

1 SENATE BILL NO. 116

2 INTRODUCED BY D. ANKNEY, B. BROWN, D. LOGE

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ANTLERLESS ELK TAG
 5 LICENSES; CLARIFYING DEPARTMENTAL AUTHORITY TO AWARD ELK B TAG LICENSES BY DRAWING;
 6 AUTHORIZING A DISCOUNTED PRICE FOR CERTAIN ANTLERLESS ELK B TAG LICENSES;
 7 AUTHORIZING LIMITED LANDOWNER PREFERENCE TO RECEIVE ELK B TAG LICENSES; ELIMINATING
 8 THE CLASS A-7 ANTLERLESS ELK TAG LICENSE; AMENDING SECTIONS 87-1-325, 87-2-501, AND 87-2-
 9 513, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

12
 13 NEW SECTION. **Section 1. Drawing for Class A-9 and Class B-12 antlerless elk B tag licenses --**
 14 **landowner preference.** (1) In the event the number of valid applications for Class A-9 resident antlerless elk B
 15 tag licenses or Class B-12 nonresident antlerless elk B tag licenses for a hunting district exceeds the quota set
 16 by the department for the district, the department shall award the permits by a drawing.

17 (2) Subject to the limitations of subsection (4), in a hunting district where Class A-9 and Class B-12
 18 licenses are issued, a corresponding Class A-9 or B-12 license must be issued, on application, to persons who:

19 (a) own or have contracted to purchase 640 acres or more of contiguous land, at least some of which
 20 is used by elk; or

21 (b) own 160 acres or more of contiguous production agricultural land on which the department
 22 documented elk game damage within the last 2 years.

23 (3) A landowner who is eligible to receive a Class A-9 or Class B-12 license under subsection (2) may
 24 designate an immediate family member or a person employed by the landowner to apply for the license. A
 25 corporation owning qualifying land under subsection (2) may designate one of its shareholders to apply for the
 26 Class A-9 or Class B-12 license.

27 (4) Subject to the management provisions provided in 87-1-321 through 87-1-325, 15% of the Class
 28 A-9 and Class B-12 licenses available each year in a hunting district must be available to landowners pursuant

1 to subsection (2).

2

3 **SECTION 2. SECTION 87-1-325, MCA, IS AMENDED TO READ:**

4 **"87-1-325. Rulemaking -- discounted antlerless elk B tag licenses.** (1) The department and the
5 commission shall adjust existing wildlife management rules and plans to implement 87-1-321 through 87-1-325.

6 (2) The department and the commission may adopt rules for determining sustainability. The
7 commission shall consider average carrying capacity and use generally accepted animal unit factors for each
8 species in each commission region.

9 (3) Any rules adopted by the department pursuant to subsection (2) must be adopted in a timely
10 manner.

11 (4) The commission may offer for sale at one-half the cost of a regularly priced license Class A-9
12 resident antlerless elk B tag licenses and Class B-12 nonresident antlerless elk B tag licenses to be used as
13 prescribed by the commission on private lands in hunting districts where the elk population is above the
14 sustainable population number established pursuant to 87-1-323 as determined by the department's most
15 recent elk survey count."

16

17 **Section 3.** Section 87-2-501, MCA, is amended to read:

18 **"87-2-501. Class A-3, A-4, A-5, A-6, A-7, and A-9--resident deer, elk, and bear licenses -- special**
19 **~~Class A-7 resident and nonresident license requirements and preference -- fees.~~** (1) Except as otherwise
20 provided in this chapter, a resident, as defined by 87-2-102, ~~or a nonresident who wishes to purchase a Class~~
21 ~~A-7 elk license only~~ and who is 12 years of age or older or who will turn 12 years old before or during the
22 season for which the license is issued, upon payment of the proper fee or fees, is entitled to purchase one of
23 each of the following licenses at the prescribed cost that will entitle a holder who is 12 years of age or older to
24 hunt the game animal or animals authorized by the license held and to possess the carcasses of those game
25 animals as authorized by department rules:

26 (a) Class A-3, deer A tag, \$16;

27 (b) Class A-4, deer B tag, \$10;

28 (c) Class A-5, elk tag, \$20;

1 (d) Class A-6, black bear tag, \$19;

2 ~~(e) Class A-7, antlerless elk tag, \$20;~~

3 ~~(f)(e) Class A-9, resident antlerless elk B tag, \$20.~~

4 (2) ~~(a) The holder of a Class A-7 antlerless elk license who is 12 years of age or older is entitled to~~
 5 ~~hunt antlerless elk in areas designated by the commission and at the times and upon the terms set forth by the~~
 6 ~~commission.~~

7 ~~(b) Subject to the management provisions provided in 87-1-321 through 87-1-325, a person may not~~
 8 ~~take more than three elk during any license year, only one of which may be antlered. A person holding a Class~~
 9 ~~A-7 antlerless elk tag may not take an elk during the same license year with a Class A-5 license or nonresident~~
 10 ~~elk tag. The use of Class A-7 antlerless elk licenses does not preclude the department's use of special elk~~
 11 ~~permits.~~

12 ~~(c) Subject to the management provisions provided in 87-1-321 through 87-1-325, a nonresident shall~~
 13 ~~hold a nonresident Class B-10 license as a prerequisite to application for a Class A-7 license.~~

14 ~~(3) Subject to the limitation of subsection (5), a person who owns or is contracting to purchase 640~~
 15 ~~acres or more of contiguous land, at least some of which is used by elk, in a hunting district where Class A-7~~
 16 ~~licenses are awarded under this section must be issued, upon application, a Class A-7 license.~~

17 ~~(4) An applicant who receives a Class A-7 license under subsection (3) may designate that the~~
 18 ~~license be issued to an immediate family member or a person employed by the landowner. A corporation~~
 19 ~~owning qualifying land under subsection (3) may designate one of its shareholders to receive the license.~~

20 ~~(5) Subject to the management provisions provided in 87-1-321 through 87-1-325, 15% of the Class~~
 21 ~~A-7 licenses available each year under this section in a hunting district must be available to landowners under~~
 22 ~~subsection (3)."~~

23

24 **Section 4.** Section 87-2-513, MCA, is amended to read:

25 **"87-2-513. Either-sex or antlerless elk license or permit for landowner who offers free public**
 26 **elk hunting -- terms, conditions, and issuance.** (1) For wildlife management purposes, the department may
 27 issue, at no cost to a landowner who provides free public elk hunting on the landowner's property and pursuant
 28 to this section, an either-sex or antlerless elk license, permit, or combination thereof of the two as required in

1 that hunting district for the landowner or the landowner's designee to hunt on the landowner's property. A
2 designee may be an immediate family member or an authorized full-time employee of the landowner.

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

4 (a) must own occupied elk habitat that is large enough, in the department's determination, to
5 accommodate successful public hunting;

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

8 ~~(e)(b)~~ must have entered into a contractual public elk hunting access agreement with the department
9 in accordance with subsection (7) that allows public access for free public elk hunting on the landowner's
10 property throughout the regular hunting season; and

11 ~~(d)(c)~~ may not charge a fee or authorize a person to charge a fee for hunting access on the
12 landowner's property.

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

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

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

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

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

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

26 (7) (a) A contractual public elk hunting access agreement must define the areas that will be open to
27 public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors
28 that the department and the landowner consider necessary for the proper management of elk on the

1 landowner's property. The agreement must reserve the right of the landowner to deny access to the
2 landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause, including but not
3 limited to intoxication, violation of landowner conditions for use of the property, or previous misconduct on a
4 landowner's property.

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

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8 **NEW SECTION. Section 5. 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 [section 1].

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11 **NEW SECTION. Section 6. Effective date.** [This act] is effective March 1, 2022.

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