

SENATE BILL NO. 283

INTRODUCED BY J. COHENOUR

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING GUIDELINES FOR DISSEMINATING EXACT COORDINATE LOCATION DATA FOR FISH AND WILDLIFE; PROVIDING EXEMPTIONS FOR LANDOWNERS AND SCIENTIFIC RESEARCH; ALLOWING APPEALS; REQUIRING RULEMAKING; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Sensitive wildlife data -- legislative findings -- rulemaking -- exemptions.** (1) The legislature finds that:

(a) the commission is charged under 87-1-301 with the protection, preservation, management, and propagation of fish and wildlife in Montana;

(b) the release of exact coordinate location data for some fish and wildlife could impair the ability of the commission to meet its obligations under 87-1-301; and

(c) there is a need to balance the public's right to information with the duty of the state to protect fish and wildlife held in the public trust.

(2) The commission shall adopt rules related to requests to the department for fish and wildlife location data. Protected information may include but is not limited to wildlife locations, den and nest sites, spawning locations, congregation areas, courtship display grounds, and harvest locations.

(3) Exact coordinate data may be released if requested by:

(a) the landowner upon whose land the wildlife is located;

(b) an entity that may exercise of the right of eminent domain pursuant to Title 70, chapter 30, on the land where the wildlife is located; or

(c) a person who demonstrates to the department that the use of the data for scientific purposes will not harm the wildlife.

(4) A person whose request for exact coordination data is denied may request a hearing pursuant to 2-4-604. The determination of the department may be appealed to the commission.



1 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
2 integral part of Title 87, chapter 1, part 3, and the provisions of Title 87, chapter 1, part 3, apply to [section 1].

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4 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2019.

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