

Amendments to House Bill No. 560
1st Reading Copy

Requested by Representative Paul Clark

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg
March 15, 2005 (9:31am)

1. Title, line 10.

Following: "RIGHT-OF-WAY;"

Insert: "AUTHORIZING A LANDOWNER, WITH PERMISSION OF THE BOARD OF COUNTY COMMISSIONERS, TO CONSTRUCT A FENCE TO A COUNTY BRIDGE EDGE, GUARDRAIL, OR ABUTMENT EXCLUSIVELY FOR THE PURPOSE OF CONTROLLING LIVESTOCK; PROVIDING FUNDING FOR THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ENSURE CONTINUED PUBLIC RECREATIONAL ACCESS WHEN A FENCE IS CONSTRUCTED TO A COUNTY BRIDGE EDGE, GUARDRAIL, OR ABUTMENT FOR THE PURPOSE OF CONTROLLING LIVESTOCK BY INCREASING THE FEE FOR A CLASS A RESIDENT FISHING LICENSE; CREATING A BRIDGE ACCESS ACCOUNT;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "23-2-311"

Insert: "AND 87-2-301"

2. Page 3.

Following: line 10

Insert: "(6) A landowner may request authorization from the board of county commissioners to construct a fence to a county bridge edge, guardrail, or abutment exclusively for the purpose of controlling livestock. The authorization must be in writing and may be granted by the board of county commissioners, subject to 7-14-2134, only if:

(a) there are sufficient conditions and provisions in the authorization ensuring that public recreational access at the bridge remains substantially the same as existed prior to erection of the fence;

(b) conditions for revocation of the authorization are delineated in the authorization, based on any restrictions to public access by the landowner or the landowner's lessees or agents;

(c) the authorization is approved in writing by the department director, certifying that public access at the bridge remains substantially the same as existed prior to erection of the fence; and

(d) the authorization is recorded in the public records of the county.

(7) If at any time the conditions or provisions of

the authorization are not met by the landowner or the landowner's lessees or agents, the authorization must be revoked by either the board of county commissioners or the department director and the fence must be removed immediately.

(8) The department may use the money in the bridge access account established in [section 3] only to implement the conditions and provisions set out in subsection (6)(a) to ensure continued public recreational access when a landowner is authorized to construct a fence to a county bridge edge, guardrail, or abutment exclusively for the purpose of controlling livestock."

Insert: "NEW SECTION. Section 3. Bridge access account. There is an account in the state special revenue fund to the credit of the department. There must be deposited in the account 25 cents from the sale of each Class A resident fishing license. The money in the account must be administered by the department and used only to implement the provisions of [section 2(8)] in providing public recreational access when a landowner is authorized to construct a fence to a county bridge edge, guardrail, or abutment exclusively for the purpose of controlling livestock."

Insert: "**Section 4.** Section 87-2-301, MCA, is amended to read:

"**87-2-301. Class A--resident fishing license.** Any resident, as defined by 87-2-102, upon payment of a fee of ~~\$11 beginning March 1, 1992, and \$13 beginning March 1, 1994~~ \$13.25, shall receive a Class A license which shall entitle the holder thereof to fish with hook and line or rod as authorized by regulations of the department."

{ Internal References to 87-2-301:

87-1-258 }

Renumber: subsequent sections

3. Page 3, line 24.

Strike: "2 and 3"

Insert: "2, 3, and 5"

4. Page 3, line 26.

Strike: "2 and 3"

Insert: "2, 3, and 5"

5. Page 3, line 27.

"COORDINATION SECTION. Section 7. Coordination instruction. If [this act] and House Bill No. 172 are both passed and approved and if House Bill No. 172 includes an increase in the Class A resident fishing license, then [section 4 of this act] is void and the fee in 87-2-301 in House Bill No. 172 is increased by 25 cents to implement the provisions of [this act]."

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