

HOUSE BILL NO. 444

INTRODUCED BY T. JACOBSON

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING STATE LAND LAWS RELATED TO ACCESS; PROVIDING A TAX CREDIT FOR QUALIFIED ACCESS TO STATE LANDS; CREATING THE UNLOCKING STATE LANDS PROGRAM; DEFINING PARCELS NOT PREVIOUSLY DEEMED LEGALLY ACCESSIBLE; PROVIDING CRITERIA FOR PROGRAM PARTICIPATION; AND PROVIDING RULEMAKING AUTHORITY."

WHEREAS, the Legislature wishes increase access by the public to publicly owned, state lands; and
WHEREAS, increasing access to public lands will provide additional opportunities for activities such as hunting, fishing, wildlife viewing, and other recreational opportunities as determined by the commission; and
WHEREAS, the unlocking state lands program will provide incentives for participating landowners to increase public access to state lands.

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

NEW SECTION. **Section 1. Credit for unlocking state lands program.** (1) A taxpayer is allowed a tax credit imposed by this chapter in the amount of \$500 for each qualified access to state land, as defined in 77-1-101.

(2) The maximum credit that a taxpayer may claim in a year under this section is \$2,000.

(3) For purposes of this section, "qualified access to state land" means an access established through a taxpayer's property to a parcel of state land for recreational use and certified by the department of fish, wildlife, and parks pursuant to [section 2].

NEW SECTION. **Section 2. Unlocking state lands program -- purpose -- commission rulemaking authority.** (1) The legislature finds that increasing access to public lands will provide additional opportunities for activities such as hunting, fishing, wildlife viewing, and other recreational activities as determined by the commission.

(2) The department may establish and administer a voluntary program to encourage access through



1 private land to parcels not previously deemed legally accessible to be known as the unlocking state lands
2 program. The department shall certify qualified access to state lands by participating private landowners for a tax
3 credit pursuant to [section 1].

4 (3) A tax credit is not allowed in the unlocking state lands program if outfitting or commercial hunting
5 restricts public hunting opportunities.

6 (4) A contract for participation in the unlocking state lands program is established through a cooperative
7 agreement between the landowner and the department that guarantees reasonable access to state land. This
8 contract serves as certification for the tax credit identified in [section 1].

9 (5) The commission shall develop rules under this section for:

10 (a) administering the tax credit;

11 (b) duration of access;

12 (c) types of qualified access; and

13 (d) reasonable landowner-imposed limitations.

14 (6) The department shall provide public notice of any available qualified access to state land established
15 through the unlocking state lands program.

16 (7) Recreational users of access established by the unlocking state lands program shall remain in the
17 prescribed access route as defined by the contract in subsection (4).

18 (8) For purposes of this section, "parcels not previously deemed legally accessible" means state land
19 that cannot be accessed by:

20 (a) public road, right-of-way, or easement;

21 (b) public waters;

22 (c) adjacent federal, state, county, or municipal land that is not open to public use; or

23 (d) adjacent private land where the landowner has not granted permission to cross.

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25 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an
26 integral part of Title 15, chapter 30, part 23, and the provisions of Title 15, chapter 30, part 23, apply to [section
27 1].

28 (2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the
29 provisions of Title 87, chapter 1, part 2, apply to [section 2].

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