



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:

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

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

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

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

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

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

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

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

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

Section 3. Rulemaking authority. The department may adopt rules to implement the provisions of [sections 1 and 2].

Section 4. Section 87-1-269, MCA, is amended to read:

"87-1-269. Report required -- review committee Private land/public wildlife advisory committee -- duties -- reports. (1) ~~The governor shall appoint a~~ There is a private land/public wildlife advisory committee composed of persons interested in issues related to hunters, anglers, landowners, and outfitters, including but not limited to the hunting access enhancement program, the fishing access enhancement program,

landowner-hunter relations, outfitting industry issues, public access land agreements, and other issues related to private lands and public wildlife. The committee must have broad representation of landowners, outfitters, and sportspersons. The department may provide administrative assistance as necessary to assist the review private land/public wildlife advisory committee.

(2) The governor shall appoint the members of the private land/public wildlife advisory committee.

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

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

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

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

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

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

- END -

I hereby certify that the within bill,
SB 0341, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2019.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 341

INTRODUCED BY M. BLASDEL, K. BOGNER, E. BUTTREY, M. CUFFE, S. FITZPATRICK, P. FLOWERS,
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