

SENATE BILL NO. 403
INTRODUCED BY G. BARKUS

A BILL FOR AN ACT ENTITLED: "AN ACT RESERVING 100 CLASS B-10 AND 100 CLASS B-11 NONRESIDENT COMBINATION LICENSES FOR USE BY NONRESIDENT LANDOWNERS WHO OWN OR ARE CONTRACTING TO PURCHASE 1,280 CONTIGUOUS ACRES OR MORE IN MONTANA, FOR RESTRICTED HUNTING BY THE LANDOWNER ON THE LANDOWNER'S PRIVATE PROPERTY; PROVIDING TERMS FOR THE SALE AND USE OF THE RESERVED LICENSES; AND AMENDING SECTION 87-2-511, MCA."

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, ~~and with~~ 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), and with 100 of the authorized Class B-10 and 100 of the authorized Class B-11 licenses reserved for restricted use by nonresident landowners, as provided in subsection (10).

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

(4) Each application for an outfitter-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant will hunt 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 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) A nonresident who hunts under the authority of a resident landowner-sponsored license shall conduct all deer hunting on the deeded lands of the sponsoring landowner.

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

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

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

(10) (a) A nonresident landowner who owns or is contracting to purchase 1,280 acres or more of contiguous land in Montana may apply for a reserved Class B-10 or Class B-11 restricted license. All hunting under the restricted license must be conducted by the landowner on the landowner's private property.

(b) The price of the restricted Class B-10 license must be the same as the general license price under 87-2-505. The price of the restricted Class B-11 license must be the same as the general license price under 87-2-510.

(c) Each application for a reserved nonresident landowner restricted license under subsection (1) must contain a written affirmation by the applicant that the applicant is a nonresident landowner who meets the qualifications of subsection (10)(a) and who intends to hunt with the license only on the landowner's private property.

(d) The department shall offer the reserved nonresident landowner restricted licenses on a first-come, first-serve basis. The department shall make any reserved nonresident landowner restricted Class B-10 and Class B-11 licenses that remain unsold on April 15 available as provided in 87-2-505 and 87-2-510, respectively. The 100 reserved licenses of each class must come from the total license quotas for the respective licenses established in 87-2-505(1) and 87-2-510(2). (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999.)

87-2-511. (Effective March 1, 2006) Sale 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 5,600 of the authorized Class B-10 licenses and 2,000 Class B-11 licenses reserved for applicants using the services of a licensed outfitter, and with 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), and with 100 of the authorized Class B-10 and 100 of the authorized Class B-11 licenses reserved for restricted use by nonresident landowners, as provided in subsection (8).

(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 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 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 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.

(8) (a) A nonresident landowner who owns or is contracting to purchase 1,280 acres or more of contiguous land in Montana may apply for a reserved Class B-10 or Class B-11 restricted license. All hunting under the restricted license must be conducted by the landowner on the landowner's private property.

(b) The price of the restricted Class B-10 license must be the same as the general license price under 87-2-505. The price of the restricted Class B-11 license must be the same as the general license price under 87-2-510.

(c) Each application for a reserved nonresident landowner restricted license under subsection (1) must contain a written affirmation by the applicant that the applicant is a nonresident landowner who meets the qualifications of subsection (8)(a) and who intends to hunt with the license only on the landowner's private property.

(d) The department shall offer the reserved nonresident landowner restricted licenses on a first-come, first-serve basis. The 100 reserved licenses of each class must come from the total license quotas for the respective licenses established in 87-2-505(1) and 87-2-510(2)."

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