

HOUSE BILL NO. 519

INTRODUCED BY J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING LAWS RELATED TO NONRESIDENT LANDOWNER PREFERENCE FOR B-10 BIG GAME COMBINATION LICENSES; AMENDING SECTION 87-2-115, MCA; REPEALING SECTION 87-2-714, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 87-2-115, MCA, is amended to read:

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

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

(3) An applicant may:

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

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

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

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

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

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

(5) ~~Subject to the provisions of 87-2-714, the~~ The department shall issue 75% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants in the order of which applicants have purchased the greatest number of preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (6).

(6) ~~Subject to the provisions of 87-2-714, the~~ The department shall issue 25% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to 87-2-505 and 87-2-510 by drawings in which the licenses are awarded to applicants who have not purchased any preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have not purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (5).

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

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

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

(i) 25% to public access land agreements established pursuant to 87-1-295;

(ii) 25% to hunting access programs established pursuant to 87-1-265;

(iii) 25% to the future fisheries program established in 87-1-272 with a priority given to funding

1 projects that provide public access through private property; and
2 (iv) 25% to the purchase of permanent easements through private property to access otherwise
3 inaccessible lands. An easement funded by this subsection (9)(a)(iv) may be granted only across private land to
4 public land that is leased by the landowner, public land for which there is no leaseholder, or public land for
5 which the landowner has consent of the leaseholder.

6 (b) The department may expend up to 10% of the revenue allocated pursuant to subsection (9)(a)
7 to pay administrative costs incurred by the department for the purposes outlined in subsection (9)(a), including
8 but not limited to contracting and transaction costs incurred by the department or entities partnering with the
9 department, and for providing support to the private land/public wildlife advisory committee for its review of
10 public access land agreements pursuant to 87-1-295.

11 (c) At the end of each fiscal year, funds allocated pursuant to subsection (9)(a) that remain
12 unobligated are available to the department for any purpose pursuant to 87-1-201(3)."
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14 NEW SECTION. Section 2. Repealer. The following section of the Montana Code Annotated is
15 repealed:

16 87-2-714. Landowner preference for Class B-10 nonresident big game combination license.
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18 NEW SECTION. Section 3. Effective date. [This act] is effective March 1, 2026.
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