

SENATE BILL NO. 219

INTRODUCED BY MEYER, HANSON, GRADY, THAYER, KOLSTAD,  
MANNING, MCCALLUM, PATTERSON, HAMMOND, MAZUREK, E. SMITH,  
NEUMAN, PINSONEAULT, VAUGHN, MENAHAN, MANUEL, HARDING,  
YELLOWTAIL, BENGTON, HARP, BRANDEWIE, HAFLEY, HIRSCH,  
JERGSON, ABRAMS, LYBECK, BOYLAN, B. WILLIAMS, AKLESTAD,  
ANDERSON, HALLIGAN, HAGER, CRIPPEN, KEATING, HOFMAN,  
SEVERSON, BISHOP, BECK, MCLANE, WEEDING,  
THOFT, MILLER, KOEHNKE

IN THE SENATE

JANUARY 24, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON FISH & GAME.

FEBRUARY 19, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 20, 1987                   PRINTING REPORT.

FEBRUARY 21, 1987                   SECOND READING, DO PASS AS AMENDED.

FEBRUARY 23, 1987                   ENGROSSING REPORT.

                                  THIRD READING, PASSED.  
                                  AYES, 46; NOES, 3.

                                  TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 24, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON FISH & GAME.

MARCH 16, 1987                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 20, 1987                    ON MOTION, CONSIDERATION PASSED  
FOR THE DAY.

MARCH 28, 1987                    SECOND READING, CONCURRED IN AS  
AMENDED.

MARCH 30, 1987

THIRD READING, CONCURRED IN.  
AYES, 61; NOES, 35.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS NOT  
CONCURRED IN.

APRIL 6, 1987

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 10, 1987

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 16, 1987

CONFERENCE COMMITTEE REPORTED.

APRIL 17, 1987

SECOND READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

APRIL 20, 1987

THIRD READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

IN THE HOUSE

APRIL 21, 1987

CONFERENCE COMMITTEE  
REPORT ADOPTED.

IN THE SENATE

APRIL 21, 1987

SENT TO ENROLLING.

SENATE BILL NO. 219

INTRODUCED BY Meyer M. Hansen, Randy Johnson, Keith Richard E. Manning, Patricia Hammond, Margaret E. Smith, William H. Hays, and William H. Hays  
A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A LANDOWNER PREFERENCE FOR A SPECIAL ELK PERMIT; AND AMENDING SECTION 87-2-705, MCA."

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

Section 1. Section 87-2-705, MCA, is amended to read:

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

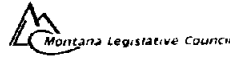
(2) A landowner in a hunting district where elk permits are awarded under this section shall be issued, upon application, a permit to hunt elk on land owned by him.

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

NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of fish, wildlife, and parks to make rules on the subject of the provisions of this

act is extended to the provisions of this act.

-End-



-2- INTRODUCED BILL SB 219

APPROVED BY COMM.  
ON FISH AND GAME

*Handwritten notes:*  
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*Senate* BILL NO. *219*

INTRODUCED BY *Meyer M. Hansen, Brady, Kelley, Karet, Richard E. Manning, Paccson, Hammond, Margaret S. Smith, Newman*  
A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A LANDOWNER PREFERENCE FOR A SPECIAL ELK PERMIT; AND AMENDING SECTION 87-2-705, MCA."  
*Herich Lybeck, Boylan, Johnson, Spating, Ullowart, Jerguson, Williams, Kelly, Johnson, Bengtson, Hally, Abrams, ANLESTAD, Hager, Sevensen, Bishop, Beck*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
Section 1. Section 87-2-705, MCA, is amended to read:  
"87-2-705. Drawing for special elk permits. (1) In the event the number of valid applications for special elk permits for a hunting district exceeds the quota set by the department for the district, these permits shall be awarded by a drawing. The department shall provide for those persons making valid application for special elk permits a method of selecting first, second, and third choice hunting districts for any drawing held pursuant to this section.  
(2) A landowner in a hunting district where elk permits are awarded under this section shall be issued, upon application, a permit to hunt elk on land owned by him.  
(3) The department may promulgate the rules necessary to implement this section."  
NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of fish, wildlife, and parks to make rules on the subject of the provisions of this

1 act is extended to the provisions of this act.

-End-



-2- SECOND READING  
SB-219

## SENATE BILL NO. 219

INTRODUCED BY MEYER, HANSON, GRADY, THAYER, KOLSTAD,  
 MANNING, MCCALLUM, PATTERSON, HAMMOND, MAZUREK, E. SMITH,  
 NEUMAN, PINSONEAULT, VAUGHN, MENAHAN, MANUEL, HARDING,  
 YELLOWTAIL, BENGTON, HARP, BRANDEWIE, HAFPEY, HIRSCH,  
 JERGESON, ABRAMS, LYBECK, BOYLAN, B. WILLIAMS, AKLESTAD,  
 ANDERSON, HALLIGAN, HAGER, CRIPPEN, KEATING, HOFMAN,  
 SEVERSON, BISHOP, BECK, MCLANE, WEEDING,  
 THOFT, MILLER, KOEHNKE

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 PREFERENCE FOR A SPECIAL ELK PERMIT; AND AMENDING SECTION  
 87-2-705, MCA."

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Section 1. Section 87-2-705, MCA, is amended to read:

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

(2) A landowner in a hunting district where elk

permits are awarded under this section shall be issued, upon  
 application, a permit to hunt elk on land owned by him.

(3) AN APPLICANT WHO RECEIVES APPROVAL FOR A PERMIT  
 UNDER SUBSECTION (2) MAY DESIGNATE THAT THE PERMIT BE ISSUED  
 TO AN IMMEDIATE FAMILY MEMBER OR A PERSON EMPLOYED BY THE  
 LANDOWNER.

(4) FIFTEEN PERCENT OF THE SPECIAL ELK PERMITS  
 AVAILABLE EACH YEAR UNDER THIS SECTION IN A HUNTING DISTRICT  
 MUST BE AVAILABLE TO LANDOWNERS UNDER SUBSECTION (2).

~~(3)~~(5) The department may promulgate the rules  
 necessary to implement this section."

NEW SECTION. Section 2. Extension of authority. Any  
 existing authority of the department of fish, wildlife, and  
 parks to make rules on the subject of the provisions of this  
 act is extended to the provisions of this act.

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## SENATE BILL NO. 219

INTRODUCED BY MEYER, HANSON, GRADY, THAYER, KOLSTAD,  
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 SEVERSON, BISHOP, BECK, MCLANE, WEEDING,  
 THOFT, MILLER, KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A LANDOWNER  
 PREFERENCE FOR A CLASS A-7 ANTLERLESS ELK LICENSE OR A  
SPECIAL ELK PERMIT; AND AMENDING SECTION SECTIONS 87-2-501  
AND 87-2-705, MCA."

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

Section 1. Section 87-2-705, MCA, is amended to read:

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

(2) A--landowner SUBJECT TO THE LIMITATION OF  
SUBSECTION (4), A PERSON WHO HOLDS FEE TITLE TO 640 ACRES OR  
MORE OF CONTIGUOUS LAND, AT LEAST SOME OF WHICH IS USED BY  
ELK, in a hunting district where elk permits are awarded  
under this section AND WHO ALLOWS MEMBERS OF THE GENERAL  
PUBLIC REASONABLE OPPORTUNITY TO HUNT ON SUCH LAND shall be  
issued, upon application, a permit to-hunt-elk-on-land-owned  
by-him.

(3) AN APPLICANT WHO RECEIVES APPROVAL FOR A PERMIT  
UNDER SUBSECTION (2) MAY DESIGNATE THAT THE PERMIT BE ISSUED  
TO AN IMMEDIATE FAMILY MEMBER OR A PERSON EMPLOYED BY THE  
LANDOWNER. A CORPORATION OWNING QUALIFYING LAND UNDER  
SUBSECTION (2) MAY DESIGNATE ONE OF ITS SHAREHOLDERS TO  
RECEIVE THE PERMIT.

(4) FIFTEEN PERCENT OF THE SPECIAL ELK PERMITS  
AVAILABLE EACH YEAR UNDER THIS SECTION IN A HUNTING DISTRICT  
MUST BE AVAILABLE TO LANDOWNERS UNDER SUBSECTION (2).

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

SECTION 2. SECTION 87-2-501, MCA, IS AMENDED TO READ:

"87-2-501. (Effective March 1, 1986) Class A-3, A-4,  
A-5, A-6, A-7--resident deer, elk, and bear licenses --  
special Class A-7 license requirements and preference. (1)  
Except as otherwise provided in this chapter, a resident, as  
defined by 87-2-102, who will be 12 years of age or older

1 prior to September 15 of the season for which the license is  
 2 issued may, upon payment of the proper fee or fees, be  
 3 entitled to purchase one each of the following licenses at  
 4 the prescribed cost which will entitle the holder to pursue,  
 5 hunt, shoot, and kill the game animal or animals authorized  
 6 by the license held and to possess the carcasses of those  
 7 game animals as authorized by department rules:

- 8 (a) Class A-3, deer A tag, \$9;
- 9 (b) Class A-4, deer B tag, \$6;
- 10 (c) Class A-5, elk tag, \$10;
- 11 (d) Class A-6, black or brown bear tag, \$8;
- 12 (e) Class A-7, antlerless elk tag, \$10.

13 (2) The holder of a Class A-7 antlerless elk license  
 14 is entitled to take surplus antlerless elk in areas  
 15 designated by the commission and at such times and upon such  
 16 terms as set forth by the commission but may not  
 17 simultaneously possess a Class A-5 and a Class A-7 license  
 18 in the same year. The commission shall include in the terms  
 19 of issuance of the Class A-7 license a requirement for  
 20 surrender of a current Class A-5 license if held by a person  
 21 at the time he purchases a Class A-7 license. If a current  
 22 Class A-5 license is surrendered, as required by this  
 23 section, the Class A-7 license must be issued without cost  
 24 to the holder. No person may take more than one elk during  
 25 any license year, and a person holding a Class A-7

1 antlerless elk tag may not take an elk during the same  
 2 license year with a Class A-5 elk tag.

3 (3) Subject to the limitation of subsection (5), a  
 4 person who holds fee title to 640 acres or more of  
 5 contiguous land, at least some of which is used by elk, in a  
 6 hunting district where Class A-7 licenses are awarded under  
 7 this section and who allows members of the general public  
 8 reasonable opportunity to hunt on such land shall be issued,  
 9 upon application, a Class A-7 license.

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

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

19 NEW SECTION. Section 3. Extension of authority. Any  
 20 existing authority of the department of fish, wildlife, and  
 21 parks to make rules on the subject of the provisions of this  
 22 act is extended to the provisions of this act.

-End-

# CONFERENCE COMMITTEE REPORT

Report No. ....

...April 15, 1987...

MR. PRESIDENT

We, your \_\_\_\_\_ JOINT \_\_\_\_\_ Conference Committee on

~~SENATE~~ ~~HOUSE~~ BILL NO. 219 \_\_\_\_\_

met and considered \_\_\_\_\_

- ~~1. House Fish and Game Committee Amendments to the third reading copy, dated March 13, 1987, and~~
- ~~2. House Committee of the Whole Amendments to the third reading copy, dated March 18, 1987~~

We recommend as follows:

That <sup>Senate</sup> ~~House~~ Bill No. 219, reference copy, be amended as indicated in the Instructions

## INSTRUCTIONS

1. Page 2, lines 5 and 6.  
Following: "section"  
Strike: remainder of line 5 through "LAND" on line 6
2. Page 2, line 8.  
Following: "him"  
Insert: "to hunt elk on land owned by him"
3. Page 4, lines 7 and 8.  
Following: "section"  
Strike: remainder of line 7 through "land" on line 8

And that this Conference Committee report be adopted.

FOR THE SENATE

D. Meyer  
Smith  
Yellowtail

FOR THE HOUSE

John E. Philleo  
John Peterson  
Tom McMan

ADOPT REJECT



STANDING COMMITTEE REPORT

HOUSE

MARCH 13 1987

Mr. Speaker: We, the committee on FISH AND GAME

report SB 219

do pass do not pass be concurred in be not concurred in as amended statement of intent attached

Orval Ellison Chairman

- 1. Title, line 12. Following: "A" Insert: "CLASS A-7 ANTLERLESS ELK LICENSE OR A" Strike: "SECTION" Insert: "SECTIONS 87-2-501 AND"
2. Page 1, line 25. Strike: "A landowner" Insert: "Subject to the limitation of subsection (4), a person who holds fee title to 640 acres or more of contiguous land, at least some of which is used by elk,"
3. Page 2, line 2. Strike: "to hunt elk on land owned by him"
4. Page 2, line 3. Strike: "APPROVAL FOR"
5. Page 2, line 6. Following: "LANDOWNER." Insert: "A corporation owning qualifying land under subsection (2) may designate one of its shareholders to receive the permit."
6. Page 2. Following: line 11 Insert: "Section 2. Section 87-2-501, MCA, is amended to read: " 87-2-501. (Effective March 1, 1986) Class A-3, A-4, A-5, A-6, A-7--resident deer, elk, and bear licenses--special Class A-7 license requirements and preference. (1) Except as otherwise provided in this chapter, a resident, as defined by 87-2-102, who will be 12 years of age or older prior to September 15 of the season

for which the license is issued may, upon payment of the proper fee or fees, be entitled to purchase one each of the following licenses at the prescribed cost which will entitle the holder to pursue, hunt, shoot, and kill the game animal or animals authorized by the license held and to possess the carcasses of those game animals as authorized by department rules:

- (a) Class A-3, deer A tag, \$9; (b) Class A-4, deer B tag, \$6; (c) Class A-5, elk tag, \$10; (d) Class A-6, black or brown bear tag, \$8; (e) Class A-7, antlerless elk tag, \$10.

(2) The holder of a Class A-7 antlerless elk license is entitled to take surplus antlerless elk in areas designated by the commission and at such times and upon such terms as set forth by the commission but may not simultaneously possess a Class A-5 and a Class A-7 license in the same year. The commission shall include in the terms of issuance of the Class A-7 license a requirement for surrender of a current Class A-5 license if held by a person at the time he purchases a Class A-7 license. If a current Class A-5 license is surrendered, as required by this section, the Class A-7 license must be issued without cost to the holder. No person may take more than one elk during any license year, and a person holding a Class A-7 antlerless elk tag may not take an elk during the same license year with a Class A-5 elk tag.

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

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

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

Renumber: subsequent section

SW

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SW

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# COMMITTEE OF THE WHOLE AMENDMENT

3-18-87

DATE

14:15

TIME

MR. CHAIRMAN: I MOVE TO AMEND SB 219

3rd reading copy ( blue ) as follows:  
Color

1) Page 2, line 1.

Following: "section"

Insert: "and who allows members of the general public reasonable opportunity to hunt on such land"

AMENDING THE HOUSE FISH AND GAME STANDING COMMITTEE REPORT dated March 13, 1987.

2) Amending instruction No. 6, subsection (3), line 5

Following: "section"

Insert: "and who allows members of the general public reasonable opportunity to hunt on such land"

ADOPT

REJECT

3181415T.CW

*John Daily*

Rep. Daily

## SENATE BILL NO. 219

INTRODUCED BY MEYER, HANSON, GRADY, THAYER, KOLSTAD,  
 MANNING, MCCALLUM, PATTERSON, HAMMOND, MAZUREK, E. SMITH,  
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 department for the district, these permits shall be awarded  
 by a drawing. The department shall provide for those  
 persons making valid application for special elk permits a  
 method of selecting first, second, and third choice hunting  
 districts for any drawing held pursuant to this section.

~~(2) A landowner~~ SUBJECT TO THE LIMITATION OF  
 SUBSECTION (4), A PERSON WHO HOLDS FEE TITLE TO 640 ACRES OR  
 MORE OF CONTIGUOUS LAND, AT LEAST SOME OF WHICH IS USED BY  
 ELK, in a hunting district where elk permits are awarded  
 under this section ~~AND WHO ALLOWS MEMBERS OF THE GENERAL~~  
~~PUBLIC REASONABLE OPPORTUNITY TO HUNT ON SUCH LAND~~ shall be  
 issued, upon application, a permit ~~to hunt elk on land owned~~  
~~by him~~ TO HUNT ELK ON LAND OWNED BY HIM.

~~(3) AN APPLICANT WHO RECEIVES APPROVAL FOR A PERMIT~~  
 UNDER SUBSECTION (2) MAY DESIGNATE THAT THE PERMIT BE ISSUED  
 TO AN IMMEDIATE FAMILY MEMBER OR A PERSON EMPLOYED BY THE  
 LANDOWNER. A CORPORATION OWNING QUALIFYING LAND UNDER  
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~~(4) FIFTEEN PERCENT OF THE SPECIAL ELK PERMITS~~  
 AVAILABLE EACH YEAR UNDER THIS SECTION IN A HUNTING DISTRICT  
 MUST BE AVAILABLE TO LANDOWNERS UNDER SUBSECTION (2).

~~{3}{5}~~ The department may promulgate the rules  
 necessary to implement this section."

SECTION 2. SECTION 87-2-501, MCA, IS AMENDED TO READ:

"87-2-501. (Effective March 1, 1986) Class A-3, A-4,  
 A-5, A-6, A-7--resident deer, elk, and bear licenses --  
special Class A-7 license requirements and preference. (1)  
 Except as otherwise provided in this chapter, a resident, as  
 defined by 87-2-102, who will be 12 years of age or older

1 prior to September 15 of the season for which the license is  
 2 issued may, upon payment of the proper fee or fees, be  
 3 entitled to purchase one each of the following licenses at  
 4 the prescribed cost which will entitle the holder to pursue,  
 5 hunt, shoot, and kill the game animal or animals authorized  
 6 by the license held and to possess the carcasses of those  
 7 game animals as authorized by department rules:

- 8 (a) Class A-3, deer A tag, \$9;
- 9 (b) Class A-4, deer B tag, \$6;
- 10 (c) Class A-5, elk tag, \$10;
- 11 (d) Class A-6, black or brown bear tag, \$8;
- 12 (e) Class A-7, antlerless elk tag, \$10.

13 (2) The holder of a Class A-7 antlerless elk license  
 14 is entitled to take surplus antlerless elk in areas  
 15 designated by the commission and at such times and upon such  
 16 terms as set forth by the commission but may not  
 17 simultaneously possess a Class A-5 and a Class A-7 license  
 18 in the same year. The commission shall include in the terms  
 19 of issuance of the Class A-7 license a requirement for  
 20 surrender of a current Class A-5 license if held by a person  
 21 at the time he purchases a Class A-7 license. If a current  
 22 Class A-5 license is surrendered, as required by this  
 23 section, the Class A-7 license must be issued without cost  
 24 to the holder. No person may take more than one elk during  
 25 any license year, and a person holding a Class A-7

1 antlerless elk tag may not take an elk during the same  
 2 license year with a Class A-5 elk tag.

3 (3) Subject to the limitation of subsection (5), a  
 4 person who holds fee title to 640 acres or more of  
 5 contiguous land, at least some of which is used by elk, in a  
 6 hunting district where Class A-7 licenses are awarded under  
 7 this section and who allows members of the general public  
 8 reasonable opportunity to hunt on such land shall be issued,  
 9 upon application, a Class A-7 license.

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

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

19 NEW SECTION. Section 3. Extension of authority. Any  
 20 existing authority of the department of fish, wildlife, and  
 21 parks to make rules on the subject of the provisions of this  
 22 act is extended to the provisions of this act.

-End-