

1 SENATE BILL NO. 436

2 INTRODUCED BY S. GALLUS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A NONRESIDENT OUTFITTER-SPONSORED
5 ANTELOPE LICENSE; GRANTING RULEMAKING AUTHORITY; AND PROVIDING A DELAYED EFFECTIVE
6 DATE AND A TERMINATION DATE."

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

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10 **NEW SECTION. Section 1. Nonresident outfitter-sponsored antelope license.** (1) Pursuant to the
11 provisions of subsection (2), the department shall award, by drawing, nonresident outfitter-sponsored antelope
12 licenses reserved for applicants using the services of a licensed outfitter as provided in subsection (3). The
13 drawing must be conducted in accordance with 87-2-113. The department shall provide for those persons making
14 a valid application a method of selecting first, second, and third choice hunting districts for any drawing held
15 pursuant to this section.

16 (2) (a) The number of nonresident outfitter-sponsored antelope licenses available by drawing each year
17 may not exceed 10 licenses for each administrative region or 5% of the total number of antelope licenses
18 available in that region, whichever is less.

19 (b) Nonresident outfitter-sponsored antelope licenses must be available to applicants awarded a license
20 under subsection (1) for a cost that is twice that of other nonresident antelope licenses issued pursuant to
21 87-2-701.

22 (c) The provisions of this section do not apply to over-the-counter or surplus licenses available for
23 purchase by nonresidents as established by department rule.

24 (3) Each application for an outfitter-sponsored antelope license must contain a written affirmation by the
25 applicant that the applicant will hunt antelope under the license with a licensed outfitter and must indicate the
26 name of the licensed outfitter with whom the applicant will hunt. In addition, the application must be accompanied
27 by a certificate that is signed by a licensed outfitter and that affirms that the outfitter will:

28 (a) accompany the applicant;

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

30 (c) direct the applicant's hunting for antelope under the license and advise the applicant of game and

1 trespass laws of the state;

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

4 (e) not accept monetary consideration for enabling the nonresident applicant to obtain a license or for
5 providing any services or assistance to the nonresident applicant except as provided in Title 37, chapter 47, and
6 this title.

7 (4) A license awarded under subsection (1) is valid only when hunting is conducted with a licensed
8 outfitter and the license is used in compliance with the affirmations of the applicant and outfitter required under
9 subsection (3). If the sponsoring outfitter is unavailable, an outfitter-sponsored license may be used with a
10 substitute licensed outfitter, in compliance with the affirmations under subsection (3), upon advance written
11 notification to the department by the sponsoring licensed outfitter or the substitute outfitter.

12 (5) If the number of outfitter-sponsored antelope licenses available pursuant to subsection (2) exceeds
13 the number of applicants for a drawing conducted pursuant to subsection (1), the department shall make the
14 licenses that remain unsold available for drawing pursuant to 87-2-701.

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16 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
17 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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19 **NEW SECTION. Section 3. Effective date.** [This act] is effective March 1, 2010.

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21 **NEW SECTION. Section 4. Termination.** [This act] terminates March 1, 2014.

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