

SENATE BILL NO. 400

INTRODUCED BY VINCENT, RIPLEY, STAHL, BRENDEN, LEWIS, TAYLOR

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE SALE OF 2,000 CLASS B-10 NONRESIDENT BIG GAME COMBINATION LICENSES FOR USE IN WILDERNESS AREAS; ALLOWING A WILDERNESS LICENSE TO BE SEPARATED INTO A B-11 DEER COMBINATION LICENSE AND AN ELK-ONLY COMBINATION LICENSE; AMENDING SECTION 87-2-511, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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, Class B-11, and Class B-13 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 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):~~

~~———(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~~

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

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

30 ~~———— (7) Any permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license through an~~

1 outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.

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

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

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

10 **87-2-511. (Effective March 1, 2011) Sale and use of Class B-7, Class B-10, Class B-11, and Class**
11 **B-13 licenses.** (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with
12 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident
13 sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

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

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

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

24 (3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the
25 sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor.
26 If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one
27 applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses
28 remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the
29 second applicant sponsored by each resident landowner. The department shall conduct a drawing for any
30 remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1)

1 to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall
 2 conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may
 3 submit no more than 15 certificates of sponsorship in any license year.

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

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

8 (6) (a) In addition to the Class B-10 licenses made available in 87-2-505, the department shall offer 2,000
 9 of the Class B-10 licenses to nonresident applicants indicating their intent to hunt ONLY in the:

10 (i) Absaroka-Beartooth wilderness;

11 (ii) Anaconda Pintler wilderness;

12 (iii) Bob Marshall wilderness;

13 (iv) Cabinet Mountains wilderness;

14 (v) Gates of the Mountains wilderness;

15 (vi) Great Bear wilderness;

16 (vii) Lee Metcalf wilderness;

17 (viii) Medicine Lake wilderness;

18 (ix) Mission Mountains wilderness;

19 (x) Rattlesnake wilderness;

20 (xi) Red Rock Lakes wilderness;

21 (xii) Scapegoat wilderness;

22 (xiii) Selway-Bitterroot wilderness;

23 (xiv) UL Bend wilderness; or

24 (xv) Welcome Creek wilderness.

25 (b) Licenses issued pursuant to subsection (6)(a) must be sold for the fee set in 87-2-505.

26 (c) (i) An applicant who applies for a wilderness license pursuant to subsection (6)(a) may choose to
 27 retain only the elk tag portion of the Class B-10 license. The department shall sell the elk tag portion as an
 28 elk-only combination license for \$150 less than the fee set in 87-2-505. THE ELK TAG PORTION OF THE CLASS B-10
 29 LICENSE IS VALID ONLY IN AREAS LISTED IN SUBSECTION (6)(A).

30 (ii) The remaining Class B-7 portion of the license separated pursuant to subsection (6)(c)(i) must be sold

1 by the department as a Class B-11 combination license for the fee set in 87-2-510. THESE LICENSES ARE VALID IN
2 ANY LOCATION CONSIDERED APPROPRIATE BY THE DEPARTMENT. This does not affect the limit established in
3 87-2-510(2).

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

6 (E) THE COMMISSION MAY ISSUE PERMITS TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION (6) IN
7 ACCORDANCE WITH THE WILDLIFE MANAGEMENT POWERS GRANTED BY 87-1-301.

8 (7) ~~The~~ (A) EXCEPT AS PROVIDED IN SUBSECTION (7)(B), revenue collected pursuant to subsection (6) 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-10 or Class B-11 licenses.

11 (B) THE REVENUE COLLECTED PURSUANT TO SUBSECTION (6)(C)(II) MUST BE DEPOSITED IN THE HUNTING ACCESS
12 ACCOUNT ESTABLISHED IN 87-1-290 AND ALLOCATED ACCORDING TO THE PROVISIONS OF 87-1-290.

13 (6)(8) The department shall offer the Class B-13 nonresident youth big game combination license for
14 sale on March 1. An applicant shall provide the name and automated licensing system number of the adult
15 immediate family member who will accompany the youth. The adult sponsor must possess either a valid Class
16 B-10 or Class B-11 license or a valid resident deer or elk tag at the time of application."

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18 NEW SECTION. Section 2. Effective date. [This act] is effective March 1, 2012.

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