

HOUSE BILL NO. 596

INTRODUCED BY D. LOGE, M. MALONE, R. FITZGERALD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELK HUNTING ACCESS AGREEMENT
COOPERATOR LICENSES; PROVIDING DEFINITIONS; AND AMENDING SECTION 87-2-513, MCA."

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.** (1) ~~For wildlife management purposes and with approval of
the commission pursuant to 87-1-301, the~~ The department may issue, at no cost to a landowner who provides
free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk
license, permit, or combination of the two as required in that hunting district for the landowner or the
landowner's designee to hunt on the landowner's property or on property leased by the landowner for
agricultural purposes.

(b) A designee may be an immediate family member or an authorized full-time employee of the
landowner who is eligible for licensure under Title 87, chapter 2.

(c) Landowners shall apply on a form prescribed by the department. Applications must be
submitted to a regional department office or the Helena office.

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

(a) must own at least 640 acres of occupied elk habitat, ~~that is large enough, in the department's
determination, except that smaller acreages are eligible if the department determines that site conditions exist~~
to accommodate successful public hunting;

(b) 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

(c) may not charge a fee or authorize a person to charge a fee for hunting access on the

1 landowner's property.

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

5 (b) At least one of the public hunters must hold the equivalent license, permit, or combination of
6 the two that is issued to the landowner or the landowner's designee. The department shall select the hunters
7 pursuant to subsection (7)(b).

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

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

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

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

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

18 (7) (a) A contractual public elk hunting access agreement must define the areas that will be open
19 to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other
20 factors that the department and the landowner consider necessary for the proper management of elk on the
21 landowner's property. The agreement must include a process or methodology the landowner may use to select
22 up to one-third of the public hunters required by subsection (3) and must reserve the right of the landowner to
23 deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause,
24 including but not limited to intoxication, violation of landowner conditions for use of the property, or previous
25 misconduct on a landowner's property.

26 (b) Except for public hunters selected by the landowner pursuant to subsection (7)(a), the
27 department shall select public hunters eligible to hunt on the landowner's property through a random drawing of
28 holders of existing licenses or permits in that hunting district.

1 (8) (a) Licenses, permits, or combinations of the two issued under this section must be for wildlife
2 management purposes and approved by the commission pursuant to its powers under 87-1-301.

3 (b) The commission shall prioritize approval of an application for a license, permit, or combination
4 of the two based on the willingness of the landowner to allow, in either the regular hunting season or a shoulder
5 hunting season, additional cow harvest by public hunters in addition to the number of public hunters required in
6 subsection (3).

7 (9) For the purposes of this section, the following definitions apply:

8 (a) "Employee" means a person who works full time for the landowner as part of an active farm or
9 ranch operation enrolled in the program.

10 (b) "Immediate family member" means a spouse, parent, grandparent, child, grandchild, sibling,
11 niece, or nephew by blood, marriage, or legal adoption."

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