

1 SENATE BILL NO. 58

2 INTRODUCED BY S. HINEBAUCH

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

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM ANNUAL BLOCK MANAGEMENT
6 PROGRAM ALLOWABLE PAYMENT TO LANDOWNERS; AMENDING SECTION 87-1-265, MCA; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 87-1-265, MCA, is amended to read:

12 **"87-1-265. Hunting access programs -- block management program -- private landowner**
13 **assistance -- rules -- restriction on landowner liability.** (1) There is established a block management
14 program administered by the department to provide landowner assistance that encourages public access to
15 private and public lands for hunting purposes.

16 (2) The department may also develop and administer alternative programs to the block
17 management program that are designed to promote public access to private and public lands for hunting
18 purposes.

19 (3) Participation in a hunting access program established under this section is voluntary. A lease,
20 acquisition, or other arrangement for public access to or across private property for hunting purposes must be
21 negotiated through a cooperative agreement between the landowner and the department that will guarantee
22 reasonable access for public hunting. Landowners may also form a voluntary association when development of
23 a unified cooperative agreement is advantageous. A cooperative agreement must contain a detailed description
24 of the conditions for use of the private property, including but 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.

1 (4) Private land is not eligible for inclusion in a hunting access program if outfitting, commercial
2 hunting, or fees charged for private hunting access unreasonably restrict public hunting opportunities.

3 (5) If the department determines that an agreement may adversely influence game management
4 decisions or wildlife habitat on public lands, then other public land agencies, interested sportspersons, and
5 affected landowners must be consulted. An affected landowner's management goals and personal observations
6 regarding game populations and habitat use must be considered in development of the agreement.

7 (6) The commission may adopt rules to implement the provisions of this section, including but not
8 limited to rules that determine tangible benefits to be provided to a landowner who participates in a hunting
9 access program. Benefits are intended to offset potential impacts associated with public hunting access,
10 including but not limited to those associated with general ranch maintenance, conservation efforts, weed
11 control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors used in
12 determining benefits may include but are not limited to:

13 (a) the number of days of public hunting provided by a participating landowner;

14 (b) wildlife habitat provided;

15 (c) resident game populations;

16 (d) number, sex, and species of animals taken; and

17 (e) access provided to adjacent public lands.

18 (7) (a) Benefits earned by a landowner who participates in a hunting access program may include
19 but are not limited to those applied in the manner described in subsections (7)(b) and (7)(c).

20 (b) A landowner may receive direct payments:

21 (i) for weed control or may direct payments to be made directly to the county weed control board;

22 (ii) for fire protection or may direct fire protection payments to be made to the local fire district or

23 the county where the landowner resides; and

24 (iii) to offset insurance costs incurred for allowing public hunting access.

25 (c) The department may provide assistance in the construction and maintenance of roads, gates,
26 and parking facilities and in the signing of property.

27 (8) (a) Except as provided in 87-1-264 and subsection (8)(b) of this section, payments to a
28 landowner who participates in a hunting access program through an annual agreement may not exceed

1 ~~\$25,000~~ \$50,000 per a year.

2 (b) Each landowner who participates in a unified cooperative agreement pursuant to subsection (3)
3 may be eligible for payments not to exceed ~~\$25,000~~ \$50,000 per a year.

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

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

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