

SENATE BILL NO. 341

INTRODUCED BY M. BLASDEL, K. BOGNER, E. BUTTREY, M. CUFFE, S. FITZPATRICK, P. FLOWERS, W. GALT, F. GARNER, B. GILLESPIE, G. HERTZ, M. HOPKINS, D. HOWARD, T. JACOBSON, D. KARY, K. REGIER, M. REGIER, S. SALES, D. SALOMON, R. SHAW, D. SKEES, C. SMITH, F. THOMAS, R. WEBB, J. WELBORN, D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE ISSUANCE OF PUBLIC ACCESS LAND AGREEMENTS; PROVIDING RULEMAKING AUTHORITY; CREATING THE PRIVATE LAND/PUBLIC WILDLIFE ADVISORY COMMITTEE AND ASSIGNING DUTIES; AMENDING SECTION 87-1-269, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the public access land agreement program is a voluntary, incentive-based program; and WHEREAS, Montana contains approximately 1.52 million acres of inaccessible federal land; and WHEREAS, these lands are owned by the American people and are managed by public agencies; and WHEREAS, isolated parcels are wholly enclosed by private land holdings through which no legal public road or trail passes; and

WHEREAS, more than 70% of western hunters depend on public lands for some or all of their access to hunting opportunities; and

WHEREAS, hunting, fishing, and outdoor recreation traditions are integral to many Montanans' way of life.

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

NEW SECTION. Section 1. Public access land agreement -- terms -- application fee. (1) A public access land agreement may be granted only to a landowner who is providing access across the landowner's land to public land that is leased by the landowner or to public land for which there is no leaseholder.

(2) The department shall negotiate the terms of a proposed public access land agreement with the landowner. Negotiable terms include:

- (a) the amount of compensation and the duration of the agreement;
(b) improvements to the land provided by the department that may facilitate public access;



- 1 (c) the location of the access and the transportation mode by which the public may use the access;
- 2 (d) time periods when the access may and may not be used; and
- 3 (e) penalties for trespassing on private land not covered by the agreement.

4 (3) The private land/public wildlife advisory committee appointed pursuant to 87-1-269 shall review
 5 proposed public access land agreements and make recommendations to the department. The department shall
 6 consider the recommendations when issuing agreements.

7 (4) The department may revoke a public access land agreement for a violation of the terms of the
 8 agreement.

9 (5) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies
 10 to a landowner who holds a public access land agreement.

11 (6) (a) A landowner who proposes a public access land agreement to the department shall pay a \$5
 12 application fee.

13 (b) All application fees must be deposited in the department's general license account.

14
 15 **NEW SECTION. Section 2. Funding agreement limits -- administrative costs.** (1) (a) Up to \$1 million
 16 each biennium may be used for public access land agreements.

17 (b) The total of annual payments to a single owner for a public access land agreement may not exceed
 18 \$15,000. A public access land agreement may not include land for which the landowner is also compensated
 19 pursuant to 76-17-102, ~~87-1-265~~, or 87-1-294.

20 (2) The department may expend up to 10% of funds available pursuant to this section to pay costs
 21 incurred by the department for administering [sections 1 and 2] and providing support to the private land/public
 22 wildlife advisory committee, including but not limited to contracting with a state agency for negotiating public
 23 access land agreements.

24
 25 **NEW SECTION. SECTION 3. RULEMAKING AUTHORITY. THE DEPARTMENT MAY ADOPT RULES TO IMPLEMENT**
 26 **THE PROVISIONS OF [SECTIONS 1 AND 2].**

27
 28 **Section 4.** Section 87-1-269, MCA, is amended to read:
 29 **"87-1-269. Report required -- review committee Private land/public wildlife advisory committee**
 30 **-- duties -- reports.** (1) ~~The governor shall appoint a~~ There is a private land/public wildlife advisory committee

1 composed of persons interested in issues related to hunters, anglers, landowners, and outfitters, including but
 2 not limited to the hunting access enhancement program, the fishing access enhancement program,
 3 landowner-hunter relations, outfitting industry issues, public access land agreements, and other issues related
 4 to private lands and public wildlife. The committee must have broad representation of landowners, outfitters, and
 5 sportspersons. The department may provide administrative assistance as necessary to assist the review private
 6 land/public wildlife advisory committee.

7 ~~(2)(a) Except as provided in subsection (2)(b), the~~ THE governor shall appoint the members of the private
 8 land/public wildlife advisory committee.

9 ~~(b) The president of the senate and the speaker of the house shall each appoint a member to the~~
 10 committee.

11 ~~(2)(3)~~ (a) The review private land/public wildlife advisory committee shall report to the governor and to
 12 each legislature, in accordance with 5-11-210, regarding the success of various elements of the hunting access
 13 enhancement program, including a report of annual landowner participation, the number of acres annually
 14 enrolled in the program, hunter harvest success on enrolled lands, the number of qualified applicants who were
 15 denied enrollment because of a shortfall in funding, and an accounting of program expenditures, and make
 16 recommendations for funding, modification, or improvement needed to achieve the objectives of the program.
 17 The department shall provide fiscal analyses of all hunting access enhancement program funding sources to the
 18 review committee for review and recommendations.

19 (b) The review private land/public wildlife advisory committee shall report to the governor and to each
 20 legislature, in accordance with 5-11-210, regarding the success of the fishing access enhancement program and
 21 make recommendations for funding, modification, or improvement needed to achieve the objectives of the
 22 program. The department shall provide fiscal analyses of all fishing access enhancement program funding
 23 sources to the review committee for review and recommendations.

24 ~~(3)(4)~~ The private land/public wildlife advisory committee shall review public access land agreement
 25 proposals pursuant to [section 1] and recommend to the department whether to grant public access land
 26 agreements.

27 ~~(5)~~ The director may appoint additional advisory committees that are considered necessary to assist in
 28 the implementation of the hunting access enhancement program, public access land agreements, and the fishing
 29 access enhancement program and to advise the commission regarding the development of rules implementing
 30 the hunting access enhancement program, public access land agreements, and the fishing access enhancement

1 program."

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3 NEW SECTION. Section 5. Codification instruction. [Sections 1 ~~and 2~~ THROUGH 3] are intended to
4 be codified as an integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to [sections
5 1 ~~and 2~~ THROUGH 3].

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7 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2019.

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