

1 HOUSE BILL NO. 151

2 INTRODUCED BY T. WASHBURN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE ISSUANCE OF SPECIAL ELK
5 PERMITS; AMENDING SECTIONS 87-2-704 AND 87-2-705, MCA; AND PROVIDING A DELAYED EFFECTIVE
6 DATE."

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

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10 **Section 1.** Section 87-2-704, MCA, is amended to read:11 **"87-2-704. Regulation of special elk permits.** (1) The department may:12 (a) provide for the refund of resident elk tag license fees to persons applying for special elk permits in
13 hunting districts where there is no general elk hunting and set time limits and describe area restrictions; and14 (b) designate special elk permit areas where priority will be given to applicants who have not held special
15 elk permits for a period of years to be determined by the department.16 (2) The department shall provide that a person who is issued a special elk permit to hunt antlerless elk
17 during the regular hunting season is:18 (a) limited to the hunting and taking of only an antlerless elk in the hunting district or portion of a hunting
19 district where the permit is valid, except that in a hunting district or portion of a district where the holder of a
20 general elk license is allowed to hunt antlerless elk during certain times, the holder of a special elk permit to hunt
21 antlerless elk in that district or portion of a district may also hunt any elk authorized under the regulations for a
22 general elk license during those same times; and23 (b) entitled to the general elk hunting privileges for a holder of a Class A-5 license in all other hunting
24 districts.25 (3) Except as provided in subsection (4), the ~~The~~ commission may establish a waiting period during
26 which a person who has received a special elk permit that is valid for an antlered bull may not receive another
27 special elk permit that is valid for an antlered bull. The commission may specify which special elk permits are
28 subject to the waiting period, by hunting district or portion of a hunting district.29 (4) For the hunting district that includes the Elkhorn Mountains, the department shall issue at least 125
30 either-sex elk permits. A person who receives a special elk permit pursuant to this subsection is not eligible to

1 receive another either-sex elk permit under this subsection for the next 7 years.

2 ~~(4)~~(5) The fee for a special elk permit is \$4.

3 ~~(5)~~(6) The department may adopt rules necessary to implement this section."

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5 **Section 2.** Section 87-2-705, MCA, is amended to read:

6 **"87-2-705. Drawing for special elk permits.** (1) In the event the number of valid applications for special
7 elk permits for a hunting district exceeds the quota set by the department for the district, these permits shall be
8 awarded by a drawing. The department shall provide for those persons making valid application for special elk
9 permits a method of selecting first, second, and third choice hunting districts for any drawing held pursuant to this
10 section.

11 (2) Subject to the limitation of subsection (4), a person who owns or is contracting to purchase 640 acres
12 or more of contiguous land, at least some of which is used by elk, in a hunting district where elk permits are
13 awarded under this section shall be issued, upon application, a permit to hunt elk in the hunting district under the
14 terms and conditions of the permit.

15 (3) An applicant who receives a permit under subsection (2) may designate that the permit be issued
16 to an immediate family member or a person employed by the landowner. A corporation owning qualifying land
17 under subsection (2) may designate one of its shareholders to receive the permit.

18 (4) (a) Except as provided in subsection (4)(b), 15% Fifteen percent of the special elk permits available
19 each year under this section in a hunting district must be available to landowners under subsection (2).

20 (b) None of the either-sex elk permits authorized by 87-2-704(4) may be issued pursuant to subsection
21 (2) of this section.

22 (5) The department may promulgate the rules necessary to implement this section."

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24 NEW SECTION. **Section 3. Effective date.** [This act] is effective March 1, 2012.

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