

HOUSE BILL NO. 454

INTRODUCED BY P. CLARK, FUCHS, GOLIE, HEDGES, NEWMAN, TRAMELLI

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A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING ADDITIONAL FREE PUBLIC HUNTING ON PRIVATE LAND BY ALLOWING THE ISSUANCE OF AN EITHER-SEX OR ANTLEERLESS ELK PERMIT TO THE PUBLIC AND TO CERTAIN LANDOWNERS WHO MAKE THEIR PRIVATE PROPERTY AVAILABLE TO THE PUBLIC FOR FREE PUBLIC ELK HUNTING THROUGHOUT THE HUNTING SEASON; SETTING THE TERMS AND CONDITIONS OF THE LANDOWNER EITHER-SEX OR ANTLEERLESS ELK PERMIT; AND PROVIDING ~~A DELAYED~~ AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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WHEREAS, landowner stewards provide important habitat that beneficially contributes to elk herd numbers and health; and
WHEREAS, certain landowners close their land to public hunting, preventing any harvest of big game, while other landowners allow limited hunting access and harvest, creating a problem of uneven distribution of big game; and
WHEREAS, restricted access to private property for public hunting prevents the department from managing big game population numbers and distribution.

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

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NEW SECTION. Section 1. Either-sex OR ANTLEERLESS elk permit for landowner who offers free public ELK hunting -- terms, conditions, and issuance of permit. (1) ~~The~~ IN ADDITION TO ANY OTHER EITHER-SEX ELK PERMITS OFFERED FOR SALE, THE department may, for wildlife management purposes, issue an either-sex OR ANTLEERLESS elk permit 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 PURSUANT TO THIS SECTION.

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(2) To be eligible for a permit pursuant to this section, a landowner:
(a) must own ~~at least 5,000 acres of occupied elk habitat or a lesser amount of land~~ that is large



1 enough, in the department's determination, to accommodate successful public hunting;

2 (b) may not have been issued a Class A-7 landowner license pursuant to 87-2-501(3) during the
3 license year;

4 (c) ~~shall allow reasonable~~ MUST HAVE ENTERED INTO A CONTRACTUAL PUBLIC ELK HUNTING ACCESS
5 AGREEMENT WITH THE DEPARTMENT THAT ALLOWS public access for free public ELK hunting on the landowner's
6 property throughout the regular hunting season, ~~which must include~~ AND THAT INCLUDES public hunting by
7 permit holders using ~~both either-sex and antlerless licenses~~ PERMITS THAT ARE VALID FOR THE HUNTING DISTRICT;
8 and

9 (d) may not ~~have been issued a permit pursuant to this section during the immediately preceding~~
10 ~~license year~~ BE A COOPERATING LANDOWNER IN THE STATE HUNTER MANAGEMENT PROGRAM, HUNTING ACCESS
11 ENHANCEMENT PROGRAM, OR BLOCK MANAGEMENT PROGRAM RECEIVE CASH PAYMENTS UNDER 87-1-267; AND

12 (E) MAY NOT CHARGE A FEE OR AUTHORIZE A PERSON TO CHARGE A FEE FOR HUNTING ACCESS ON THE
13 LANDOWNER'S PROPERTY.

14 (3) ~~A permit may be~~ NOT MORE THAN 20% OF PERMITS issued pursuant to this section MAY BE ISSUED
15 AT NO COST to a landowner, an immediate family member of a landowner, or an authorized FULL-TIME
16 employee of a landowner. THE REMAINING 80% PERMITS MUST BE ISSUED TO THE PUBLIC ON A FIRST-COME,
17 FIRST-SERVE BASIS ON A FIRST-COME, FIRST-SERVE BASIS.

18 (4) A permit issued pursuant to this section:

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

20 (b) may only be used for hunting conducted on ~~the property of the landowner who is issued the~~
21 ~~permit~~ THAT IS OPENED TO PUBLIC ACCESS PURSUANT TO THIS SECTION.

22 (5) ~~The number of permits that may be issued pursuant to this section may not exceed 20% of~~
23 ~~the total number of either-sex elk permits offered to the public during that license year in the hunting~~
24 ~~district containing the property that qualifies the landowner for a permit. If the number of applications~~
25 ~~received during a license year exceeds the number of permits available under this section, the~~ THE
26 department may prioritize distribution of the permits according to the areas the department determines are
27 most in need of management.

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

1 year.

2 (7) The department, through the commission, may authorize the issuance of permits under this
3 section to a landowner who enters into a contractual public ELK hunting access agreement with the
4 department that defines the areas that will be open to public ELK hunting, the number of public ELK hunting
5 days that will be allowed on the property, and other factors that the department and the landowner
6 consider necessary for the proper management of ~~wildlife~~ ELK on the landowner's property.

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8 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
9 integral part of Title 87, chapter 2, part 5, and the provisions of Title 87, chapter 2, part 5, apply to
10 [section 1].

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12 NEW SECTION. Section 3. Effective date. [This act] is effective ~~March 1, 2002~~ ON PASSAGE AND
13 APPROVAL.

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15 NEW SECTION. Section 4. Termination. [This act] terminates March 1, 2006.

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