

SENATE BILL NO. 437

INTRODUCED BY M. COLE, ADAMS, ANDERSEN, BALES, BERRY, BRUEGGEMAN, BUTCHER,  
E. CLARK, CRISMORE, HEDGES, KITZENBERG, MASOLO, MCCARTHY, PATTISON, RIPLEY,  
STEINBEISSER, F. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ISSUANCE OF ~~CERTAIN HUNTING~~  
~~LICENSES AND PERMITS FOR LANDOWNERS, BASED ON ACREAGE OWNED OR THE NEED FOR GAME~~  
~~MANAGEMENT; SETTING THE TERMS AND CONDITIONS OF THE LICENSES AND PERMITS; PROVIDING~~  
~~FOR THE ISSUANCE OF SUPPLEMENTAL GAME DAMAGE HUNTING LICENSES IF NECESSARY FOR~~  
GAME MANAGEMENT PURPOSES; SETTING THE TERMS AND CONDITIONS OF SUPPLEMENTAL GAME  
DAMAGE HUNTING LICENSES; AND PROVIDING AN IMMEDIATE EFFECTIVE ~~DATES~~ DATE AND A  
TERMINATION DATE."

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

~~NEW SECTION. Section 1. Complimentary deer and antelope hunting licenses for landowners --~~

~~terms and conditions. (1) (A) Upon application, the department may issue a complimentary, nontransferable  
resident-only either-sex deer license, or buck-only deer license if that is the license applicable in the district,  
and an either-sex antelope license to a resident who:~~

~~(i) owns or is contracting to purchase, OR IS LEASING FOR AGRICULTURAL PURPOSES at least 1,200 160  
contiguous acres or more of land and who filed an appropriate internal revenue service form for the  
previous year claiming at least \$2,500 \$10,000 \$5,000 in agricultural income. RECEIPTS; AND~~

~~(ii) ENTERS INTO A CONTRACTUAL PUBLIC HUNTING ACCESS AGREEMENT WITH THE DEPARTMENT.~~

~~(B) Not more than two deer licenses and two antelope licenses may be issued for any farm or  
ranch, partnership, or corporation in any license year.~~

~~(2) A license issued pursuant to subsection (1) is valid only in the hunting districts containing land  
owned by the qualifying landowner.~~

~~(3) A license issued pursuant to subsection (1) may be issued to:~~

~~(a) the qualifying landowner OR LESSEE;~~

~~(b) a designated family member; or~~



1 ~~—— (c) a bona fide employee of the qualifying landowner who pays taxes on farm or ranch~~  
 2 ~~employment income.~~

3 ~~—— (4) A person who is issued a license pursuant to subsection (1) is ineligible to participate in any~~  
 4 ~~other special drawing for a deer or antelope license or permit during that license year, except a special~~  
 5 ~~drawing for a doe-fawn license.~~

6 ~~—— (5) As used in this section,:~~

7 ~~—— (A) "appropriate internal revenue service form" means the internal revenue service form necessary~~  
 8 ~~for an individual, partnership, or corporation to claim tax consideration for income that is considered~~  
 9 ~~agricultural income for tax purposes; AND~~

10 ~~—— (B) "CONTRACTUAL PUBLIC HUNTING ACCESS AGREEMENT" MEANS A SIGNED AGREEMENT BETWEEN THE~~  
 11 ~~DEPARTMENT AND A LANDOWNER SPECIFYING HOW PUBLIC HUNTING ACCESS WILL BE ADMINISTERED ON PROPERTY OWNED~~  
 12 ~~BY OR UNDER THE LEGAL CONTROL OF THE LANDOWNER. THE AGREEMENT MAY INCLUDE BUT IS NOT LIMITED TO~~  
 13 ~~DESIGNATION OF:~~

14 ~~—— (i) THE NUMBER OF HUNTERS AND HUNTING DAYS;~~

15 ~~—— (ii) TIME PERIODS OF ALLOWABLE PUBLIC HUNTING;~~

16 ~~—— (iii) PROPERTY ON WHICH PUBLIC HUNTING WILL BE ALLOWED;~~

17 ~~—— (iv) THE MANNER IN WHICH PUBLIC HUNTERS WILL BE ALLOWED ACCESS TO THE PROPERTY; AND~~

18 ~~—— (v) RULES EXPLAINING HOW HUNTING ACTIVITIES WILL BE CONTROLLED OR REGULATED ON THE PROPERTY, SUCH~~  
 19 ~~AS TRAVEL MANAGEMENT, GAME RETRIEVAL, LANDOWNER NOTIFICATION, AND POSTSEASON REPORTING.~~

20

21 ~~—— NEW SECTION. Section 2. Complimentary elk permit for landowner contracting to provide hunting~~  
 22 ~~access -- terms and conditions. (1) The department, through the commission, may issue one~~  
 23 ~~complimentary, nontransferable antlerless or either-sex elk permit to a person who:~~

24 ~~—— (a) owns or, is contracting to purchase, OR IS LEASING FOR AGRICULTURAL PURPOSES at least 3,600~~  
 25 ~~1,800 acres or more of land, at least some of which is used by elk, and who filed an appropriate internal~~  
 26 ~~revenue service form for the previous year claiming at least \$2,500 \$10,000 \$5,000 in agricultural income~~  
 27 ~~RECEIPTS; and~~

28 ~~—— (b) enters into a contractual public hunting access agreement with the department.~~

29 ~~—— (2) A permit issued pursuant to subsection (1) is valid only in the hunting districts containing land~~  
 30 ~~that qualified the landowner to receive the permit.~~

1 ~~—— (3) A permit issued pursuant to subsection (1) may be issued to:~~

2 ~~—— (a) the qualifying landowner OR LESSEE;~~

3 ~~—— (b) a designated family member; or~~

4 ~~—— (c) a bona fide employee of the qualifying landowner who pays taxes on farm or ranch~~  
5 ~~employment income.~~

6 ~~—— (4) A person who is issued a permit pursuant to subsection (1) is ineligible to participate in any~~  
7 ~~other special drawing for an elk license or permit during that license year.~~

8 ~~—— (5) As used in this section:~~

9 ~~—— (a) "appropriate internal revenue service form" means the internal revenue service form necessary~~  
10 ~~for an individual, partnership, or corporation to claim tax consideration for income that is considered~~  
11 ~~agricultural income for tax purposes; and~~

12 ~~—— (b) "contractual public hunting access agreement" means a signed agreement between the~~  
13 ~~department and a landowner specifying how public hunting access will be administered on property owned~~  
14 ~~by or under the legal control of the landowner. The agreement may include but is not limited to designation~~  
15 ~~of:~~

16 ~~—— (i) the number of hunters and hunting days;~~

17 ~~—— (ii) time periods of allowable public hunting;~~

18 ~~—— (iii) property on which public hunting will be allowed;~~

19 ~~—— (iv) the manner in which public hunters will be allowed access to the property; and~~

20 ~~—— (v) rules explaining how hunting activities will be controlled or regulated on the property, such as~~  
21 ~~travel management, game retrieval, landowner notification, and postseason reporting.~~

22

23 NEW SECTION. Section 1. Supplemental game damage license -- terms and conditions. (1) If at  
24 any time the department determines, in conjunction with a landowner OR A DESIGNATED LESSEE ACTING AS AN  
25 AGENT FOR A LANDOWNER, that game animals on the property are causing a level of damage to crops or other  
26 vegetation that merits removal of a specific number of game animals or that the taking of a specific  
27 number of game animals is advisable for game management purposes, the department may issue  
28 nontransferable resident and nonresident supplemental game damage hunting licenses for game  
29 management purposes on the property.

30 (2) Supplemental game damage hunting licenses may be issued only for antlerless animals and

1 may be issued only for use on lands eligible for game damage assistance pursuant to 87-1-225. A  
 2 LANDOWNER MAY NOT CHARGE A FEE TO A HUNTER USING A LICENSE OBTAINED PURSUANT TO THIS SECTION.

3 (3) Supplemental game damage licenses may be issued to hunters as an alternative to issuing a  
 4 kill permit to a landowner.

5 (4) (a) In a hunting district with unlimited license quotas, a landowner may designate the resident  
 6 supplemental game damage license recipient upon approval of issuance.

7 (b) In a hunting district with limited permit quotas, a landowner may designate up to 75% of the  
 8 resident supplemental game damage license recipients, with the remainder offered first to hunters ~~who~~  
 9 ~~received permits through special drawings for that hunting district during the current year~~ IN A MANNER  
 10 PRESCRIBED BY THE DEPARTMENT.

11 (5) If additional supplemental game damage licenses are available, the department may issue those  
 12 licenses ~~on a first-come, first-serve basis~~ to resident and nonresident hunters.

13 (6) A licensee shall pay the regular license price OR AN ADJUSTED PRICE SET BY THE COMMISSION for  
 14 any supplemental game management license issued pursuant to subsection (1). Issuance of a supplemental  
 15 game damage license authorizes the licensee to hunt, take, and possess the game animal designated on  
 16 the license. All hunting under a supplemental game damage license must be conducted on the property  
 17 designated on the license and in accordance with department regulations.

18

19 NEW SECTION. Section 2. Codification instruction. ~~[Sections 1 through 3] are [SECTION 1] IS~~  
 20 intended to be codified as an integral part of Title 87, chapter 2, and the provisions of Title 87, chapter  
 21 2, apply to ~~[sections 1 through 3] [SECTION 1].~~

22

23 NEW SECTION. Section 3. Effective dates DATE. ~~(1) Except as provided in subsection (2), [this~~  
 24 ~~[THIS act] is effective on passage and approval.~~

25 ~~—— (2) [Section 1] is effective March 1, 2002.~~

26

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

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