

HOUSE BILL NO. 614

INTRODUCED BY J. LASLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CONDITIONS AND DISPOSITION OF OUTFITTER-SPONSORED CLASS B-10 AND CLASS B-11 NONRESIDENT COMBINATION LICENSES; PROVIDING THAT BIG GAME HUNTING PURSUANT TO AN OUTFITTER-SPONSORED CLASS B-10 AND CLASS B-11 NONRESIDENT COMBINATION LICENSE MUST BE CONDUCTED ON PUBLIC LANDS ACCESSIBLE TO THE PUBLIC OR ON PRIVATE LANDS WHERE EQUAL HUNTING OPPORTUNITIES ARE PROVIDED FREE TO THE GENERAL PUBLIC; REVISING THE METHOD OF DISPOSITION OF UNSOLD OUTFITTER-SPONSORED LICENSES; AMENDING SECTION 87-2-511, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 87-2-511, MCA, is amended to read:

"87-2-511. (Temporary) Sale and use of Class B-10 and Class B-11 licenses. (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with a number of authorized Class B-10 and Class B-11 licenses, as determined under 87-1-268, reserved for applicants using the services of a licensed outfitter, as provided in subsection (4), and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

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

- (a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;
- (b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and
- (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and

1 this title.

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

12 (4) Each application for an outfitter-sponsored license under subsection (1) must contain a written
13 affirmation by the applicant that the applicant will hunt on public lands accessible to the public or on private lands
14 where equal hunting opportunities are provided free to the general public with a licensed outfitter for all big game
15 hunted by the applicant under the license and must indicate the name of the licensed outfitter with whom the
16 applicant will hunt. In addition, the application must be accompanied by a certificate that is signed by a licensed
17 outfitter and that affirms that the outfitter will:

18 (a) accompany the applicant;

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

20 (c) direct the applicant's hunting on public lands accessible to the public or on private lands where equal
21 hunting opportunities are provided free to the general public for all big game hunted by the applicant under the
22 license and 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 for
26 providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and
27 this title.

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

1 outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance with the affirmations
2 under subsection (4), upon advance written notification to the board by the sponsoring licensed outfitter or the
3 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 an
7 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 licenses
9 that remain unsold available ~~as provided in 87-1-268~~ by a drawing among unsuccessful applicants for
10 unreserved Class B-10 and Class B-11 licenses, without restriction as to hunting with a licensed outfitter. The
11 price of the unsold outfitter-sponsored licenses available for sale by drawing must be equal to the price of
12 outfitter-sponsored licenses as established in 87-1-268. Proceeds from the sale of outfitter-sponsored licenses
13 pursuant to this subsection must be used to supplement the funding of the hunting access enhancement
14 program under 87-1-267.

15 (9) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued
16 by a drawing among all applicants for the respective unreserved licenses. (Terminates March 1, 2006--sec. 6,
17 Ch. 544, L. 1999.)

18 **87-2-511. (Effective March 1, 2006) Sale of Class B-10 and Class B-11 licenses.** (1) The department
19 shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with 5,600 of the authorized Class B-10
20 licenses and 2,000 Class B-11 licenses reserved for applicants using the services of a licensed outfitter, as
21 provided in subsection (4), and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating
22 their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and
23 (3).

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

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

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

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

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

(4) Each application for an outfitter-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant will hunt on public lands accessible to the public or on private lands where equal hunting opportunities are provided free to the general public with a licensed outfitter for all big game hunted by the applicant under the license and must indicate the name of the licensed outfitter with whom the applicant will hunt. In addition, the application must be accompanied by a certificate that is signed by a licensed outfitter and that affirms that the outfitter will:

(a) accompany the applicant;

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

(c) direct the applicant's hunting on public lands accessible to the public or on private lands where equal hunting opportunities are provided free to the general public for all big game hunted by the applicant under the license and advise the applicant of game and trespass laws of the state;

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

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

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

(6) The department shall make the reserved Class B-10 and Class B-11 licenses that remain unsold on April 15 available to nonresident applicants without restriction as to hunting with a licensed outfitter or resident sponsor.

(7) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) and all unsold reserved licenses that are available under subsection (6) must be issued by a drawing among all applicants for the respective unreserved licenses."

NEW SECTION. **Section 2. Effective date.** [This act] is effective March 1, 2004.

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