

1 SENATE BILL NO. 353

2 INTRODUCED BY M. TAYLOR

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING RURAL DEVELOPMENT THROUGH QUALITY
5 BLOCK MANAGEMENT; PROVIDING THAT A RESIDENT LANDOWNER WHO IS NOT PARTICIPATING IN
6 OTHER STATE PROGRAMS FOR HUNTER MANAGEMENT OR HUNTING ACCESS ENHANCEMENT MAY
7 BE GRANTED CERTAIN NONRESIDENT HUNTING LICENSES AT 25 PERCENT OF VALUE FOR USE BY
8 QUALIFIED NONRESIDENT HUNTERS IN EXCHANGE FOR GUARANTEEING RESIDENT HUNTERS ACCESS
9 TO THE LANDOWNER'S PROPERTY; CREATING THE CLASS B-12 NONRESIDENT ANTELOPE
10 COMBINATION LICENSE AND SETTING THE TERMS AND CONDITIONS OF THE LICENSE; ANNUALLY
11 SETTING ASIDE 1,200 CLASS B-1 NONRESIDENT UPLAND GAME BIRD LICENSES, 1,200 CLASS B-10
12 NONRESIDENT BIG GAME COMBINATION LICENSES, AND 1,200 CLASS B-12 NONRESIDENT ANTELOPE
13 COMBINATION LICENSES FOR LANDOWNER USE; PROVIDING THAT UP TO 1,000 CLASS B-7
14 NONRESIDENT DEER LICENSES THAT ARE SEPARATED FROM CLASS B-10 NONRESIDENT BIG GAME
15 COMBINATION LICENSES BE SET ASIDE FOR LANDOWNER USE; AMENDING SECTIONS 87-2-402,
16 87-2-505, 87-2-511, AND 87-2-512, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

17

18 WHEREAS, the Legislature recognizes that the grant of certain nonresident hunting licenses for use
19 by Montana landowners will provide another tool that a landowner may use to manage public wildlife on
20 that landowner's private property and is not considered privatization of Montana wildlife.

21

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

23

24 NEW SECTION. **Section 1. Rural development through quality block management -- nonresident**
25 **hunting licenses available to landowners.** (1) (a) An owner of 160 acres or more of deeded land in Montana
26 who is a holder of a resident wildlife conservation license and who is not participating in a state hunter
27 management program, hunting access enhancement program, or block management program may apply
28 to the department for a Class B-1 nonresident upland game bird license, which the landowner may give
29 to any qualified nonresident to use for hunting upland game birds, subject to the terms of the license and
30 this section. A landowner is qualified to receive a Class B-1 license for each 160 acres owned, up to a

1 total of 8 licenses if 1,280 acres or more are owned. Only one license may be granted for each 160 acres
2 owned, regardless of whether the landowner of record is an individual person, a partnership, or a
3 corporation.

4 (b) The landowner shall pay 25% of the value of each Class B-1 license received.

5 (c) The commission shall set aside 1,200 Class B-1 licenses for landowner use, as provided in
6 87-2-402 and this section. If landowners apply for more than 1,200 Class B-1 licenses in any license year,
7 the commission may hold a drawing to determine which landowners receive the licenses.

8 (d) For each Class B-1 license received, the landowner shall affirm in writing to the department,
9 on a form provided by the department, that:

10 (i) the landowner is the owner of record, as indicated by property ownership records on file with
11 the county, and meets the necessary acreage requirements to qualify for the license;

12 (ii) any hunting allowed by the license will be conducted on the landowner's property and under
13 the landowner's supervision and that the landowner will provide the department with a complete record
14 of the identity of the nonresident who hunted with the license, where the hunting occurred, and what
15 game was taken;

16 (iii) a resident hunter who is not related to the landowner will be allowed to hunt on the
17 landowner's property without charge during that license year; and

18 (iv) resident hunters will be afforded the same access rights as nonresident hunters on the
19 landowner's property.

20 (2) (a) An owner of 640 acres or more of deeded land in Montana who is a holder of a resident
21 wildlife conservation license and who is not participating in a state hunter management program, hunting
22 access enhancement program, or block management program may apply to the department for a Class
23 B-10 nonresident big game combination license, which the landowner may give to any qualified
24 nonresident hunter to use, subject to the terms of the license and this section. A landowner is qualified
25 to receive a Class B-10 license for each 640 acres owned, up to a total of six licenses if 3,840 acres or
26 more are owned. Only one license may be granted for each 640 acres owned, regardless of whether the
27 landowner of record is an individual person, a partnership, or a corporation.

28 (b) The landowner shall pay 25% of the value of each Class B-10 license received.

29 (c) The commission shall set aside 1,200 Class B-10 licenses for landowner use, as provided in
30 87-2-505, 87-2-511, and this section. If landowners apply for more than 1,200 Class B-10 licenses in any

1 license year, the commission shall hold a drawing to determine which landowners receive the licenses.

2 (d) For each Class B-10 license received, the landowner shall affirm in writing to the department,
3 on a form provided by the department, that:

4 (i) the landowner is the owner of record, as indicated by property ownership records on file with
5 the county, and meets the necessary acreage requirements to qualify for the license;

6 (ii) any hunting allowed by the license will be conducted on the landowner's property and under
7 the landowner's supervision and that the landowner will provide the department with a complete record
8 of the identity of the nonresident who hunted with the license, where the hunting occurred, and what
9 game was taken;

10 (iii) a resident hunter who is not related to the landowner will be allowed to hunt on the
11 landowner's property without charge during that license year; and

12 (iv) resident hunters will be afforded the same access rights as nonresident hunters on the
13 landowner's property.

14 (3) (a) An owner of 640 acres or more of deeded land in Montana who is a holder of a resident
15 wildlife conservation license and who is not participating in a state hunter management program, hunting
16 access enhancement program, or block management program may apply to the department for a Class
17 B-12 nonresident antelope combination license, which the landowner may give to any qualified nonresident
18 hunter to use, subject to the terms of the license and [section 2]. A landowner is qualified to receive a
19 Class B-12 license for each 640 acres owned, up to a total of five licenses if 3,200 acres or more are
20 owned. Only one license may be granted for each 640 acres owned, regardless of whether the landowner
21 of record is an individual person, a partnership, or a corporation.

22 (b) The landowner shall pay the value of each Class B-12 license received, as established in
23 [section 2(3)].

24 (c) The commission shall set aside 1,200 Class B-12 licenses for landowner use, as provided in
25 [section 2] and this section. If landowners apply for more than 1,200 Class B-12 licenses in any license
26 year, the commission shall hold a drawing to determine which landowners receive the licenses.

27 (d) For each Class B-12 license received, the landowner shall affirm in writing to the department,
28 on a form provided by the department, that:

29 (i) the landowner is the owner of record, as indicated by property ownership records on file with
30 the county, and meets the necessary acreage requirements to qualify for the license;

1 (ii) any hunting allowed by the license will be conducted on the landowner's property and under
2 the landowner's supervision and that the landowner will provide the department with a complete record
3 of the identity of the nonresident who hunted with the license, where the hunting occurred, and what
4 game was taken;

5 (iii) a resident hunter who is not related to the landowner will be allowed to hunt on the
6 landowner's property without charge during that license year; and

7 (iv) resident hunters will be afforded the same access rights as nonresident hunters on the
8 landowner's property.

9 (4) (a) An owner of 640 acres or more of deeded land in Montana who is a holder of a resident
10 wildlife conservation license and who is not participating in a state hunter management program, hunting
11 access enhancement program, or block management program may apply to the department for a Class B-7
12 nonresident deer license that has been separated from a Class B-10 license pursuant to 87-2-512, which
13 the landowner may give to any qualified nonresident hunter to use, subject to the terms of the license and
14 87-2-512. A landowner is qualified to receive a Class B-7 license for each 640 acres owned, up to a total
15 of five licenses if 3,200 acres or more are owned. Only one license may be granted for each 640 acres
16 owned, regardless of whether the landowner of record is an individual person, a partnership, or a
17 corporation.

18 (b) The landowner shall pay 25% of the general license value of each Class B-7 license received.

19 (c) The commission shall set aside 1,000 separated Class B-7 licenses for landowner use, as
20 provided in 87-2-512 and this section. If landowners apply for more than 1,000 Class B-7 licenses in any
21 license year, the commission shall hold a drawing to determine which landowners receive the licenses.

22 (d) For each Class B-7 license received, the landowner shall affirm in writing to the department,
23 on a form provided by the department, that:

24 (i) the landowner is the owner of record, as indicated by property ownership records on file with
25 the county, and meets the necessary acreage requirements to qualify for the license;

26 (ii) any hunting allowed by the license will be conducted on the landowner's property and under
27 the landowner's supervision and that the landowner will provide the department with a complete record
28 of the identity of the nonresident who hunted with the license, where the hunting occurred, and what
29 game was taken;

30 (iii) a resident hunter who is not related to the landowner will be allowed to hunt on the

1 landowner's property without charge during that license year; and

2 (iv) resident hunters will be afforded the same access rights as nonresident hunters on the
3 landowner's property.

4

5 **NEW SECTION. Section 2. Class B-12--nonresident antelope combination license -- limit on**
6 **number of licenses and use.** (1) There is a Class B-12 nonresident antelope combination license that
7 entitles a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who
8 will turn 12 years old before or during the season for which the license is issued to all the privileges of
9 Class B and Class B-1 licenses and an antelope tag, except as otherwise provided in this chapter and
10 subject to the limitations prescribed by law and department regulation. This license includes the
11 nonresident conservation license as prescribed in 87-2-202. All Class B-12 licenses are reserved for the
12 exclusive use of landowners, as provided in [section 1], and may not be offered for sale as a general
13 license or reserved for any other purpose.

14 (2) A landowner who qualifies under [section 1(3)] may request up to five Class B-12 licenses,
15 as provided in [section 1]. The commission shall set aside 1,200 Class B-12 nonresident antelope
16 combination licenses for use by qualified landowners as provided in [section 1]. The department shall offer
17 the Class B-12 licenses for sale on March 15 of each license year. The commission may not set aside any
18 Class B-12 licenses for the clients of licensed outfitters. Not more than 1,200 Class B-12 licenses may
19 be sold in any license year.

20 (3) Class B-12 licenses may be purchased by qualified landowners for \$68 each.

21 (4) A landowner may not purchase a Class B-12 license unless antelope hunting is allowed in the
22 hunting district or districts containing the landowner's property. If the issuance of antelope licenses is
23 subject to a drawing, the landowner, on behalf of the nonresident, must be successful in the drawing
24 before the Class B-12 license may be issued.

25

26 **Section 3.** Section 87-2-402, MCA, is amended to read:

27 **"87-2-402. (Temporary) Class B-1--nonresident upland game bird license -- authority to limit**
28 **licenses.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in
29 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season
30 for which the license is issued, upon payment of a fee of \$110, may receive a Class B-1 license that

1 entitles a holder who is 12 years of age or older to hunt upland game birds and possess the carcasses of
2 upland game birds as authorized by department rules.

3 (2) (a) After providing public notice and holding a public hearing, the commission may, after
4 setting aside 1,200 Class B-1 nonresident upland game bird licenses for landowner use as provided in
5 [section 1] and subsection (5) of this section, set the number of Class B-1 nonresident upland game bird
6 licenses to be sold in any license year and institute a drawing system to award the licenses, provided that
7 the commission has analyzed the impacts on landowners, outfitters, bird populations, local communities,
8 local economies, private property rights, and hunting access opportunities for resident and nonresident
9 upland game bird hunters.

10 (b) If the commission establishes a limit on the number of Class B-1 nonresident upland game bird
11 licenses to be sold as authorized in subsection (2)(a), the commission shall provide documentation of the
12 analysis required in subsection (2)(a) and shall provide justification for its decision to establish a limit.

13 (c) The commission may not set aside any number of licenses issued under this section for the
14 clients of licensed outfitters.

15 (3) If the commission establishes a limit on the number of licenses to be sold as authorized in
16 subsection (2)(a), the department shall prepare a report for the 58th legislature that tracks upland game
17 bird populations and numbers of nonresident licenses sold. The report must also include the results of the
18 analysis required under subsection (2)(a).

19 (4) If the commission sets limits as authorized in subsection (2), the commission may develop and
20 adopt rules that provide for a group of applicants to participate in the drawing system under one
21 application. The rules must clarify that each member of a group that is successful in the drawing shall still
22 obtain the license required by this section.

23 (5) Each license year, the commission shall set aside 1,200 Class B-1 nonresident upland game
24 bird licenses for use by qualified landowners as provided in [section 1]. The commission may not set aside
25 any licenses under this subsection for the clients of licensed outfitters. (Terminates January 1, 2003--sec.
26 3, Ch. 525, L. 1999.)

27 **87-2-402. (Effective January 1, 2003) Class B-1--nonresident upland game bird license. (1)** Except
28 as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is
29 12 years of age or older or who will turn 12 years old before or during the season for which the license
30 is issued, upon payment of a fee of \$110₂ may receive a Class B-1 license that entitles a holder who is

1 12 years of age or older to hunt upland game birds and possess the carcasses of upland game birds as
2 authorized by department rules.

3 (2) Each license year, the commission shall set aside 1,200 Class B-1 nonresident upland game
4 bird licenses for use by qualified landowners as provided in [section 1]. The commission may not set aside
5 any licenses under this subsection for the clients of licensed outfitters."

6

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

8 **"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as
9 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12
10 years of age or older or who will turn 12 years old before or during the season for which the license is
11 issued may, upon payment of the fee of \$475 or upon payment of the fee established as provided in
12 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating their
13 intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and
14 department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident
15 big game combination license that entitles a holder who is 12 years of age or older to all the privileges of
16 Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the nonresident
17 conservation license as prescribed in 87-2-202. Not more than ~~41,500~~ 10,300 unreserved Class B-10
18 licenses may be sold in any 1 license year.

19 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10
20 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer
21 and elk permits established by the commission.

22 (3) Each license year, the commission shall set aside 1,200 Class B-10 nonresident big game
23 combination licenses for use by qualified landowners as provided in [section 1]. The commission may not
24 set aside any licenses under this subsection for the clients of licensed outfitters. (Terminates March 1,
25 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999.)

26 **87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.** (1)
27 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but
28 who is 12 years of age or older or who will turn 12 years old before or during the season for which the
29 license is issued may, upon payment of the fee of \$398 or upon payment of the fee of \$408 if the license
30 is one of the 5,600 licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the

1 services of a licensed outfitter and subject to the limitations prescribed by law and department regulation,
 2 apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination
 3 license ~~which shall entitle~~ that entitles a holder who is 12 years of age or older to all the privileges of Class
 4 B, Class B-1, and Class B-7 licenses; and an elk tag. This license includes the nonresident conservation
 5 license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any ~~one~~ 1
 6 license year.

7 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10
 8 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer
 9 and elk permits established by the commission.

10 (3) Each license year, the commission shall set aside 1,200 Class B-10 nonresident big game
 11 combination licenses for use by qualified landowners as provided in [section 1]. The commission may not
 12 set aside any licenses under this subsection for the clients of licensed outfitters."

13

14 **Section 5.** Section 87-2-511, MCA, is amended to read:

15 **"87-2-511. (Temporary) Sale and use of Class B-10 and Class B-11 licenses.** (1) The department
 16 shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with a number of authorized Class
 17 B-10 and Class B-11 licenses, as determined under 87-1-268, reserved for applicants using the services
 18 of a licensed outfitter, ~~and~~ 2,000 of the authorized Class B-11 licenses reserved for applicants indicating
 19 their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2)
 20 and (3), and 1,200 of the authorized Class B-10 licenses reserved for use by landowners as provided in
 21 [section 1].

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

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

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

30 (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or

1 for providing any services or assistance to the nonresident applicant, except as provided in Title 37,
2 chapter 47, and this title.

3 (3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that
4 the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by
5 the sponsor. If there is a sufficient number of licenses set forth in subsection (1), the department shall
6 issue a license to one applicant sponsored by each resident landowner who owns 640 or more contiguous
7 acres. If enough licenses remain for a second applicant for each resident landowner sponsor, the
8 department shall issue a license to the second applicant sponsored by each resident landowner. The
9 department shall conduct a drawing for any remaining resident-sponsored licenses. If there is not a
10 sufficient number of licenses set forth in subsection (1) to allow each resident landowner who owns 640
11 contiguous acres to sponsor one applicant, the department shall conduct a drawing for the
12 resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may submit no more than
13 15 certificates of sponsorship in any license year.

14 (4) Each application for an outfitter-sponsored license under subsection (1) must contain a written
15 affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game hunted
16 by the applicant under the license and must indicate the name of the licensed outfitter with whom the
17 applicant will hunt. In addition, the application must be accompanied by a certificate that is signed by a
18 licensed outfitter and that affirms that the outfitter will:

19 (a) accompany the applicant;

20 (b) provide guiding services for the species hunted by the applicant;

21 (c) direct the applicant's hunting for all big game hunted by the applicant under the license and
22 advise the applicant of game and trespass laws of the state;

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

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

28 (5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with
29 the affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter is
30 unavailable or if the applicant wishes to use the services of separate outfitters for hunting different species

1 of game, an outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance
 2 with the affirmations under subsection (4), upon advance written notification to the board by the
 3 sponsoring licensed outfitter or the substitute outfitter.

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

6 (7) Any permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license through
 7 an outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.

8 (8) The department shall make the reserved outfitter-sponsored Class B-10 and Class B-11
 9 licenses that remain unsold available as provided in 87-1-268.

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

12 (10) Each application for a landowner Class B-10 license under [section 1(2)] must contain a
 13 written affirmation by the landowner applicant, on a form provided by the department, that the landowner
 14 will abide by the requirements of [section 1(2)(d)]. (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999.)

15 **87-2-511. (Effective March 1, 2006) Sale of Class B-10 and Class B-11 licenses.** (1) The
 16 department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with 5,600 of the
 17 authorized Class B-10 licenses and 2,000 Class B-11 licenses reserved for applicants using the services
 18 of a licensed outfitter, ~~and~~ 2,000 of the authorized Class B-11 licenses reserved for applicants indicating
 19 their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2)
 20 and (3), and 1,200 of the authorized Class B-10 licenses reserved for use by landowners as provided in
 21 [section 1].

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

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

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

30 (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or

1 for providing any services or assistance to the nonresident applicant, except as provided in Title 37,
2 chapter 47, and this title.

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

6 (4) Each application for an outfitter-sponsored license under subsection (1) must contain a written
7 affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game hunted
8 by the applicant under the license and must indicate the name of the licensed outfitter with whom the
9 applicant will hunt. In addition, the application must be accompanied by a certificate that is signed by a
10 licensed outfitter and that affirms that the outfitter will:

11 (a) accompany the applicant;

12 (b) provide guiding services for the species hunted by the applicant;

13 (c) direct the applicant's hunting for all big game hunted by the applicant under the license and
14 advise the applicant of game and trespass laws of the state;

15 (d) submit to the department, in a manner prescribed by the department, complete records of who
16 hunted with the outfitter, where they hunted, and what game was taken; and

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

20 (5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with
21 the affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter is
22 unavailable or if the applicant wishes to use the services of separate outfitters for hunting different species
23 of game, an outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance
24 with the affirmations under subsection (4), upon advance written notification to the board by the
25 sponsoring licensed outfitter or the substitute outfitter.

26 (6) The department shall make the reserved Class B-10 and Class B-11 licenses that remain unsold
27 on April 15, except the licenses reserved for landowners pursuant to [section 1], available to nonresident
28 applicants without restriction as to hunting with a licensed outfitter or resident sponsor.

29 (7) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) and all
30 unsold reserved licenses that are available under subsection (6) must be issued by a drawing among all

1 applicants for the respective unreserved licenses.

2 (8) Each application for a landowner Class B-10 license under [section 1(2)] must contain a written
3 affirmation by the landowner applicant, on a form provided by the department, that the landowner will
4 abide by the requirements of [section 1(2)(d)]."

5

6 **Section 6.** Section 87-2-512, MCA, is amended to read:

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

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

15 (b) may, except for licenses set aside for landowner use under subsection (1)(h), authorize all or
16 a portion of the separated Class B-7 licenses to be sold as Class B-11 combination licenses;

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

18 (i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in
19 87-2-505 for licenses in the general category and may not be more than the fee set by the commission
20 for licenses in the outfitter-sponsored category as specified in 87-1-268; and

21 (ii) the fee for the separated Class B-11 licenses may not be more than the fees specified in
22 87-2-510 for licenses in the general and landowner-sponsored categories and may not be more than the
23 fee set by the commission for licenses in the outfitter-sponsored category as specified in 87-1-268;

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

26 (e) may allocate a portion of the separated Class B-7 licenses that are not set aside for landowner
27 use under subsection (1)(h) or Class B-11 licenses among the general and landowner-sponsored categories
28 established in 87-2-510 and 87-2-511 but not count those licenses as part of the statutory quotas, with
29 the Class B-7 licenses then subject to the requirements and procedures of 87-2-511;

30 (f) may, except for licenses set aside for landowner use under subsection (1)(h), allocate a portion

1 of the separated Class B-7 or Class B-11 licenses to the outfitter-sponsored category subject to the
2 requirements and procedures of 87-2-511, except that licenses in the outfitter-sponsored category may
3 not comprise more than one-third of the licenses issued pursuant to this section and the number issued,
4 when added to the number of Class B-11 licenses issued under 87-1-268, may not exceed 2,300 in any
5 license year; ~~and~~

6 (g) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary
7 to manage the harvest of deer, including restricting the use of a license to either mule deer or whitetail
8 deer; and

9 (h) shall allocate 1,000 of the separated Class B-7 licenses to landowners for use by qualified
10 nonresident hunters pursuant to [section 1(4)].

11 (2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses
12 must be deposited in the state special revenue account to the credit of the department and not allocated
13 pursuant to other statutory requirements generally applicable to Class B-11 licenses. The revenue from
14 Class B-10 licenses sold without a deer tag must be allocated in the same manner as revenue from Class
15 B-10 licenses sold with a deer tag. (Terminates October 1, 2001--sec. 6, Ch. 355, L. 1997.)"

16

17 NEW SECTION. Section 7. Codification instruction. [Sections 1 and 2] are intended to be codified
18 as an integral part of Title 87, chapter 2, and the provisions of Title 87, chapter 2, apply to [sections 1
19 and 2].

20

21 NEW SECTION. Section 8. Effective date. [This act] is effective March 1, 2002.

22

- END -