

HOUSE BILL NO. 96

INTRODUCED BY Z. BROWN

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE ISSUANCE OF FREE ELK HUNTING LICENSES AND PERMITS TO LANDOWNERS WHO OFFER FREE PUBLIC ELK HUNTING; AMENDING SECTION 87-2-513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION 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 of permit. (1) ~~In addition to any elk permits offered for sale, the department may, for~~ For wildlife management purposes, ~~issue an either-sex or antlerless elk permit~~ the department may, at no cost to a landowner who provides free public elk hunting on the landowner's property and who otherwise meets the conditions of this section. The department may issue elk permits to the public, at regular cost and in the number authorized in subsection (3), for hunting on the property of a landowner who opens property for public elk hunting for wildlife management purposes and pursuant to this section, issue an either-sex or antlerless elk license, permit, or combination thereof as required in that hunting district for the landowner or the landowner's designee to hunt on the landowner's property. A designee may be an immediate family member or an authorized full-time employee of the landowner. A LANDOWNER MAY NOT RECEIVE COMPENSATION FROM A DESIGNEE FOR A LICENSE OR PERMIT ISSUED PURSUANT TO THIS SECTION OR FOR HUNTING ACCESS ON THE LANDOWNER'S PROPERTY.

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

- (a) must own occupied elk habitat that is large enough, in the department's determination, to accommodate successful public hunting;
- (b) may not have been issued a Class A-7 landowner license pursuant to 87-2-501(3) during the license year;
- (c) must have entered into a contractual public elk hunting access agreement with the department in

1 accordance with subsection (7) that allows public access for free public elk hunting on the landowner's property
 2 throughout the regular hunting season ~~and that includes public hunting by permit holders using permits that are~~
 3 ~~valid for the hunting district; and~~

4 ~~(d) may not receive cash payments under 87-1-267; and~~

5 (D) MAY NOT RECEIVE CASH PAYMENTS UNDER 87-1-267 IF THE LANDOWNER DESIGNATES ANOTHER PERSON
 6 TO RECEIVE A LICENSE OR PERMIT ISSUED PURSUANT TO THIS SECTION AND THE DESIGNEE IS SOMEONE OTHER THAN AN
 7 IMMEDIATE FAMILY MEMBER OR AN AUTHORIZED FULL-TIME EMPLOYEE OF THE LANDOWNER; AND

8 ~~(e)(d)(E)~~ may not ~~charge a fee or~~ authorize a person to charge a fee for hunting access on the
 9 landowner's property.

10 ~~(3) Subject to the management provisions provided in 87-1-321 through 87-1-325, not more than 20%~~
 11 ~~of permits issued pursuant to this section may be issued at no cost to a landowner, an immediate family member~~
 12 ~~of a landowner, or an authorized full-time employee of a landowner. The remaining permits must be issued to the~~
 13 ~~public on a first-come, first-served basis.~~

14 (3) For every four members of the public allowed to hunt under the contractual public elk hunting access
 15 agreement, the department may issue one license, permit, or combination thereof pursuant to subsection (1).

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

17 (a) is nontransferable and may not be sold; and

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

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

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

26 (7) ~~(A) The department, through the commission, may authorize the issuance of permits under this~~
 27 ~~section to a landowner who enters into a A contractual public elk hunting access agreement with the department~~
 28 ~~that defines~~ must define:

29 (i) the areas that will be open to public elk hunting;

30 (ii) the number of public elk hunting days that will be allowed on the property; ~~and;~~

1 (III) THE NAMES OF PERSONS TO WHOM THE LANDOWNER WILL DESIGNATE A LICENSE OR PERMIT ISSUED
2 PURSUANT TO THIS SECTION IF THE LANDOWNER DESIGNATES ANOTHER PERSON TO RECEIVE THE LICENSE OR PERMIT;

3 AND

4 (IV) other factors that the department and the landowner consider necessary for the proper management
5 of elk on the landowner's property.

6 (B) Public hunters eligible to hunt on the landowner's property must be selected by the department
7 through a random drawing of existing license or permitholders in that hunting district."

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9 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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11 NEW SECTION. SECTION 3. TERMINATION. [THIS ACT] TERMINATES JUNE 30, 2019.

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