

## 1 HOUSE BILL NO. 269

2 INTRODUCED BY T. JACOBSON

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE HUNTING ACCESS  
5 ENHANCEMENT PROGRAM; INCREASING THE RESIDENT HUNTING ACCESS ENHANCEMENT FEE;  
6 INCREASING PAYMENT LIMITS FOR PARTICIPATING LANDOWNERS; AMENDING SECTIONS 87-1-267  
7 AND 87-2-202, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 **Section 1.** Section 87-1-267, MCA, is amended to read:  
12 **"87-1-267. Hunting access enhancement program -- benefits for providing hunting access --**  
13 **cooperative agreement -- factors for determining benefits earned -- restriction on landowner liability.** (1)  
14 As provided in 87-1-265, the department may establish and administer a voluntary program to enhance the block  
15 management program, to be known as the hunting access enhancement program. The program must be  
16 designed to provide tangible benefits to participating private landowners who grant access to their land for public  
17 hunting.

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

20 (3) A contract for participation in the hunting access enhancement program is established through a  
21 cooperative agreement between the landowner and the department that will guarantee reasonable access for  
22 public hunting. Landowners may also form a voluntary association when development of a unified cooperative  
23 agreement is advantageous. A cooperative agreement must contain a detailed description of the plan developed  
24 by the landowner and the department and may include but is not limited to:

- 25 (a) hunting access management;  
26 (b) services to be provided to the public;  
27 (c) ranch rules and other restrictions; and  
28 (d) any other management information to be gathered, which must be made available to the public.  
29 (4) If the department determines that the plan referred to in subsection (3) may adversely influence game  
30 management decisions or wildlife habitat on public lands outside the block management area, then other public

1 land agencies, interested sportspersons, and affected landowners must be consulted. An affected landowner's  
2 management goals and personal observations regarding game populations and habitat use must be considered  
3 in developing the plan.

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

9 (a) the number of days of public hunting provided by a participating landowner;

10 (b) wildlife habitat provided;

11 (c) resident game populations;

12 (d) number, sex, and species of animals taken; and

13 (e) access provided to adjacent public lands.

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

16 (a) A landowner may direct weed control payments to be made directly to the county weed control board  
17 or may elect to receive payments directly.

18 (b) A landowner may direct fire protection payments to be made to the local fire district or the county  
19 where the landowner resides or may elect to receive payments directly.

20 (c) A landowner may receive direct payment to offset insurance costs incurred for allowing public hunting  
21 access.

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

24 (7) The commission may provide a total of not more than ~~\$12,000~~ \$15,000 a year to a landowner who  
25 participates in the hunter management program or hunting access enhancement program, or both.

26 (8) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies  
27 to a landowner who participates in the hunting access enhancement program."  
28

29 **Section 2.** Section 87-2-202, MCA, is amended to read:

30 **"87-2-202. Application -- fee -- expiration.** (1) Except as provided in 87-2-803(12), a wildlife

1 conservation license must be sold upon written application. The application must contain the applicant's name,  
2 age, [last four digits of the applicant's social security number,] occupation, street address of permanent residence,  
3 mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the  
4 United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana  
5 driver's license, a Montana driver's examiner's identification card, a tribal identification card, or other identification  
6 specified by the department to substantiate the required information when applying for a wildlife conservation  
7 license. It is the applicant's burden to provide documentation establishing the applicant's identity and  
8 qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license pursuant  
9 to 87-2-803(12).

10 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be  
11 recorded according to rules that the department may prescribe.

12 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a  
13 search and rescue surcharge.

14 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is  
15 a search and rescue surcharge.

16 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the  
17 wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access  
18 enhancement fee of ~~\$2~~ ~~\$8~~ \$3 is assessed. The additional fee may be used by the department only to encourage  
19 enhanced hunting access through the hunter management and hunting access enhancement programs  
20 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when  
21 the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only  
22 once during any license year.

23 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses  
24 the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access  
25 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage  
26 enhanced hunting access through the hunter management and hunting access enhancement programs  
27 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when  
28 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable  
29 only once during any license year.

30 (4) Licenses issued are void after the last day of February next succeeding their issuance.

