

HOUSE BILL NO. 596

INTRODUCED BY D. LOGE, M. MALONE, R. FITZGERALD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELK HUNTING ACCESS AGREEMENT  
COOPERATOR LICENSES; PROVIDING DEFINITIONS; ~~AND~~ AMENDING SECTION 87-2-513, MCA; AND  
PROVIDING A DELAYED EFFECTIVE DATE."

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

**Section 1.** Section 87-2-513, MCA, is amended to read:

**"87-2-513. Either-sex or antlerless elk license or permit for landowner who offers free public  
elk hunting -- terms, conditions, and issuance.** (1) ~~For wildlife management purposes and with approval of  
the commission pursuant to 87-1-301, the~~ The department may issue, at no cost to a landowner who provides  
free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk  
license, permit, or combination of the two as required in that hunting district for the landowner or the  
landowner's designee to hunt on the landowner's property or on PRIVATE property leased by the landowner for  
agricultural purposes.

(b) A designee may be an immediate family member or an authorized full-time employee of the  
landowner who is eligible for licensure under Title 87, chapter 2.

~~(c) Landowners shall apply on a form prescribed by the department. Applications must be  
submitted to a regional department office or the Helena office.~~

(2) To be eligible for a license or permit pursuant to this section, a landowner:

(a) must own at least 640 acres of occupied elk habitat, ~~that is large enough, in the department's  
determination, except that smaller acreages are eligible if the department determines that site conditions exist~~  
to accommodate successful public hunting;

(b) must have entered into a contractual public elk hunting access agreement with the department  
in accordance with subsection (7) that allows public access for free public elk hunting on the landowner's  
property throughout the regular hunting season; and

(c) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.

(3) (a) For every three members of the public allowed to hunt under the contractual public elk hunting access agreement, the department may issue one license, permit, or combination of the two pursuant to subsection (1). The department may limit the total number of licenses and permits issued under this section.

(b) At least one of the public hunters must hold the equivalent license, permit, or combination of the two that is issued to the landowner or the landowner's designee. The department, IN CONSULTATION WITH THE LANDOWNER, shall select the hunters pursuant to subsection (7)(b).

(4) A license or permit issued pursuant to this section:

~~(a) — (A) is nontransferable and may not be sold or bartered; AND; and~~

~~(b) — may only be used for hunting conducted on property that is opened to public access pursuant to this section.~~

(B) MAY ONLY BE USED FOR HUNTING CONDUCTED ON PROPERTY THAT IS OPENED TO PUBLIC ACCESS PURSUANT TO THIS SECTION.

(5) The department may prioritize distribution of licenses or permits under subsection (1) according to the areas the department determines are most in need of management.

(6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a license or permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another license or permit pursuant to this section during any subsequent license year.

(7) (a) A contractual public elk hunting access agreement must define the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider necessary for the proper management of elk on the landowner's property. The agreement must include a process or methodology the landowner may use to select up to one-third of the public hunters required by subsection (3) and must reserve the right of the landowner to deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause, including but not limited to intoxication, violation of landowner conditions for use of the property, or previous misconduct on a landowner's property.

(b) Except for public hunters selected by the landowner pursuant to subsection (7)(a), the department shall select public hunters eligible to hunt on the landowner's property through a random drawing of holders of existing licenses or permits in that hunting district.

(8) (a) Licenses, permits, or combinations of the two issued under this section must be for wildlife management purposes and approved by the commission pursuant to its powers under 87-1-301.

(b) The commission shall prioritize approval of an application for a license, permit, or combination of the two based on the willingness of the landowner to allow, in either the regular hunting season or a shoulder hunting season, additional cow harvest by public hunters in addition to the number of public hunters required in subsection (3).

(9) For the purposes of this section, the following definitions apply:

(a) "Employee" means a person who works full time for the landowner as part of an active farm or ranch operation enrolled in the program.

(b) "Immediate family member" means a spouse, parent, grandparent, child, grandchild, sibling, niece, or nephew by blood, marriage, or legal adoption."

NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE MARCH 1, 2024.

- END -