

HOUSE BILL NO. 497

INTRODUCED BY W. GALT, G. HERTZ, S. SALES, B. TSCHIDA

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ADDITIONAL ANTLERLESS ELK TO BE HARVESTED DURING A SHOULDER SEASON ESTABLISHED BY THE FISH AND WILDLIFE COMMISSION; AMENDING SECTION SECTIONS 87-2-104 AND 87-2-501. MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**SECTION 1. SECTION 87-2-104, MCA, IS AMENDED TO READ:**

**"87-2-104. Number of licenses, permits, or tags allowed -- fees.** (1) The department may prescribe rules and regulations for the issuance or sale of a replacement license, permit, or tag if the original license, permit, or tag is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

(2) When authorized by the commission for game management purposes, the department may:

(a) issue more than one Class A-3 resident deer A, Class A-4 resident deer B, Class B-7 nonresident deer A, Class B-8 nonresident deer B, Class E-1 resident wolf, Class E-2 nonresident wolf, or special antelope license to an applicant; ~~and~~

(b) issue a special antlerless moose license, a special cow or calf bison license, or one or more special adult ewe mountain sheep licenses to an applicant; ~~and~~

(c) issue one or more Class A-9 resident antlerless elk B tag licenses or Class B-12 nonresident antlerless elk B tag licenses to an applicant. Unless otherwise reduced pursuant to subsection (4), the fee for a Class B-12 license is \$270.

(3) For all of the game management licenses issued under subsection (2), the commission shall determine the hunting districts or portions of hunting districts for which the licenses are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the licenses.

~~(4) When authorized by the commission for game management purposes, the department may issue Class A-9 resident antlerless elk B tag licenses and Class B-12 nonresident antlerless elk B tag licenses entitling the holder to take an antlerless elk. Unless otherwise reduced pursuant to subsection (5), the fee for a Class B-12 license is \$270. The commission shall determine the hunting districts or portions of hunting districts for which Class A-9 and Class B-12 licenses are to be issued, the number of licenses to be issued, and all terms and~~

1 conditions for the use of the licenses:

2 ~~(5)(4)~~ The fee for a resident or nonresident license of any class issued under subsection (2) ~~or (4)~~ may  
3 be reduced annually by the department."  
4

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

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

- 14 (a) Class A-3, deer A tag, \$16;  
15 (b) Class A-4, deer B tag, \$10;  
16 (c) Class A-5, elk tag, \$20;  
17 (d) Class A-6, black bear tag, \$19;  
18 (e) Class A-7, antlerless elk tag, \$20;  
19 (f) Class A-9, resident antlerless elk B tag, \$20.

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

23 (b) ~~Subject Except during a shoulder season established by the commission and subject~~ SUBJECT to the  
24 management provisions provided in 87-1-321 through 87-1-325, a person may not take more than ~~two~~ THREE elk  
25 during any license year, only one of which may be antlered. A person holding a Class A-7 antlerless elk tag may  
26 not take an elk during the same license year with a Class A-5 license or nonresident elk tag. The use of Class  
27 A-7 antlerless elk licenses does not preclude the department's use of special elk permits.

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

30 (3) Subject to the limitation of subsection (5), a person who owns or is contracting to purchase 640 acres

1 or more of contiguous land, at least some of which is used by elk, in a hunting district where Class A-7 licenses  
2 are awarded under this section must be issued, upon application, a Class A-7 license.

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

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

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

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