

1 HOUSE BILL NO. 885
2 INTRODUCED BY K. SULLIVAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PUBLIC LAND ACCESS LAWS; REVISING LANDS
5 THAT ARE ELIGIBLE TO BE GRANTED A PUBLIC LAND ACCESS AGREEMENT; PROVIDING AN
6 OBJECTION PROCESS FOR STATE LAND LEASEHOLDERS; AND AMENDING SECTION 87-1-295, MCA."

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

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10 **Section 1.** Section 87-1-295, MCA, is amended to read:

11 **"87-1-295. Public access land agreement -- terms -- application fee.** (1) A public access land
12 agreement may be granted only to a landowner who is providing access across the landowner's land to public
13 land ~~that is leased by the landowner or to public land for which there is no leaseholder~~. An agreement may not
14 include land for which the landowner is also compensated pursuant to 76-17-102 or 87-1-294.

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

- 17 (a) the amount of compensation, not to exceed \$15,000 annually, and the duration of the agreement;
- 18 (b) improvements to the land provided by the department that may facilitate public access;
- 19 (c) the location of the access and the transportation mode by which the public may use the access;
- 20 (d) time periods when the access may and may not be used; and
- 21 (e) penalties for trespassing on private land not covered by the agreement.

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

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

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

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

3 (b) All application fees and filing fees pursuant to subsection (7) must be deposited in the
4 department's general license account and used for the purpose of establishing public access land agreements.
5 At the end of each fiscal year, application revenue that remains unobligated is available to the department for
6 any purpose pursuant to 87-1-201(3).

7 (7) (a) After paying a \$100 filing fee, a state land leaseholder may file an objection to a public land
8 access agreement held by another landowner who opens access to leased state lands.

9 (b) Objections filed under this subsection (7) must:

10 (i) prove why exclusive access to leased state lands is necessary for the leaseholder; and

11 (ii) be decided on by the private land/public wildlife advisory committee appointed pursuant to 87-
12 1-269.

13 ~~(7)~~(8) The department may adopt rules to implement the provisions of this section."

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