

HOUSE BILL NO. 563

INTRODUCED BY KNOX, ZOOK, SIMPKINS, BARNETT, H. HANSON,
BERGSAGEL

IN THE HOUSE

FEBRUARY 1, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

FEBRUARY 2, 1991 FIRST READING.

FEBRUARY 15, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

 PRINTING REPORT.

FEBRUARY 16, 1991 ON MOTION, CONSIDERATION PASSED

FEBRUARY 23, 1991 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 92; NOES, 7.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

 FIRST READING.

MARCH 27, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 3, 1991 SECOND READING, CONCURRED IN.

APRIL 4, 1991 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

 RETURNED TO HOUSE.

IN THE HOUSE

APRIL 4, 1991 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *563*
 2 INTRODUCED BY: *Roger Book Stephen Barnett*
 3 *Stanton*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ELK
 5 LICENSE AND SPECIAL ELK PERMIT LANDOWNER PREFERENCE SYSTEM
 6 BY REQUIRING THAT A PERSON ISSUED A LICENSE OR PERMIT UNDER
 7 THE PREFERENCE SHALL OWN OR BE CONTRACTING TO PURCHASE THE
 8 LAND RATHER THAN THAT THE LAND BE HELD IN FEE TITLE; AND
 9 AMENDING SECTIONS 87-2-501 AND 87-2-705, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 87-2-501, MCA, is amended to read:

13 "87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident
 14 deer, elk, and bear licenses -- special Class A-7 resident
 15 and nonresident license requirements and preference. (1)
 16 Except as otherwise provided in this chapter, a resident, as
 17 defined by 87-2-102, or a nonresident who wishes to purchase
 18 a Class A-7 elk license only, who will be 12 years of age or
 19 older prior to September 15 of the season for which the
 20 license is issued may, upon payment of the proper fee or
 21 fees, be entitled to purchase one each of the following
 22 licenses at the prescribed cost which will entitle the
 23 holder to pursue, hunt, shoot, and kill the game animal or
 24 animals authorized by the license held and to possess the
 25 carcasses of those game animals as authorized by department

1 rules:

- 2 (a) Class A-3, deer A tag, \$9;
 3 (b) Class A-4, deer B tag, \$6;
 4 (c) Class A-5, elk tag, \$10;
 5 (d) Class A-6, black or brown bear tag, \$8;
 6 (e) Class A-7, antlerless elk tag, \$10.
 7 (2) (a) The holder of a Class A-7 antlerless elk
 8 license is entitled to take antlerless elk in areas
 9 designated by the commission and at such times and upon such
 10 terms as set forth by the commission.
 11 (b) No person may take more than one elk during any
 12 license year, and a person holding a Class A-7 antlerless
 13 elk tag may not take an elk during the same license year
 14 with a Class A-5 license or nonresident elk tag. The use of
 15 Class A-7 antlerless elk licenses does not preclude the
 16 department's use of special elk permits.
 17 (c) A nonresident shall hold a nonresident Class B-10
 18 license as a prerequisite to application for a Class A-7
 19 license.
 20 (3) Subject to the limitation of subsection (5), a
 21 person who ~~holds--fee--title--to~~ owns or is contracting to
 22 purchase 640 acres or more of contiguous land, at least some
 23 of which is used by elk, in a hunting district where Class
 24 A-7 licenses are awarded under this section shall be issued,
 25 upon application, a Class A-7 license.

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

7 (5) Fifteen percent of the Class A-7 licenses available
 8 each year under this section in a hunting district must be
 9 available to landowners under subsection (3)."

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

11 *87-2-705. Drawing for special elk permits. (1) In the
 12 event the number of valid applications for special elk
 13 permits for a hunting district exceeds the quota set by the
 14 department for the district, these permits shall be awarded
 15 by a drawing. The department shall provide for those persons
 16 making valid application for special elk permits a method of
 17 selecting first, second, and third choice hunting districts
 18 for any drawing held pursuant to this section.

19 (2) Subject to the limitation of subsection (4), a
 20 person who ~~holds fee title to~~ owns or is contracting to
 21 purchase 640 acres or more of contiguous land, at least some
 22 of which is used by elk, in a hunting district where elk
 23 permits are awarded under this section shall be issued, upon
 24 application, a permit to hunt elk in the hunting district
 25 under the terms and conditions of the permit.

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

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

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

-End-

APPROVED BY COMM.
ON FISH AND GAME

1 HOUSE BILL NO. 563
 2 INTRODUCED BY: Roxford Stephen Barnett
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ELK
 5 LICENSE AND SPECIAL ELK PERMIT LANDOWNER PREFERENCE SYSTEM
 6 BY REQUIRING THAT A PERSON ISSUED A LICENSE OR PERMIT UNDER
 7 THE PREFERENCE SHALL OWN OR BE CONTRACTING TO PURCHASE THE
 8 LAND RATHER THAN THAT THE LAND BE HELD IN FEE TITLE; AND
 9 AMENDING SECTIONS 87-2-501 AND 87-2-705, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 87-2-501, MCA, is amended to read:

13 "87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident
 14 deer, elk, and bear licenses -- special Class A-7 resident
 15 and nonresident license requirements and preference. (1)
 16 Except as otherwise provided in this chapter, a resident, as
 17 defined by 87-2-102, or a nonresident who wishes to purchase
 18 a Class A-7 elk license only, who will be 12 years of age or
 19 older prior to September 15 of the season for which the
 20 license is issued may, upon payment of the proper fee or
 21 fees, be entitled to purchase one each of the following
 22 licenses at the prescribed cost which will entitle the
 23 holder to pursue, hunt, shoot, and kill the game animal or
 24 animals authorized by the license held and to possess the
 25 carcasses of those game animals as authorized by departm nt

1 rules:

- 2 (a) Class A-3, deer A tag, \$9;
- 3 (b) Class A-4, deer B tag, \$6;
- 4 (c) Class A-5, elk tag, \$10;
- 5 (d) Class A-6, black or brown bear tag, \$8;
- 6 (e) Class A-7, antlerless elk tag, \$10.
- 7 (2) (a) The holder of a Class A-7 antlerless elk
 8 license is entitled to take antlerless elk in areas
 9 designated by the commission and at such times and upon such
 10 terms as set forth by the commission.
- 11 (b) No person may take more than one elk during any
 12 license year, and a person holding a Class A-7 antlerless
 13 elk tag may not take an elk during the same license year
 14 with a Class A-5 license or nonresident elk tag. The use of
 15 Class A-7 antlerless elk licenses does not preclude the
 16 department's use of special elk permits.
- 17 (c) A nonresident shall hold a nonresident Class B-10
 18 license as a prerequisite to application for a Class A-7
 19 license.
- 20 (3) Subject to the limitation of subsection (5), a
 21 person who ~~holds--fee--title--to~~ owns or is contracting to
 22 purchase 640 acres or more of contiguous land, at least some
 23 of which is used by elk, in a hunting district where Class
 24 A-7 licenses are awarded under this section shall be issued,
 25 upon application, a Class A-7 license.

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

7 (5) Fifteen percent of the Class A-7 licenses available
 8 each year under this section in a hunting district must be
 9 available to landowners under subsection (3)."

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

11 **"87-2-705. Drawing for special elk permits.** (1) In the
 12 event the number of valid applications for special elk
 13 permits for a hunting district exceeds the quota set by the
 14 department for the district, these permits shall be awarded
 15 by a drawing. The department shall provide for those persons
 16 making valid application for special elk permits a method of
 17 selecting first, second, and third choice hunting districts
 18 for any drawing held pursuant to this section.

19 (2) Subject to the limitation of subsection (4), a
 20 person who ~~holds-fee-title-to~~ owns or is contracting to
 21 purchase 640 acres or more of contiguous land, at least some
 22 of which is used by elk, in a hunting district where elk
 23 permits are awarded under this section shall be issued, upon
 24 application, a permit to hunt elk in the hunting district
 25 under the terms and conditions of the permit.

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

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

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

-End-

1 *HOUSE* BILL NO. *563*
 2 INTRODUCED BY *Roxford Stephen Barnett*
 3 *William*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ELK
 5 LICENSE AND SPECIAL ELK PERMIT LANDOWNER PREFERENCE SYSTEM
 6 BY REQUIRING THAT A PERSON ISSUED A LICENSE OR PERMIT UNDER
 7 THE PREFERENCE SHALL OWN OR BE CONTRACTING TO PURCHASE THE
 8 LAND RATHER THAN THAT THE LAND BE HELD IN FEE TITLE; AND
 9 AMENDING SECTIONS 87-2-501 AND 87-2-705, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 **Section 1.** Section 87-2-501, MCA, is amended to read:
 13 "87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident
 14 deer, elk, and bear licenses -- special Class A-7 resident
 15 and nonresident license requirements and preference. (1)
 16 Except as otherwise provided in this chapter, a resident, as
 17 defined by 87-2-102, or a nonresident who wishes to purchase
 18 a Class A-7 elk license only, who will be 12 years of age or
 19 older prior to September 15 of the season for which the
 20 license is issued may, upon payment of the proper fee or
 21 fees, be entitled to purchase one each of the following
 22 licenses at the prescribed cost which will entitle the
 23 holder to pursue, hunt, shoot, and kill the game animal or
 24 animals authorized by the license held and to possess the
 25 carcasses of those game animals as authorized by departm nt

1 rules:
 2 (a) Class A-3, deer A tag, \$9;
 3 (b) Class A-4, deer B tag, \$6;
 4 (c) Class A-5, elk tag, \$10;
 5 (d) Class A-6, black or brown bear tag, \$8;
 6 (e) Class A-7, antlerless elk tag, \$10.
 7 (2) (a) The holder of a Class A-7 antlerless elk
 8 license is entitled to take antlerless elk in areas
 9 designated by the commission and at such times and upon such
 10 terms as set forth by the commission.
 11 (b) No person may take more than one elk during any
 12 license year, and a person holding a Class A-7 antlerless
 13 elk tag may not take an elk during the same license year
 14 with a Class A-5 license or nonresident elk tag. The use of
 15 Class A-7 antlerless elk licenses does not preclude the
 16 department's use of special elk permits.
 17 (c) A nonresident shall hold a nonresident Class B-10
 18 license as a prerequisite to application for a Class A-7
 19 license.
 20 (3) Subject to the limitation of subsection (5), a
 21 person who ~~holds--fee--title--to~~ owns or is contracting to
 22 purchase 640 acres or more of contiguous land, at least some
 23 of which is used by elk, in a hunting district where Class
 24 A-7 licenses are awarded under this section shall be issued,
 25 upon application, a Class A-7 license.

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

7 (5) Fifteen percent of the Class A-7 licenses available
 8 each year under this section in a hunting district must be
 9 available to landowners under subsection (3)."

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

11 "87-2-705. Drawing for special elk permits. (1) In the
 12 event the number of valid applications for special elk
 13 permits for a hunting district exceeds the quota set by the
 14 department for the district, these permits shall be awarded
 15 by a drawing. The department shall provide for those persons
 16 making valid application for special elk permits a method of
 17 selecting first, second, and third choice hunting districts
 18 for any drawing held pursuant to this section.

19 (2) Subject to the limitation of subsection (4), a
 20 person who ~~holds fee title to~~ owns or is contracting to
 21 purchase 640 acres or more of contiguous land, at least some
 22 of which is used by elk, in a hunting district where elk
 23 permits are awarded under this section shall be issued, upon
 24 application, a permit to hunt elk in the hunting district
 25 under the terms and conditions of the permit.

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

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

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

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1 HOUSE BILL NO. 563

2 INTRODUCED BY KNOX, ZOOK, SIMPKINS, BARNETT, H. HANSON,
3 BERGSAGEL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ELK
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9 LAND RATHER THAN THAT THE LAND BE HELD IN FEE TITLE; AND
10 AMENDING SECTIONS 87-2-501 AND 87-2-705, MCA."

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

13 Section 1. Section 87-2-501, MCA, is amended to read:

14 "87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident
15 deer, elk, and bear licenses -- special Class A-7 resident
16 and nonresident license requirements and preference. (1)
17 Except as otherwise provided in this chapter, a resident, as
18 defined by 87-2-102, or a nonresident who wishes to purchase
19 a Class A-7 elk license only, who will be 12 years of age or
20 older prior to September 15 of the season for which the
21 license is issued may, upon payment of the proper fee or
22 fees, be entitled to purchase one each of the following
23 licenses at the prescribed cost which will entitle the
24 holder to pursue, hunt, shoot, and kill the game animal or
25 animals authorized by the license held and to possess the

1 carcasses of those game animals as authorized by department
2 rules:

3 (a) Class A-3, deer A tag, \$9;

4 (b) Class A-4, deer B tag, \$6;

5 (c) Class A-5, elk tag, \$10;

6 (d) Class A-6, black or brown bear tag, \$8;

7 (e) Class A-7, antlerless elk tag, \$10.

8 (2) (a) The holder of a Class A-7 antlerless elk
9 license is entitled to take antlerless elk in areas
10 designated by the commission and at such times and upon such
11 terms as set forth by the commission.

12 (b) No person may take more than one elk during any
13 license year, and a person holding a Class A-7 antlerless
14 elk tag may not take an elk during the same license year
15 with a Class A-5 license or nonresident elk tag. The use of
16 Class A-7 antlerless elk licenses does not preclude the
17 department's use of special elk permits.

18 (c) A nonresident shall hold a nonresident Class B-10
19 license as a prerequisite to application for a Class A-7
20 license.

21 (3) Subject to the limitation of subsection (5), a
22 person who ~~holds--fee--title--to~~ owns or is contracting to
23 purchase 640 acres or more of contiguous land, at least some
24 of which is used by elk, in a hunting district where Class
25 A-7 licenses are awarded under this section shall be issued,

1 upon application, a Class A-7 license.

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

8 (5) Fifteen percent of the Class A-7 licenses available
9 each year under this section in a hunting district must be
10 available to landowners under subsection (3)."

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

12 "87-2-705. Drawing for special elk permits. (1) In the
13 event the number of valid applications for special elk
14 permits for a hunting district exceeds the quota set by the
15 department for the district, these permits shall be awarded
16 by a drawing. The department shall provide for those persons
17 making valid application for special elk permits a method of
18 selecting first, second, and third choice hunting districts
19 for any drawing held pursuant to this section.

20 (2) Subject to the limitation of subsection (4), a
21 person who ~~holds-fee-title-to~~ owns or is contracting to
22 purchase 640 acres or more of contiguous land, at least some
23 of which is used by elk, in a hunting district where elk
24 permits are awarded under this section shall be issued, upon
25 application, a permit to hunt elk in the hunting district

1 under the terms and conditions of the permit.

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

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

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

-End-