) Subject to the provisions of subsection (6), 15% of licenses issued under 87-2-505  
 15 may be placed in a landowner preference pool for nonresident landowners to hunt only on property the  
 16 landowner owns in fee title or on other private property the landowner leases to produce a crop as defined in  
 17 80-8-102.

18 (2) A nonresident landowner of record may designate an immediate family member to receive the  
 19 license issued under this section. For purposes of this section, an immediate family member means a spouse,  
 20 parent, grandparent, child, grandchild, sibling, niece, or nephew of the landowner by blood, marriage, or legal  
 21 adoption.

22 (3) (a) To qualify to receive a Class B-10 license pursuant to this section, the landowner must ~~own~~  
 23 have owned at least 2,500 contiguous acres in fee title for 3 consecutive years. Subject to the provisions of  
 24 subsections (3)(b) and (5), ~~for each additional 2,500 contiguous acres owned by the landowner,~~ the department  
 25 may issue to the landowner or the landowner's immediate family members ~~an additional Class B-10 license up~~  
 26 to a maximum of five Class B-10 licenses per qualifying landowner up to three Class B-10 licenses.

27 (b) An individual may not hold more than one Class B-10 license.

28 (4) Applicants must pay the full Class B-10 license fee established in 87-2-505.

1 (5) If there is a sufficient number of licenses set forth in subsection (1) and multiple applications  
2 made per qualifying landowner, the department shall issue one license to each qualifying landowner or the  
3 landowner's immediate family member before it issues a second or subsequent license to any landowner or the  
4 landowner's immediate family member. All Class B-10 licenses not issued pursuant to this section shall be  
5 returned to the general draw pool available to all applicants pursuant to 87-2-505.

6 (6) The commission may, by rule, limit the overall number of licenses that can be provided to  
7 landowners or their immediate family members pursuant to this section to less than 15% of those available  
8 pursuant to 87-2-505.

9 (7) A landowner who receives a license pursuant to this section and who was enrolled in a  
10 department-administered private land hunting access program in the previous license year may purchase an  
11 additional bonus point for an elk or deer license or permit drawing for the fee established in 87-2-113.  
12

13 **Section 2.** Section 87-2-115, MCA, is amended to read:

14 **"87-2-115. Nonresident elk and deer license preference point system.** (1) The department shall  
15 establish a preference point system to distribute Class B-10 nonresident big game combination licenses and  
16 Class B-11 nonresident deer combination licenses.

17 (2) Nonresidents applying to purchase a Class B-10 or Class B-11 license may purchase a  
18 preference point, upon payment of a nonrefundable \$100 fee, that gives an applicant who has more preference  
19 points priority to receive a Class B-10 or Class B-11 license over an applicant who has purchased fewer  
20 preference points.

21 (3) An applicant may:

22 (a) purchase only one preference point per license year except a nonresident hunting with an  
23 outfitter licensed pursuant to Title 37, chapter 47, part 3, and providing the documentation required in  
24 subsection (8), may purchase two preference points per license year. No applicant may accumulate more than  
25 three preference points total.

26 (b) purchase a preference point without applying for a Class B-10 or Class B-11 license. An  
27 applicant not applying for a Class B-10 or Class B-11 license may purchase a preference point only between  
28 July 1 and December 31 of that license year.

1 (4) (a) The department shall delete an applicant's accumulated preference points if the applicant:

2 (i) obtains a Class B-10 or Class B-11 license; or

3 (ii) does not apply for a Class B-10 or Class B-11 license in consecutive years.

4 (b) If an applicant is unsuccessful in drawing a Class B-10 or Class B-11 license, the department  
5 shall allow the applicant to keep and apply preference points to subsequent drawings if done in consecutive  
6 years.

7 (5) The Subject to the provisions of [section 1], the department shall issue 75% of the Class B-10  
8 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which  
9 the licenses are awarded to applicants in the order of which applicants have purchased the greatest number of  
10 preference points. If the number of licenses to be issued under this subsection exceeds the number of  
11 applicants who have purchased preference points, the remaining licenses must be added to the licenses issued  
12 pursuant to subsection (6).

13 (6) The Subject to the provisions of [section 1], the department shall issue 25% of the Class B-10  
14 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which  
15 the licenses are awarded to applicants who have not purchased any preference points. If the number of  
16 licenses to be issued under this subsection exceeds the number of applicants who have not purchased  
17 preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (5).

18 (7) Up to five applicants may apply as a party under this section. The department shall use an  
19 average of the number of preference points accumulated by those applicants to determine their priority in  
20 receiving licenses issued pursuant to subsection (5). The department shall calculate the average rounded to the  
21 third decimal place.

22 (8) A nonresident purchasing a second preference point pursuant to subsection (3)(a) shall provide  
23 written affirmation at the time of application indicating the name and license number of the outfitter with whom  
24 the person intends to hunt. If the nonresident obtains the license applied for with the preference points  
25 purchased pursuant to subsection (3)(a), the nonresident may only use the license when accompanied by an  
26 outfitter or the outfitter's designee licensed to provide guiding services.

27 (9) (a) Fees collected from a nonresident purchasing a second preference point pursuant to  
28 subsection (3)(a) must be allocated as follows:

**Amendment - Reference-white - Requested by: Governor - (H) Committee of the Whole**

- 2023

68th Legislature 2023

Drafter: Todd Everts, 406-444-4023

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- 1 (i) 25% to public access land agreements established pursuant to 87-1-295;
- 2 (ii) 25% to hunting access programs established pursuant to 87-1-265;
- 3 (iii) 25% to the future fisheries program established in 87-1-272 with a priority given to funding
- 4 projects that provide public access through private property; and
- 5 (iv) 25% to the purchase of permanent easements through private property to access otherwise
- 6 inaccessible lands. An easement funded by this subsection (9)(a)(iv) may be granted only across private land to
- 7 public land that is leased by the landowner, public land for which there is no leaseholder, or public land for
- 8 which the landowner has consent of the leaseholder.
- 9 (b) The department may expend up to 10% of the revenue allocated pursuant to subsection (9)(a)
- 10 to pay administrative costs incurred by the department for the purposes outlined in subsection (9)(a), including
- 11 but not limited to contracting and transaction costs incurred by the department or entities partnering with the
- 12 department, and for providing support to the private land/public wildlife advisory committee for its review of
- 13 public access land agreements pursuant to 87-1-295.
- 14 (c) At the end of each fiscal year, funds allocated pursuant to subsection (9)(a) that remain
- 15 unobligated are available to the department for any purpose pursuant to 87-1-201(3)."
- 16

17 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an

18 integral part of Title 87, chapter 2, part 7, and the provisions of Title 87, chapter 2, part 7, apply to [section 1].

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20 **NEW SECTION. Section 4. Effective date.** [This act] is effective March 1, 2024.

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- END -