

## SENATE BILL NO. 324

INTRODUCED BY K. MILLER

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A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE ELECTORS THE REQUIREMENT THAT THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS REDUCE BY 10 PERCENT EACH YEAR FOR 4 YEARS THE NUMBERS OF NONRESIDENT BIG GAME LICENSES THAT ARE AUTHORIZED FOR SALE; AMENDING SECTIONS 87-1-268, 87-2-504, 87-2-505, 87-2-506, 87-2-507, 87-2-510, 87-2-511, AND 87-2-512, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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**Section 1.** Section 87-1-268, MCA, is amended to read:

**"87-1-268. (Temporary) Variable pricing of outfitter-sponsored Class B-10 and B-11 licenses.** The commission shall annually set fees for outfitter-sponsored Class B-10 and Class B-11 licenses allowed under 87-2-505 and 87-2-510. The fees must be set at a market rate intended to sell as close to but not more than ~~an~~ average of 5,500 the number of Class B-10 licenses and 2,300 Class B-11 licenses authorized under Title 87, chapter 2, each year, calculated over a 5-year period. The sale period for the licenses must be established so that by the last date in the established period, those licenses that are unsold, ~~up to 5,500 Class B-10 licenses and 2,300 Class B-11 licenses,~~ may be reallocated by the commission for a drawing at a price set by the commission. (Terminates October 1, 2001--sec. 18, Ch. 459, L. 1995.)"

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**Section 2.** Section 87-2-504, MCA, is amended to read:

**"87-2-504. (Temporary) Class B-7 and B-8--nonresident deer licenses.** (1) (a) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued and is a holder of a nonresident conservation license may, upon payment of the proper fee or fees and subject to the limitations prescribed by law and department regulation, be entitled to apply to the fish, ~~and game~~ wildlife, and parks office, Helena, Montana, to purchase one each of the following licenses:

- (i) Class B-7, deer A tag, \$175;
- (ii) Class B-8, deer B tag, \$75.

1 (b) The license entitles the holder to hunt the game animal or animals authorized by the license and to  
2 possess the carcasses of those animals as authorized by commission rules.

3 (2) Unless purchased as part of a Class B-10 or Class B-11 license, a Class B-7 license may be  
4 assigned for use in a specific administrative region or regions or a portion of a specific administrative region or  
5 regions or in a specific hunting district or districts or a portion of a specific hunting district or districts. If purchased  
6 as part of a Class B-10 or Class B-11 license, the Class B-7 license is valid throughout the state, except as  
7 provided in 87-2-512(1)(d). ~~Not more than 5,000 Class B-7 licenses may be sold in any license year~~ The  
8 department may not authorize for sale more than the number of licenses provided for in subsection (4).

9 (3) ~~The~~ Subject to subsection (4), the commission may prescribe the use of and set quotas for the sale  
10 of Class B-8 licenses by hunting districts, portions of a hunting district, groups of districts, or administrative  
11 regions.

12 (4) The commission shall reduce by 10% for the 2001 license year the number of Class B-7 and Class  
13 B-8 nonresident deer licenses that are authorized for sale. For purposes of this section, the department shall use  
14 the number of licenses sold during the 2000 license year as the number on which to base the first 10% reduction.  
15 (Terminates October 1, 2001--sec. 6, Ch. 355, L. 1997.)

16 **87-2-504. (Effective October 1, 2001) Class B-7 and B-8--nonresident deer licenses.** (1) Except as  
17 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who will be 12  
18 years of age or older prior to September 15 of the season for which the license is issued and is a holder of a  
19 nonresident conservation license may, upon payment of the proper fee or fees and subject to the limitations  
20 prescribed by subsection (2), other law, and department regulation, be entitled to apply to the fish, ~~and game~~  
21 wildlife, and parks office, Helena, Montana, to purchase one each of the following licenses: Class B-7, deer A tag,  
22 \$150; Class B-8, deer B tag, \$50; and will entitle the holder to hunt the game animal or animals authorized by the  
23 license held and to possess the carcasses of those animals as authorized by department rules. Unless purchased  
24 as part of a B-10 or B-11 license, a Class B-7 license must be assigned for use in a specific administrative region  
25 or portion of a specific administrative region. If purchased as part of a Class B-11 license, the Class B-7 license  
26 is valid throughout the state. ~~Not more than 5,000 Class B-7 licenses may be sold in any license year~~ The  
27 department may not authorize for sale more than the number of Class B-7 or Class B-8 licenses provided for in  
28 subsection (2). Money received from the sale of Class B-7 licenses in excess of 1,700 must be used as provided  
29 in 87-1-242(1).

30 (2) The department shall reduce by 10% from the previous license year the number of Class B-7 and

1 Class B-8 nonresident deer licenses that are authorized for sale until after the 2004 license year. After the 2004  
 2 license year, the number of licenses authorized for sale must remain at the 2004 level. (Terminates March 1,  
 3 2006--secs. 1, 2, Ch. 241, L. 1993.)

4 **87-2-504. (Effective March 1, 2006) Class B-7 and B-8--nonresident deer licenses.** (1) Except as  
 5 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who will be 12  
 6 years of age or older prior to September 15 of the season for which the license is issued and is a holder of a  
 7 nonresident conservation license may, upon payment of the proper fee or fees and subject to the limitations  
 8 prescribed by other law, and department regulation, and subsection (2) be entitled to apply to the fish, ~~and game~~  
 9 wildlife, and parks office, Helena, Montana, to purchase one each of the following licenses: Class B-7, deer A tag,  
 10 \$100; Class B-8, deer B tag, \$50; and will entitle the holder to hunt the game animal or animals authorized by the  
 11 license held and to possess the carcasses of those animals as authorized by department rules. Unless purchased  
 12 as part of a B-10 or B-11 license, a Class B-7 license must be assigned for use in a specific administrative region  
 13 or portion of a specific administrative region. If purchased as part of a Class B-11 license, the Class B-7 license  
 14 is valid throughout the state.

15 (2) The number of Class B-7 and Class B-8 nonresident licenses authorized for sale must remain at the  
 16 license year 2004 level."

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18 **Section 3.** Section 87-2-505, MCA, is amended to read:

19 **"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as  
 20 otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of  
 21 age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee  
 22 of \$475 or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses  
 23 reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and  
 24 subject to the limitations prescribed by law and department regulation, apply to the fish, ~~and game~~ wildlife, and  
 25 parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles the  
 26 holder to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the  
 27 nonresident conservation license as prescribed in 87-2-202. ~~Not more than 11,500 unreserved Class B-10~~  
 28 ~~licenses may be sold in any 1 license year~~ The department may not authorize for sale more than the number of  
 29 Class B-10 nonresident big game combination licenses provided for in subsection (2).

30 (2) The department shall reduce by 10% for the 2001 license year the number of Class B-10 nonresident

1 big game licenses that are authorized for sale. For purposes of this section, the department shall use the number  
 2 of licenses sold during the 2000 license year as the number on which to base the first 10% reduction. (Terminates  
 3 October 1, 2001--sec. 18, Ch. 459, L. 1995.)

4 **87-2-505. (Effective October 1, 2001) Class B-10--nonresident big game combination license. (1)**  
 5 Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12  
 6 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of  
 7 the fee of \$462 beginning March 1, 1992, and \$475 beginning March 1, 1994, or upon payment of the fee of \$472  
 8 beginning March 1, 1992, and \$485 beginning March 1, 1994, if the license is one of the ~~5,600~~ licenses reserved  
 9 pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject  
 10 to the limitations prescribed by subsection (2), other law, and department regulation, apply to the fish, ~~and game~~  
 11 wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license which  
 12 shall entitle the holder to all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This  
 13 license includes the nonresident conservation license as prescribed in 87-2-202. ~~Not more than 17,000 Class~~  
 14 ~~B-10 licenses may be sold in any one license year~~ The department may not authorize for sale more than the  
 15 number of licenses provided for in subsection (2).

16 (2) The department shall reduce by 10% from the previous license year the number of Class B-10  
 17 nonresident big game combination licenses that are authorized for sale until after the 2004 license year. After  
 18 the 2004 license year, the number of licenses authorized for sale must remain at the 2004 level. (Terminates  
 19 March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

20 **87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license. (1)**  
 21 Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12  
 22 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of  
 23 the fee of \$398 or upon payment of the fee of \$408 if the license is one of the ~~5,600~~ licenses reserved pursuant  
 24 to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the  
 25 limitations prescribed by other law, ~~and~~ department regulation, and subsection (2), apply to the fish, ~~and game~~  
 26 wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license, which  
 27 ~~shall entitle~~ entitles the holder to all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag.  
 28 This license includes the nonresident conservation license as prescribed in 87-2-202. ~~Not more than 17,000~~  
 29 ~~Class B-10 licenses may be sold in any one license year~~ The department may not authorize for sale more than  
 30 the number of licenses provided for in subsection (2).

1           (2) The number of Class B-10 nonresident big game combination licenses authorized for sale must  
2 remain at the license year 2004 level."

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4           **Section 4.** Section 87-2-506, MCA, is amended to read:

5           **"87-2-506. Restrictions on hunting licenses.** (1) The department ~~may prescribe by rule the number~~  
6 ~~of hunting licenses to be issued shall reduce by 10% each license year until 2004 the number of all nonresident~~  
7 ~~licenses it makes available for sale. The department shall use the numbers of each class of nonresident licenses~~  
8 ~~sold during the 2000 license year as the number on which to base the first 10% reduction. In succeeding years,~~  
9 ~~the number of nonresident big game hunting licenses authorized for sale must remain at the license year 2004~~  
10 ~~level.~~ Any license sold may be restricted to a specific administrative region, hunting district, or other designated  
11 area and may specify the species, age, and sex to be taken and the time period for which the license is valid.

12           (2) When the number of valid resident applications for big game licenses or permits of a single class or  
13 type exceeds the number of licenses or permits the department desires to issue in an administrative region,  
14 hunting district, or other designated area, then the number of big game licenses or permits issued to nonresident  
15 license or permit holders in the region, district, or area may not exceed 10% of the total issued."

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17           **Section 5.** Section 87-2-507, MCA, is amended to read:

18           **"87-2-507. (Temporary) Class D-1--nonresident mountain lion license.** (1) Except as otherwise  
19 provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or  
20 older, upon payment of a fee of \$320 may receive a Class D-1 license that entitles the holder to hunt mountain  
21 lion and possess the carcass of the mountain lion as authorized by department rules and subject to subsection  
22 (2). If a holder of a valid mountain lion license under this section kills a mountain lion, the licensee shall purchase  
23 a trophy license for a fee of \$50 within 10 days after the date of kill. The trophy license authorizes the holder to  
24 possess and transport the trophy.

25           (2) The department shall reduce by 10% each license year until 2004 the number of all Class D-1  
26 nonresident mountain lion licenses it makes available for sale. The department shall use the number of Class  
27 D-1 nonresident mountain lion licenses sold during the 2000 license year as the number on which to base the  
28 first 10% reduction. The number of Class D-1 nonresident mountain lion licenses authorized for sale must remain  
29 at the license year 2004 level. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

30           **87-2-507. (Effective March 1, 2006) Class D-1--nonresident mountain lion license.** (1) Except as

1 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years  
 2 of age or older, upon payment of a fee of \$300 may receive a Class D-1 license that entitles the holder to hunt  
 3 mountain lion and possess the carcass of the mountain lion as authorized by department rules. If a holder of a  
 4 valid mountain lion license under this section kills a mountain lion, the licensee shall purchase a trophy license  
 5 for a fee of \$50 within 10 days after the date of kill. The trophy license authorizes the holder to possess and  
 6 transport the trophy.

7 (2) The number of Class D-1 nonresident mountain lion licenses authorized for sale must remain at the  
 8 license year 2004 level."

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10 **Section 6.** Section 87-2-510, MCA, is amended to read:

11 **"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as otherwise  
 12 provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older  
 13 prior to September 15 of the season for which the license is issued may, upon payment of a fee of \$245 or upon  
 14 payment of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to  
 15 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter or upon payment of the  
 16 fee of \$250 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt  
 17 with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and  
 18 department regulation, apply to the fish, ~~and game~~ wildlife, and parks office, Helena, Montana, to purchase a  
 19 Class B-11 nonresident deer combination license that entitles the holder to all the privileges of the Class B, Class  
 20 B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in  
 21 87-2-202. The department may not authorize for sale more than the number of licenses provided for in  
 22 subsection (2).

23 ~~(2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year. The~~  
 24 department shall reduce by 10% for license year 2001 the number of Class B-11 nonresident deer combination  
 25 licenses that are authorized for sale. For purposes of this section, the department shall use the number of Class  
 26 B-11 nonresident deer combination licenses sold during the 2000 license year as the number on which to base  
 27 the 10% reduction. (Terminates October 1, 2001--sec. 18, Ch. 459, L. 1995.)

28 **87-2-510. (Effective October 1, 2001) Class B-11--nonresident deer combination license.** (1) Except  
 29 as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years  
 30 of age or older prior to September 15 of the season for which the license is issued may, upon payment of a fee

1 of \$245 or upon payment of the fee of \$250 if the license is one of the ~~4,000~~ those reserved pursuant to 87-2-511  
 2 for applicants indicating their intent either to use the services of a licensed outfitter or to hunt with a resident  
 3 sponsor on land owned by that sponsor and subject to the limitations prescribed by subsection (2), other law, and  
 4 department regulation, apply to the fish, ~~and game~~ wildlife, and parks office, Helena, Montana, to purchase a  
 5 Class B-11 nonresident deer combination license that entitles the holder to all the privileges of the Class B, Class  
 6 B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in  
 7 87-2-202.

8 (2) ~~Six thousand Class B-11 licenses are authorized for sale each license year~~ The department shall  
 9 reduce by 10% from the previous license year the number of Class B-11 nonresident deer combination licenses  
 10 that are authorized for sale until after the 2004 license year. After the 2004 license year, the number of Class  
 11 B-11 nonresident deer combination licenses authorized for sale must remain at the license year 2004 level.  
 12 (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

13 **87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license.** (1) Except  
 14 as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years  
 15 of age or older prior to September 15 of the season for which the license is issued may, upon payment of a fee  
 16 of \$220 or upon payment of the fee of \$225 if the license is one of the ~~4,000~~ those reserved pursuant to 87-2-511  
 17 for applicants indicating their intent either to use the services of a licensed outfitter or to hunt with a resident  
 18 sponsor on land owned by that sponsor and subject to the limitations prescribed by other law, ~~and~~ department  
 19 regulation, and subsection (2), apply to the fish, ~~and game~~ wildlife, and parks office, Helena, Montana, to  
 20 purchase a Class B-11 nonresident deer combination license that entitles the holder to all the privileges of the  
 21 Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license  
 22 as prescribed in 87-2-202.

23 (2) ~~Six thousand Class B-11 licenses are authorized for sale each license year~~ The number of Class  
 24 B-11 nonresident deer combination licenses authorized for sale must remain at the license year 2004 level."

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26 **Section 7.** Section 87-2-511, MCA, is amended to read:

27 **"87-2-511. (Temporary) Sale and use of Class B-10 and Class B-11 licenses.** (1) The department  
 28 shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with a number of authorized Class B-10  
 29 and Class B-11 licenses, as determined under 87-1-268 and subsection (10), reserved for applicants using the  
 30 services of a licensed outfitter and ~~2,000~~ a percentage determined by the department of the authorized Class

1 B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that  
2 sponsor, as provided in subsections (2) and (3).

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

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

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

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

13 (3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the  
14 sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor.  
15 A resident sponsor of a Class B-11 license may submit no more than 20 certificates of sponsorship in any license  
16 year prior to expiration of the moratorium established in 37-47-315, after which no more than 10 certificates of  
17 sponsorship may be submitted in any license year.

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

23 (a) accompany the applicant;

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

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

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

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

1 this title.

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

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

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

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

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

16 (10) The department shall reduce by 10% for license year 2001 the number of Class B-10 and Class  
17 B-11 nonresident big game licenses that are authorized for sale. For purposes of this section, the department  
18 shall use the number of licenses sold during the 2000 license year as the number on which to base the first 10%  
19 reduction. (Terminates October 1, 2001--sec. 18, Ch. 459, L. 1995.)

20 **87-2-511. (Effective October 1, 2001) Sale of Class B-10 and Class B-11 licenses.** (1) The  
21 department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with ~~5,600~~ a percentage  
22 determined by the department of the authorized Class B-10 licenses and ~~2,000~~ Class B-11 licenses reserved for  
23 applicants using the services of a licensed outfitter and ~~2,000~~ a percentage determined by the department of the  
24 authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on  
25 land owned by that sponsor, as provided in subsections (2) and (3).

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

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

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

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

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

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

13 (a) accompany the applicant;

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

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

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

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

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

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

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

4 (8) The department shall reduce by 10% from the previous license year the number of Class B-10 and  
5 Class B-11 nonresident deer combination licenses that are authorized for sale until after the 2004 license year.  
6 After the 2004 license year, the number of licenses authorized for sale must remain at the 2004 level."

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8 **Section 8.** Section 87-2-512, MCA, is amended to read:

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

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

17 (b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11  
18 combination licenses;

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

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

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

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

28 (e) may allocate a portion of the separated Class B-7 or Class B-11 licenses among the general and  
29 landowner-sponsored categories established in 87-2-510 and 87-2-511 but not count those licenses as part of  
30 the statutory quotas, with the Class B-7 licenses then subject to the requirements and procedures of 87-2-511;

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

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

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

13

14 NEW SECTION. Section 9. Submission to electorate. This act shall be submitted to the qualified  
 15 electors of Montana at the general election to be held in November 2000, by printing on the ballot the full title of  
 16 this act and the following:

17 [] FOR requiring the reduction by 10% each year for 4 years the numbers of nonresident big game  
 18 combination licenses authorized for sale.

19 [] AGAINST requiring the reduction by 10% each year for 4 years the numbers of nonresident big  
 20 game combination licenses authorized for sale.

21

22 NEW SECTION. Section 10. Effective date. This act is effective on approval of the electorate.

23

- END -