

HOUSE BILL NO. 607

INTRODUCED BY WELBORN, FLYNN, ROSENDALE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURE FOR THE SALE OF CLASS B-10

5 NONRESIDENT BIG GAME COMBINATION LICENSES; ALLOWING AN APPLICANT WHO IS NOT

6 SUCCESSFUL IN A DRAWING FOR A SPECIAL ELK PERMIT TO PURCHASE ONLY THE CLASS B-7

7 PORTION OF A CLASS B-10 LICENSE AS A CLASS B-11 LICENSE; REQUIRING THE RESALE OF THE

8 REMAINING NONRESIDENT ELK TAG AS AN ELK-ONLY COMBINATION LICENSE; AMENDING SECTION

9 87-2-511, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

14 ~~"87-2-511. (Temporary) Sale and use of Class B-10, Class B-11, and Class B-13 licenses. (1) The~~

15 ~~department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with a number of authorized~~

16 ~~Class B-10 and Class B-11 licenses, as determined under 87-1-268, reserved for applicants using the services~~

17 ~~of a licensed outfitter and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their~~

18 ~~intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).~~

19 ~~———— (2) Each application for a resident-sponsored license under subsection (1) must contain a written~~

20 ~~affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name~~

21 ~~of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied~~

22 ~~by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:~~

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

29 ~~———— (3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the~~

30 ~~sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor.~~

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

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

14 ~~———— (a) accompany the applicant;~~

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

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

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

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

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

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

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

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

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

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

11 **87-2-511. (Effective March 1, 2011) Sale and use of Class B-10, Class B-11, and Class B-13**
 12 **licenses.** (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with 2,000
 13 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor
 14 on land owned by that sponsor, as provided in subsections (2) and (3).

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

19 (a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;
 20 (b) submit to the department, in a manner prescribed by the department, complete records of who hunted
 21 with the resident sponsor, where they hunted, and what game was taken; and

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

25 (3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the
 26 sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor.
 27 If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one
 28 applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses
 29 remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the
 30 second applicant sponsored by each resident landowner. The department shall conduct a drawing for any

1 remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1)
2 to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall
3 conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may
4 submit no more than 15 certificates of sponsorship in any license year.

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

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

9 (6) (a) An applicant who applies for a Class B-10 license and an applicable special elk permit but who
10 is not successful in a drawing for the special elk permit may choose to retain only the Class B-7 portion of the
11 Class B-10 license. The department shall sell the Class B-7 portion as a Class B-11 license for the fee set in
12 87-2-510. The provisions of this subsection (6)(a) do not affect the limits established in 87-2-510(2). The
13 remaining elk tag portion of the Class B-10 license must be sold by the department as an elk-only combination
14 license for a fee that is \$150 less than that set for a Class B-10 license in 87-2-505.

15 (b) The department may charge a \$25 processing fee if an applicant chooses to buy only a portion of
16 the Class B-10 license pursuant to subsection (6)(a) after the Class B-10 license has been issued to the
17 applicant.

18 (c) The revenue collected pursuant to this subsection (6) must be deposited in the state special revenue
19 account to the credit of the department and may not be allocated pursuant to other statutory requirements
20 generally applicable to Class B-10 or Class B-11 licenses.

21 ~~(6)(7)~~ The department shall offer the Class B-13 nonresident youth big game combination license for
22 sale on March 1. An applicant shall provide the name and automated licensing system number of the adult
23 immediate family member who will accompany the youth. The adult sponsor must possess either a valid Class
24 B-10 or Class B-11 license or a valid resident deer or elk tag at the time of application."
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26 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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