

SENATE BILL NO. 235

INTRODUCED BY K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING QUALIFICATIONS FOR LANDOWNER-PREFERENCE ELK LICENSES; REQUIRING OWNERSHIP OF 640 ACRES OR MORE OF CONTIGUOUS LAND TO QUALIFY FOR SPECIAL PERMITS; ELIMINATING BEING UNDER CONTRACT TO PURCHASE 640 ACRES OR MORE OF CONTIGUOUS LAND AS A QUALIFICATION FOR SPECIAL PERMITS; AMENDING SECTIONS 87-2-516 AND 87-2-705, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-2-516, MCA, is amended to read:

"87-2-516. Drawing for Class A-9 and Class B-12 antlerless elk B tag licenses -- landowner preference. (1) In the event the number of valid applications for Class A-9 resident antlerless elk B tag licenses or Class B-12 nonresident antlerless elk B tag licenses for a hunting district exceeds the quota set by the department for the district, the department shall award the permits by a drawing.

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

(a) ~~own or have contracted to purchase 640 acres or more of contiguous land, at least some of which is used by elk~~ as documented by the department; or

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

(3) A landowner who is eligible to receive a Class A-9 or Class B-12 license under subsection (2) may designate an immediate family member or ~~a person employed by the landowner an employee of the~~ landowner as defined in 87-1-266 to apply for the license. A corporation owning qualifying land under subsection (2) may designate one of its shareholders to apply for the Class A-9 or Class B-12 license.

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

1 pursuant to subsection (2)."

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

4 **"87-2-705. Drawing for special elk permits.** (1) In the event the number of valid applications for
5 special elk permits for a hunting district exceeds the quota set by the department for the district, these permits
6 shall be awarded by a drawing. The department shall provide for those persons making valid application for
7 special elk permits a method of selecting first, second, and third choice hunting districts for any drawing held
8 pursuant to this section.

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

13 (3) An applicant who receives a permit under subsection (2) may designate that the permit be
14 issued to an immediate family member or ~~a person employed by the landowner~~ an employee of the landowner
15 as defined in 87-1-266. A corporation owning qualifying land under subsection (2) may designate one of its
16 shareholders to receive the permit.

17 (4) Fifteen percent of the special elk permits available each year under this section in a hunting
18 district must be available to landowners under subsection (2).

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

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21 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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