

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

April 21, 2023

The Honorable Jason Ellsworth
President of the Senate
State Capitol
Helena, MT 59601

The Honorable Matt Regier
Speaker of the House
State Capitol
Helena, MT 59601

Dear President Ellsworth and Speaker Regier:

Elk hunting access agreements negotiated with willing landowners have been a valuable tool to improve public elk hunting opportunities on otherwise unavailable private lands. In exchange for opening this public access opportunity, landowners have been able to receive licenses and permits from the Department of Fish, Wildlife, and Parks to hunt elk on their property.

I appreciate the legislature's work to improve how these agreements are negotiated, and to clarify how licenses and permits are administered. The language of House Bill 596, however, struck the existing requirement that these licenses and permits may only be used for hunting conducted on property that is being opened to public access pursuant to an agreement under this section.

This existing requirement strikes a balance between the opportunities provided under these agreements to public hunters and those provided to landowners. The existing requirement should not be removed.

Therefore, in accordance with the power invested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 596: A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELK HUNTING ACCESS AGREEMENT COOPERATOR LICENSES; PROVIDING DEFINITIONS; AMENDING SECTION 87-2-513, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

I offer an amendment that restores the existing requirement that these licenses and permits may only be used by the landowner or designee for hunting conducted on property that is being opened to public access.

President Ellsworth and Speaker Regier
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The amendment I offer helps ensure the viability of elk hunting access agreements, maintains the parity we currently enjoy, and continues the improvements we have made for public elk hunting opportunities that Montanans expect and rely on.

I respectfully ask for your support of this amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Gianforte". The signature is stylized and written in a cursive-like font.

Greg Gianforte
Governor

Enclosure

cc: Legislative Services Division
Christi Jacobsen, Secretary of State

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HOUSE BILL NO. 596

INTRODUCED BY D. LOGE, M. MALONE, R. FITZGERALD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELK HUNTING ACCESS AGREEMENT COOPERATOR LICENSES; PROVIDING DEFINITIONS; AND AMENDING SECTION 87-2-513, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 87-2-513, MCA, is amended to read:

"87-2-513. Either-sex or antlerless elk license or permit for landowner who offers free public elk hunting -- terms, conditions, and issuance. (1) ~~For wildlife management purposes and with approval of the commission pursuant to 87-1-301, the~~ The department may issue, at no cost to a landowner who provides free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk license, permit, or combination of the two as required in that hunting district for the landowner or the landowner's designee to hunt on the landowner's property or on PRIVATE property leased by the landowner for agricultural purposes.

(b) A designee may be an immediate family member or an authorized full-time employee of the landowner who is eligible for licensure under Title 87, chapter 2.

~~(c) Landowners shall apply on a form prescribed by the department. Applications must be submitted to a regional department office or the Helena office.~~

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

(a) must own at least 640 acres of occupied elk habitat, ~~that is large enough, in the department's determination, except that smaller acreages are eligible if the department determines that site conditions exist~~ to accommodate successful public hunting;

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

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

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

6 (b) At least one of the public hunters must hold the equivalent license, permit, or combination of
7 the two that is issued to the landowner or the landowner's designee. The department, IN CONSULTATION WITH THE
8 LANDOWNER, shall select the hunters pursuant to subsection (7)(b).

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

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

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

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

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

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

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

Amendment - Reference-white - Requested by: Governor (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Todd Everts, 406-444-4023

HB0596.003.001

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

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

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

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

11 (a) "Employee" means a person who works full time for the landowner as part of an active farm or
12 ranch operation enrolled in the program.

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

15

16 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE MARCH 1, 2024.

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- END -