

HOUSE BILL NO. 43

INTRODUCED BY D. LOGE

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

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."

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 issue,~~ 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, 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.

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

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

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

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

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

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

12 (a) is nontransferable and may not be sold or bartered; and

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

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

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

21 (7) ~~(a) The department, through the commission, may authorize the issuance of permits under this~~
22 ~~section to a landowner who enters into a~~ A contractual public elk hunting access agreement with the department
23 ~~that defines~~ must define the areas that will be open to public elk hunting, the number of public elk hunting days
24 that will be allowed on the property, and other factors that the department and the landowner consider necessary
25 for the proper management of elk on the landowner's property. THE AGREEMENT SHALL RESERVE THE RIGHT OF THE
26 LANDOWNER TO DENY ACCESS TO THE LANDOWNER'S PROPERTY BY A PUBLIC HUNTER SELECTED PURSUANT TO
27 SUBSECTION (7)(B) FOR CAUSE, INCLUDING BUT NOT LIMITED TO INTOXICATION, VIOLATION OF LANDOWNER CONDITIONS
28 FOR USE OF THE PROPERTY, OR PREVIOUS MISCONDUCT ON A LANDOWNER'S PROPERTY.

29 (b) The department shall select public hunters eligible to hunt on the landowner's property through a
30 random drawing of holders of existing licenses or permits in that hunting district."

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

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