

## 1 HOUSE BILL NO. 97

2 INTRODUCED BY D. LOGE

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM PAYMENT A LANDOWNER WHO  
6 PARTICIPATES IN THE HUNTER MANAGEMENT OR HUNTING ACCESS ENHANCEMENT PROGRAMS MAY  
7 RECEIVE; AMENDING SECTION 87-1-267, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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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) (A) 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 (B) BY INCREASING THE MAXIMUM PAYMENT TO \$15,000 ON [THE EFFECTIVE DATE OF THIS ACT], IT IS THE  
27 LEGISLATURE'S INTENT TO PROVIDE THE OPPORTUNITY FOR THE COMMISSION TO INCREASE PAYMENTS MADE TO  
28 LANDOWNERS ON A PER-HUNTER-DAY OR EQUIVALENT BASIS BY \$2 DOLLARS PER YEAR.

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

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2           NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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