

1 HOUSE BILL NO. 345

2 INTRODUCED BY K. FLYNN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING LANDOWNER COMPENSATION FOR THE BLOCK
5 MANAGEMENT PROGRAM; CHANGING CRITERIA FOR DETERMINING COMPENSATION; LINKING
6 FUTURE COMPENSATION TO THE CONSUMER PRICE INDEX; AMENDING SECTION 87-1-267, MCA; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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9 WHEREAS, when the enhanced block management program was established in 1995 to encourage
10 private landowners to open their property to public hunting, the daily compensation to the landowner for each
11 hunter day was \$10; and

12 WHEREAS, the value of that \$10 in 2010 was \$14.42, according to the Consumer Price Index, however
13 the daily compensation to landowners has only increased to \$11; and

14 WHEREAS, the enhanced block management program is a tremendous asset for Montana due directly
15 to the participation of private landowners, but the compensation for providing public access to private land for
16 hunting has failed to keep pace with even the moderate change in the value of the dollar as measured by the
17 Consumer Price Index.

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

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21 **Section 1.** Section 87-1-267, MCA, is amended to read:

22 **"87-1-267. Hunting access enhancement program -- benefits for providing hunting access --**
23 **cooperative agreement -- factors for determining benefits earned -- restriction on landowner liability. (1)**

24 As provided in 87-1-265, the department may establish and administer a voluntary program to enhance the block
25 management program, to be known as the hunting access enhancement program. The program must be
26 designed to provide tangible benefits to participating private landowners who grant access to their land for public
27 hunting.

28 (2) Land is not eligible for inclusion in the hunting access enhancement program if outfitting or
29 commercial hunting restricts public hunting opportunities.

30 (3) A contract for participation in the hunting access enhancement program is established through a

1 cooperative agreement between the landowner and the department that will guarantee reasonable access for
 2 public hunting. Landowners may also form a voluntary association when development of a unified cooperative
 3 agreement is advantageous. A cooperative agreement must contain a detailed description of the plan developed
 4 by the landowner and the department and may include but is not limited to:

- 5 (a) hunting access management;
- 6 (b) services to be provided to the public;
- 7 (c) ranch rules and other restrictions; and
- 8 (d) any other management information to be gathered, which must be made available to the public.

9 (4) If the department determines that the plan referred to in subsection (3) may adversely influence game
 10 management decisions or wildlife habitat on public lands outside the block management area, then other public
 11 land agencies, interested sportspersons, and affected landowners must be consulted. An affected landowner's
 12 management goals and personal observations regarding game populations and habitat use must be considered
 13 in developing the plan.

14 ~~———(5) The commission shall develop rules for determining tangible benefits to be provided to a landowner~~
 15 ~~for providing public hunting access. Benefits will be provided to offset potential impacts associated with public~~
 16 ~~hunting access, including but not limited to those associated with general ranch maintenance, conservation~~
 17 ~~efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors~~
 18 ~~used in determining benefits may include but are not limited to:~~

- 19 ~~———(a) the number of days of public hunting provided by a participating landowner;~~
- 20 ~~———(b) wildlife habitat provided;~~
- 21 ~~———(c) resident game populations;~~
- 22 ~~———(d) number, sex, and species of animals taken; and~~
- 23 ~~———(e) access provided to adjacent public lands.~~

24 ~~(6)(5)~~ Benefits earned by a landowner under this section may be applied in, but application is not limited
 25 to, the following manner:

- 26 (a) A landowner may direct weed control payments to be made directly to the county weed control board
 27 or may elect to receive payments directly.
- 28 (b) A landowner may direct fire protection payments to be made to the local fire district or the county
 29 where the landowner resides or may elect to receive payments directly.
- 30 (c) A landowner may receive direct payment to offset insurance costs incurred for allowing public hunting

1 access.

2 (d) The department may provide assistance in the construction and maintenance of roads, gates, and
3 parking facilities and in the signing of property.

4 ~~(7)(6)~~ (a) The commission ~~may provide a total of not more than \$12,000 a year to~~ shall compensate a
5 landowner who participates in the hunter management program or hunting access enhancement program, or
6 both.

7 (b) For the license year beginning on March 1, 2011, the landowner compensation for each hunter for
8 each calendar day hunted on the landowner's property is \$14.42. Compensation to a landowner may not exceed
9 \$14,416.01. The department shall offer the compensation in this subsection (6)(b) to landowners who are under
10 contract on [the effective date of this act].

11 (c) For each subsequent license year, the daily and maximum compensation listed in subsection (6)(b)
12 must be adjusted to reflect the percentage increase for the previous calendar year in the annual average
13 consumer price index.

14 ~~(8)(7)~~ The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1)
15 applies to a landowner who participates in the hunting access enhancement program."
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17 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.
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