

SENATE BILL 317

Introduced by Swift, et al.

2/04	Introduced
2/04	Referred to Fish & Game
2/04	First Reading
2/04	Fiscal Note Requested
2/09	Fiscal Note Received
2/10	Fiscal Note Printed
2/16	Hearing
2/19	Committee Report--Bill Passed as Amended
2/20	2nd Reading Do Pass Motion Failed
2/20	2nd Reading Indefinitely Postponed

1 Senate BILL NO. 317
 2 INTRODUCED BY Sen. Nathan
 3 Christiansen NATHAN Christiansen Christiansen
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING
 5 THE PRACTICE OF OUTFITTERING BY TEMPORARILY LIMITING THE
 6 NUMBER OF GENERAL OUTFITTER LICENSES THAT MAY BE ISSUED;
 7 INCREASING THE NUMBER OF CLASS B-11 NONRESIDENT DEER
 8 COMBINATION LICENSES AVAILABLE TO NONRESIDENTS WHO INTEND TO
 9 USE THE SERVICES OF A LICENSED OUTFITTER; AMENDING SECTIONS
 10 37-47-308, 87-2-510, AND 87-2-511, MCA; AND PROVIDING AN
 11 EFFECTIVE DATE AND A TERMINATION DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 37-47-308, MCA, is amended to read:

15 "37-47-308. Kinds of licenses. (1) After receipt of the
 16 application and when all the conditions and requirements of
 17 this part have been satisfied, the board shall, subject to
 18 the conditions of subsection (4), issue either of the
 19 following licenses, depending upon its determination of the
 20 applicant's ability and the service that the applicant can
 21 perform with the equipment listed on his the application:

22 (a) a general license authorizing him the applicant to
 23 perform all the functions of an outfitter as that term is
 24 defined in 37-47-101; or

25 (b) a special license authorizing him the applicant to

1 perform only the function of outfitting listed on the
 2 license.

3 (2) The license ~~shall~~ must be in the form prescribed
 4 and ~~shall--be~~ is valid for the licensing year in which
 5 issued.

6 (3) If the application is denied, the board shall
 7 notify the applicant in writing of the reasons for the
 8 denial, and if the reasons are corrected, a license ~~shall~~
 9 must be issued upon reapplication thereof, subject to the
 10 conditions of subsection (4).

11 (4) The total number of general outfitter licenses
 12 issued under subsection (1)(a) may not exceed the number of
 13 current general licenses on June 1, 1993."

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

15 "87-2-510. (Temporary) Class B-11--nonresident deer
 16 combination license. (1) Except as otherwise provided in
 17 this chapter, a person not a resident, as defined in
 18 87-2-102, but who will be 12 years of age or older prior to
 19 September 15 of the season for which the license is issued
 20 may, upon payment of a fee of \$238 beginning March 1, 1992,
 21 and \$245 beginning March 1, 1994, or upon payment of the fee
 22 of \$248 beginning March 1, 1992, and \$250 beginning March 1,
 23 1994, if the license is one of the ~~4,000~~ 4,500 reserved
 24 pursuant to 87-2-511 for applicants indicating their intent
 25 either to use the services of a licensed outfitter or to

1 hunt with a resident sponsor on land owned by that sponsor
 2 and subject to the limitations prescribed by law and
 3 department regulation, apply to the fish and game office,
 4 Helena, Montana, to purchase a Class B-11 nonresident deer
 5 combination license that entitles the holder to all the
 6 privileges of the Class B, Class B-1, and Class B-7
 7 licenses. This license includes the nonresident wildlife
 8 conservation license as prescribed in 87-2-202.

9 (2) Six thousand five hundred Class B-11 licenses are
 10 authorized for sale each license year.

11 87-2-510. (Effective March 1, 1994) Class
 12 B-11--nonresident deer combination license. (1) Except as
 13 otherwise provided in this chapter, a person not a resident,
 14 as defined in 87-2-102, but who will be 12 years of age or
 15 older prior to September 15 of the season for which the
 16 license is issued may, upon payment of a fee of \$220 or upon
 17 payment of the fee of \$225 if the license is one of the
 18 ~~4,000~~ 4,500 reserved pursuant to 87-2-511 for applicants
 19 indicating their intent either to use the services of a
 20 licensed outfitter or to hunt with a resident sponsor on
 21 land owned by that sponsor and subject to the limitations
 22 prescribed by law and department regulation, apply to the
 23 fish and game office, Helena, Montana, to purchase a Class
 24 B-11 nonresident deer combination license that entitles the
 25 holder to all the privileges of the Class B, Class B-1, and

1 Class B-7 licenses. This license includes the nonresident
 2 wildlife conservation license as prescribed in 87-2-202.

3 (2) Six thousand five hundred Class B-11 licenses are
 4 authorized for sale each license year."

5 **Section 3.** Section 87-2-511, MCA, is amended to read:

6 "87-2-511. Sale of Class B-10 and Class B-11 licenses.

7 (1) The department shall offer the Class B-10 and Class B-11
 8 licenses for sale on March 15, with 5,600 of the authorized
 9 Class B-10 licenses and ~~2,000~~ 2,500 Class B-11 licenses
 10 reserved for applicants indicating their intent to use the
 11 services of a licensed outfitter, and 2,000 of the
 12 authorized Class B-11 licenses reserved for applicants
 13 indicating their intent to hunt with a resident sponsor on
 14 land owned by that sponsor, as provided in subsections (2)
 15 and (3).

16 (2) Each application for a reserved license under
 17 subsection (1) must contain a written affirmation that the
 18 applicant intends to hunt with a licensed outfitter or a
 19 resident sponsor and must indicate the name of the licensed
 20 outfitter or resident sponsor with whom the applicant
 21 intends to hunt. In addition, the application must be
 22 accompanied by a certificate that is signed by a licensed
 23 outfitter or resident sponsor and which affirms that the
 24 outfitter or resident will:

25 (a) direct the applicant's hunting and advise the

1 applicant of game and trespass laws of the state;

2 (b) submit to the department, in a manner prescribed by
3 the department, complete records of who hunted with him the
4 outfitter or resident, where they hunted, and what game was
5 taken; and

6 (c) not accept no monetary consideration for enabling
7 the nonresident applicant to obtain a license or for
8 providing any services or assistance to the nonresident
9 applicant, except as provided in this title.

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

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

18 (5) All Class B-10 and Class B-11 licenses not reserved
19 under subsection (1) and all unsold reserved licenses
20 available under subsection (4) must be issued by a drawing
21 among all applicants for the respective unreserved
22 licenses."

23 NEW SECTION. Section 4. Effective date. [This act] is
24 effective June 1, 1993.

25 NEW SECTION. Section 5. Termination. [Section 1]

1 terminates December 31, 1994.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0317, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act revising laws regarding the practice of outfitting by temporarily limiting the number of general licenses that may be issued and increasing the number of class B-11 nonresident deer combination licenses available to nonresidents who intend to use the services of a licensed outfitter effective June 1, 1993, and terminating December 31, 1994.

ASSUMPTIONS:

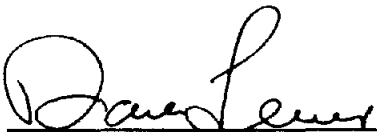
1. Department of Fish, Wildlife and Parks (FWP) will continue to receive 11,000 applications for the 6,500 deer combination licenses. The subquota for clients of outfitters is presently 2,000.
2. Outfitter sponsored clients for nonresident deer combination licenses will increase from the current 2,100 to 3,000 applications. Thus the additional 500 licenses will be sold to outfitter sponsored clients. These licenses will be issued at a price of \$250.
3. Cost of postage, forms and labor to prepare a license for mailing is \$.50 each.
4. The effective date of the bill is July 1, 1993. FWP will sell an additional 500 nonresident deer combination licenses during license year 1993 and license year 1994. Both sales will occur in FY94, thus doubling the revenue and expenditures during the first year of the biennium.

FISCAL IMPACT:

	<u>FY94</u>	<u>FY95</u>
Expenditures:		
Operating Costs	500	250
Revenues:		
General License Account	40,000	20,000
Wildlife Habitat Program	<u>210,000</u>	<u>105,000</u>
Total	250,000	125,000
Net Impact:	249,500	124,750

TECHNICAL NOTES:

In order to conform with Section 87-2-510(1), it is suggested that the effective date of this bill be March 1, 1994. This will coincide with the beginning of the FWP license year.

 2-9-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/10/93
BERNIE SWIFT, PRIMARY SPONSOR DATE

Fiscal Note for SB0317, as introduced

SB 317