

## 1 HOUSE BILL NO. 214

## 2 INTRODUCED BY SALES

## 3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A CLASS B-13 NONRESIDENT YOUTH BIG GAME  
 6 COMBINATION LICENSE; PROVIDING TERMS, CONDITIONS, AND SALE CRITERIA FOR THE LICENSE;  
 7 LIMITING THE NUMBER OF AVAILABLE CLASS B-13 LICENSES AND PROVIDING THAT B-13 LICENSES  
 8 ARE NOT INCLUDED IN THE LIMIT ON AVAILABLE CLASS B-10 NONRESIDENT BIG GAME COMBINATION  
 9 LICENSES; PROVIDING THAT THE HOLDER OF A CLASS B-13 LICENSE MAY ALSO APPLY FOR A  
 10 NONRESIDENT ANTLERLESS ELK B TAG; AMENDING SECTIONS 87-2-104 AND 87-2-511, MCA; AND  
 11 PROVIDING A DELAYED EFFECTIVE DATE."

12

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

14

15 **NEW SECTION. Section 1. Class B-13 -- nonresident youth big game combination license.** (1)

16 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, and who  
 17 is 12 years of age or older or will turn 12 years old before or during the season for which the license is issued  
 18 and who is under 18 years of age may, upon payment of a fee of one-half the cost of a regularly priced Class  
 19 B-10 nonresident big game combination license, [plus the nonresident hunting access enhancement fee in  
 20 87-2-202(3)(d),] and subject to the limitations prescribed by law and department regulation, apply to the fish,  
 21 wildlife, and parks office in Helena, Montana, to purchase a Class B-13 nonresident youth big game combination  
 22 license.

23 (2) The holder of a Class B-13 license is entitled to all the privileges of a Class B license, a Class B-1  
 24 license, a Class B-7 license, an elk tag, and a nonresident wildlife conservation license. When using a Class  
 25 B-13 license, the holder must be accompanied by an adult immediate family member who is the holder of a valid  
 26 nonresident Class B-10 or Class B-11 combination license or who is the holder of a valid resident deer or elk  
 27 tag. As used in this subsection, an adult immediate family member means an applicant's natural or adoptive  
 28 parent, grandparent, brother, or sister who is 18 years of age or older.

29 (3) Not more than ~~500~~ 300 Class B-13 licenses are authorized for sale each license year. Class B-13  
 30 licenses are not included in the limit on the number of available Class B-10 nonresident big game combination

1 licenses issued pursuant to 87-2-505.

2 (4) The holder of a valid Class B-13 license may apply for a Class B-12 nonresident elk B tag license  
3 when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is \$270. The license  
4 entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions  
5 specified by the commission.

6

7 **Section 2.** Section 87-2-104, MCA, is amended to read:

8 **"87-2-104. Number of licenses allowed -- fees.** (1) It is unlawful for any person to apply for, purchase,  
9 or possess more than one license of any one class or more than one special license for any one species listed  
10 in 87-2-701. This provision does not apply to Class B-4 or Class B-5 licenses or to licenses issued under  
11 subsection (3) for game management purposes. However, when more than one license is authorized by the  
12 commission, it is unlawful to apply for, purchase, or possess more licenses than are authorized.

13 (2) The department may prescribe rules and regulations for the issuance or sale of a replacement  
14 license in the event the original license is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

15 (3) When authorized by the commission for game management purposes, the department may issue  
16 more than one Class A-3, Class A-4, Class A-5, Class A-7, Class B-7, Class B-8, Class B-10, Class B-11, or  
17 special antelope license to an applicant. An applicant for these game management licenses is not at the time  
18 of application required to hold any license or permit of that class.

19 (4) When authorized by the commission for game management purposes, the department may issue  
20 Class A-9, resident antlerless elk B tag licenses and Class B-12 nonresident antlerless elk B tag licenses  
21 entitling the holder to take an antlerless elk. An applicant must have a Class A-5 or Class A-7 license to be  
22 eligible for a Class A-9 license. An applicant must have a Class B-10 or Class B-13 license to be eligible for a  
23 Class B-12 license. The commission shall determine the hunting districts or portions of hunting districts for which  
24 Class A-9 and Class B-12 licenses are to be issued, the number of licenses to be issued, and all terms and  
25 conditions for the use of the licenses.

26 (5) The fee for any resident or nonresident license of any class issued under subsection (3) must be  
27 set annually by the department and may not exceed the regular fee provided by law for that class or species."

28

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

30 **"87-2-511. (Temporary) Sale and use of Class B-10, and Class B-11, and Class B-13 licenses.** (1)

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

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

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

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

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

- 1 (a) accompany the applicant;
- 2 (b) provide guiding services for the species hunted by the applicant;
- 3 (c) direct the applicant's hunting for all big game hunted by the applicant under the license and advise  
4 the applicant of game and trespass laws of the state;
- 5 (d) submit to the department, in a manner prescribed by the department, complete records of who  
6 hunted with the outfitter, where they hunted, and what game was taken; and
- 7 (e) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for  
8 providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and  
9 this title.
- 10 (5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with the  
11 affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter is unavailable  
12 or if the applicant wishes to use the services of separate outfitters for hunting different species of game, an  
13 outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance with the affirmations  
14 under subsection (4), upon advance written notification to the board by the sponsoring licensed outfitter or the  
15 substitute outfitter.
- 16 (6) A nonresident who hunts under the authority of a resident landowner-sponsored license shall  
17 conduct all deer hunting on the deeded lands of the sponsoring landowner.
- 18 (7) Any permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license through an  
19 outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.
- 20 (8) The department shall make the reserved outfitter-sponsored Class B-10 and Class B-11 licenses  
21 that remain unsold available as provided in 87-1-268.
- 22 (9) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued  
23 by a drawing among all applicants for the respective unreserved licenses.
- 24 (10) The department shall offer the Class B-13 nonresident youth big game combination license for sale  
25 on March 1. An applicant must provide the name and automated licensing system number of the adult immediate  
26 family member who will accompany the youth. The adult sponsor must possess either a valid Class B-10 or  
27 Class B-11 license or a valid resident deer or elk tag at the time of application. (Terminates March 1, 2006--sec.  
28 6, Ch. 544, L. 1999.)
- 29 **87-2-511. (Effective March 1, 2006) Sale of Class B-10 and Class B-11, and Class B-13 licenses.**
- 30 (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with 5,600 of the

1 authorized Class B-10 licenses and 2,000 Class B-11 licenses reserved for applicants using the services of a  
2 licensed outfitter and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent  
3 to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

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

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

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

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

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

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

21 (a) accompany the applicant;

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

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

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

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

30 (5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with the

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

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

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

12 (8) The department shall offer the Class B-13 nonresident youth big game combination license for sale  
13 on March 1. An applicant must provide the name and automated licensing system number of the adult immediate  
14 family member who will accompany the youth. The adult sponsor must possess either a valid Class B-10 or  
15 Class B-11 license or a valid resident deer or elk tag at the time of application."

16  
17 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an  
18 integral part of Title 87, chapter 2, part 5, and the provisions of Title 87, chapter 2, part 5, apply to [section 1].

19  
20 **COORDINATION SECTION. Section 5. Coordination instruction.** If \_\_Bill No.\_\_ [LC 0233] is not  
21 passed and approved, then the bracketed language in [section 1(1) of this act] is void.

22  
23 **NEW SECTION. Section 6. Effective date.** [This act] is effective March 1, 2006.

24 - END -