

SENATE BILL NO. 148

INTRODUCED BY D. LOGE, C. HINKLE, Z. WIRTH, J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CERTAIN LANDOWNERS TO DESIGNATE LICENSES TO PERSONS WITH DEVELOPMENTAL OR PHYSICAL DISABILITIES; PROVIDING DEFINITIONS; AMENDING SECTIONS 87-1-266, 87-2-513, 87-2-516, 87-2-705, 87-2-714, AND 87-2-735, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 87-1-266, MCA, is amended to read:

"87-1-266. License benefits for landowners enrolled in block management program -- rulemaking. (1) As a benefit for enrolling property in the block management program established in 87-1-265, a resident landowner may receive one conservation license and one Class AAA combination sports license and the necessary prerequisites, without charge, if the landowner is the owner of record. The licenses may be used for the full hunting or fishing season in any district where they are valid. The licenses may not be transferred by gift or sale.

(2) As a benefit for enrolling property in the block management program, a nonresident landowner may receive one conservation license and one Class B-10 nonresident big game combination license and the necessary prerequisites, without charge, if the landowner is the owner of record. The licenses may be used for the full hunting or fishing season in any district where they are valid. The licenses may not be transferred by gift or sale. The grant of a license under this subsection also qualifies the licensee to apply for a permit through the normal drawing process. The grant of a license under this subsection does not affect the limits established under 87-2-505.

(3) (a) Instead of receiving the benefits provided in subsection (1) or (2), a landowner of record who enrolls in the block management program may designate an immediate family member, ~~or an employee, or~~ a person with a developmental disability or a physical disability as determined by the department to receive, without charge, a conservation license and the necessary prerequisites and:

1 (i) a Class AAA combination sports license if the designated person is a resident; or

2 (ii) a Class B-10 nonresident big game combination license if the designated person is a
3 nonresident.

4 (b) For the purposes of this subsection (3), ~~an immediate family member means a parent,~~
5 ~~grandparent, child, or grandchild of the cooperater by blood or marriage, a spouse, a legally adopted child, a~~
6 ~~sibling of the cooperater or spouse, or a niece or nephew.~~ the following definitions apply:

7 (i) "Developmental disability" means a developmental disability as defined in 53-20-102.

8 (ii) "Employee" means a person who works full-time and year-round for the landowner as part of
9 the active farm or ranch operation enrolled in the block management program.

10 (iii) "Immediate family member" means a parent, grandparent, child, or grandchild of the cooperater
11 by blood or marriage, a spouse, a legally adopted child, a sibling of the cooperater or spouse, or a niece or
12 nephew.

13 (iv) "Physical disability" means a person experiencing a condition medically determined to be
14 permanent and substantial and resulting in significant impairment of the person's functional ability.

15 (c) ~~For purposes of this subsection (3), the term "employee" means a person who works full time~~
16 ~~and year-round for the landowner as part of the active farm or ranch operation enrolled in the block~~
17 ~~management program.~~

18 (d)(c) ~~An immediate family member or employee~~ A person who is designated to receive a license
19 pursuant to this subsection (3) must be eligible for licensure under current Montana law and may not transfer
20 the license by gift or sale.

21 (e)(d) ~~The grant of a Class B-10 nonresident big game combination license to an immediate family~~
22 ~~member, or an employee, or a person with a developmental disability or a physical disability as determined by~~
23 the department pursuant to this subsection (3) does not affect the limits established in 87-2-505.

24 (4) The department may by rule limit the overall number of licenses that can be provided to
25 landowners pursuant to this section.

26 (5) For the purposes of this section, the term "necessary prerequisites" includes:

27 (a) the base hunting license established in 87-2-116;

28 (b) the aquatic invasive species prevention pass established in 87-2-130; and

1 (c) the conservation license established in 87-2-201."

2

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

4 **"87-2-513. Either-sex or antlerless elk license or permit for landowner who offers free public**
5 **elk hunting -- terms, conditions, and issuance.** (1) (a) The department may issue, at no cost to a landowner
6 who provides free public elk hunting on the landowner's property and pursuant to this section, an either-sex or
7 antlerless elk license, permit, or combination of the two as required in that hunting district for the landowner or
8 the landowner's designee to hunt on the landowner's property or on private property leased by the landowner
9 for agricultural purposes.

10 (b) A designee must be eligible for licensure under Title 87, chapter 2, and may be an immediate
11 family member, or an authorized full-time employee of the landowner, or a person with a developmental
12 disability or a physical disability as determined by the department. ~~who is eligible for licensure under Title 87,~~
13 ~~chapter 2.~~

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

15 (a) must own at least 640 acres of occupied elk habitat, except that smaller acreages are eligible if
16 the department determines that site conditions exist to accommodate successful public hunting;

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

20 (c) may not charge a fee or authorize a person to charge a fee for hunting access on the
21 landowner's property.

22 (3) (a) For every three members of the public allowed to hunt under the contractual public elk
23 hunting access agreement, the department may issue one license, permit, or combination of the two pursuant
24 to subsection (1). The department may limit the total number of licenses and permits issued under this section.

25 (b) At least one of the public hunters must hold the equivalent license, permit, or combination of
26 the two that is issued to the landowner or the landowner's designee. The department, in consultation with the
27 landowner, shall select the hunters pursuant to subsection (7)(b).

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

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

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

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

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

10 (7) (a) A contractual public elk hunting access agreement must define the areas that will be open
11 to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other
12 factors that the department and the landowner consider necessary for the proper management of elk on the
13 landowner's property. The agreement must include a process or methodology the landowner may use to select
14 up to one-third of the public hunters required by subsection (3) and must reserve the right of the landowner to
15 deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause,
16 including but not limited to intoxication, violation of landowner conditions for use of the property, or previous
17 misconduct on a landowner's property.

18 (b) Except for public hunters selected by the landowner pursuant to subsection (7)(a), the
19 department shall select public hunters eligible to hunt on the landowner's property through a random drawing of
20 holders of existing licenses or permits in that hunting district.

21 (8) (a) Licenses, permits, or combinations of the two issued under this section must be for wildlife
22 management purposes and approved by the commission pursuant to its powers under 87-1-301.

23 (b) The commission shall prioritize approval of an application for a license, permit, or combination
24 of the two based on the willingness of the landowner to allow, in either the regular hunting season or a shoulder
25 hunting season, additional cow harvest by public hunters in addition to the number of public hunters required in
26 subsection (3).

27 (9) For the purposes of this section, the following definitions apply:

28 (a) "Developmental disability" means a developmental disability as defined in 53-20-102.

1 (a)(b) "Employee" means a person who works ~~full-time~~full-time for the landowner as part of an active
2 farm or ranch operation enrolled in the program.

3 (b)(c) "Immediate family member" means a spouse, parent, grandparent, child, grandchild, sibling,
4 niece, or nephew by blood, marriage, or legal adoption.

5 (d) "Physical disability" means a person experiencing a condition medically determined to be
6 permanent and substantial and resulting in significant impairment of the person's functional ability."

7

8 **Section 3.** Section 87-2-516, MCA, is amended to read:

9 **"87-2-516. Drawing for Class A-9 and Class B-12 antlerless elk B tag licenses -- landowner**

10 **preference.** (1) In the event the number of valid applications for Class A-9 resident antlerless elk B tag licenses
11 or Class B-12 nonresident antlerless elk B tag licenses for a hunting district exceeds the quota set by the
12 department for the district, the department shall award the permits by a drawing.

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

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

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

19 (3) A landowner who is eligible to receive a Class A-9 or Class B-12 license under subsection (2)
20 may designate an immediate family member ~~or~~, a person employed by the landowner, or a person with a
21 developmental disability or a physical disability as determined by the department to apply for the license. A
22 corporation owning qualifying land under subsection (2) may designate one of its shareholders to apply for the
23 Class A-9 or Class B-12 license.

24 (4) Subject to the management provisions provided in 87-1-321 through 87-1-325, 15% of the
25 Class A-9 and Class B-12 licenses available each year in a hunting district must be available to landowners
26 pursuant to subsection (2)."

27

28 **Section 4.** Section 87-2-705, MCA, is amended to read:

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

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

10 (3) An applicant who receives a permit under subsection (2) may designate that the permit be
 11 issued to an immediate family member, ~~or a person employed by the landowner, or a person with a~~
 12 developmental disability or a physical disability as determined by the department. A corporation owning
 13 qualifying land under subsection (2) may designate one of its shareholders to receive the permit.

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

16 (5) The department may promulgate the rules necessary to implement this section."
 17

18 **Section 5.** Section 87-2-714, MCA, is amended to read:

19 **"87-2-714. Landowner preference for Class B-10 nonresident big game combination license.** (1)

20 Subject to the provisions of subsection (6), 15% of licenses issued under 87-2-505 may be placed in a
 21 landowner preference pool for nonresident landowners to hunt only on property the landowner owns in fee title
 22 or on other private property the landowner leases to produce a crop as defined in 80-8-102.

23 (2) A nonresident landowner of record may designate an immediate family member, an employee,
 24 or a person with a developmental disability or a physical disability as determined by the department to receive
 25 the license issued under this section. ~~For purposes of this section, an immediate family member means a~~
 26 ~~spouse, parent, grandparent, child, grandchild, sibling, niece, or nephew of the landowner by blood, marriage,~~
 27 ~~or legal adoption.~~

28 (3) (a) To qualify to receive a Class B-10 license pursuant to this section, the landowner must own

1 at least 2,500 contiguous acres in fee title. Subject to the provisions of subsections (3)(b) and (5), for each
2 additional 2,500 contiguous acres owned by the landowner, the department may issue to the landowner or the
3 landowner's ~~immediate family members~~ designee an additional Class B-10 license up to a maximum of five
4 Class B-10 licenses per qualifying landowner.

5 (b) An individual may not hold more than one Class B-10 license.

6 (4) Applicants must pay the full Class B-10 license fee established in 87-2-505.

7 (5) If there is a sufficient number of licenses set forth in subsection (1) and multiple applications
8 made per qualifying landowner, the department shall issue one license to each qualifying landowner or the
9 landowner's ~~immediate family member~~ designee before it issues a second or subsequent license to any
10 landowner or the landowner's ~~immediate family member~~ designee. All Class B-10 licenses not issued pursuant
11 to this section shall be returned to the general draw pool available to all applicants pursuant to 87-2-505.

12 (6) The commission may, by rule, limit the overall number of licenses that can be provided to
13 landowners or their ~~immediate family members~~ designees pursuant to this section to less than 15% of those
14 available pursuant to 87-2-505.

15 (7) A landowner who receives a license pursuant to this section and who was enrolled in a
16 department-administered private land hunting access program in the previous license year may purchase an
17 additional bonus point for an elk or deer license or permit drawing for the fee established in 87-2-113.

18 (8) For the purposes of this section, the following definitions apply:

19 (a) "Developmental disability" means a developmental disability as defined in 53-20-102.

20 (b) "Employee" means a person who works full-time and year-round for the landowner as part of
21 the active farm or ranch operation enrolled in the block management program.

22 (c) "Immediate family member" means a spouse, parent, grandparent, child, grandchild, sibling,
23 niece, or nephew of the landowner by blood, marriage, or legal adoption.

24 (d) "Physical disability" means a person experiencing a condition medically determined to be
25 permanent and substantial and resulting in significant impairment of the person's functional ability."

26

27 **Section 6.** Section 87-2-735, MCA, is amended to read:

28 **"87-2-735. Landowner preference licenses and permits for deer and antelope.** (1) Subject to the

1 provisions of subsection (2) and the limitation in subsection (3), a person who owns 160 acres or more of real
 2 property that is primarily used for agricultural purposes in a hunting district in which a limited number of deer or
 3 antelope licenses or permits are awarded must be issued, on application, a license or permit to hunt deer or
 4 antelope in the hunting district under the terms and conditions of the license or permit.

5 (2) When the real property is held jointly or in common by several persons, only one of the joint or
 6 common owners is entitled to the preference provided in this section, or the owners may designate their
 7 preference to a person who is an immediate family member, a person ~~or~~ who is employed by the owner or
 8 owners as a land manager or in a similar capacity, or to a person with a developmental disability or a physical
 9 disability as determined by the department. Preference may not be awarded to a landowner if the hunting area
 10 is totally within the prescribed boundaries of public land.

11 (3) Fifteen percent of limited licenses or permits available each year in a hunting district for deer or
 12 antelope must be available to landowners under this section. If the number of persons applying pursuant to this
 13 section exceeds 15% of licenses and permits available for that hunting district, the department shall award the
 14 licenses and permits by drawing. The department shall provide a method of selecting first, second, and third
 15 choice hunting districts if a drawing is required."

16

17 NEW SECTION. **Section 7. Effective date.** [This act] is effective March 1, 2026.

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