

## PUBLIC RECREATIONAL ACCESS

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** This primer on public recreational access includes bills related to hunting, fishing, recreational, stream, and road access because public access points, regardless of a particular designation, (e.g., fishing access site, wildlife management area, school trust land) may be utilized by any type of recreationalist, and roads are often used to get there.

Certain access subtopics dominate some legislative sessions. The focus in 2009 was stream access. Road access played heavily in 2015. In the last six sessions, legislators introduced the most bills related to access in 2019, including bills related to access easements, incentivizing private landowners to provide public access for recreational activities, and assessing fees to use fishing access sites and state parks and for motorized recreation.

### Other Materials:

- House Joint Resolution No. 13 (2015): [Roads, Land, & Big Game Harvest](#) (final report); [interactive map](#) and [instructions for use](#)
- Environmental Quality Council [hunting access program evaluation](#), January 2016
- Hunter access enhancement program [biennial report](#), January 2017
- [Montana Public Lands Access Network](#) (MT-PLAN)
- [Stream Access in Montana](#), Department of Fish Wildlife and Parks
- [Montana stream access law](#) (Title 23, chapter 2, part 3)

## Introduced Legislation

2019

[House Bill No. 207](#) -- (H) Died in Process -- AN ACT ALLOWING COUNTY COMMISSIONERS TO REVIEW PROPOSALS CONCERNING FEDERAL RIGHTS-OF-WAY; AND AMENDING SECTION 7-14-2103, MCA.

[House Bill No. 243](#) -- Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO THE OFF-HIGHWAY VEHICLE GRANT PROGRAM; REORGANIZING PROVISIONS; ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO REQUIRE A MATCH; ESTABLISHING A DISTRIBUTION SCHEDULE; AMENDING SECTION 60-3-201, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 265](#) - Vetoed by Governor -- AN ACT CLARIFYING THE APPROVAL PROCESS FOR LAND-RELATED ACQUISITIONS BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; REQUIRING CERTAIN EASEMENTS TO BE APPROVED BY THE BOARD OF LAND COMMISSIONERS; AND AMENDING SECTION 87-1-209, MCA.

[House Bill No. 301](#) -- (S) Died in Standing Committee -- AN ACT ESTABLISHING REQUIREMENTS FOR THE USE OF CERTAIN FISHING ACCESS SITES; REQUIRING THE PURCHASE OF A WILDLIFE CONSERVATION LICENSE AND THE DISPLAY OF A PARKING PASS OR PAYMENT OF A DAY USE FEE; PROVIDING PENALTIES; ELIMINATING THE LIGHT MOTOR VEHICLE REGISTRATION FEE FOR FISHING ACCESS SITES; AMENDING SECTION SECTIONS 23-1-105 AND 61-3-321, MCA; AND PROVIDING AN EFFECTIVE DATE EFFECTIVE DATES.

[House Bill No. 355](#) -- Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO MOTORIZED RECREATION; ESTABLISHING THE SUMMER MOTORIZED RECREATION TRAIL GRANT PROGRAM; ESTABLISHING A SUMMER MOTORIZED RECREATION TRAIL PASS FOR RESIDENTS; ESTABLISHING THE SUMMER MOTORIZED RECREATION TRAIL PASS ACCOUNT; PROVIDING GRANTS; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; REVISING NONRESIDENT TEMPORARY-USE SNOWMOBILE PERMIT FEES; REVISING SNOWMOBILE TRAIL PASS FEES; REVISING NONRESIDENT TEMPORARY USE PERMIT FEES FOR OFF-HIGHWAY VEHICLES; ALLOWING DISCOUNTED REGISTRATION OF CERTAIN OFF-HIGHWAY VEHICLES, MOTORCYCLES, QUADRICYCLES, AND SNOWMOBILES; AND AMENDING SECTIONS 23-2-101, 23-2-102, 23-2-103, 23-2-615, 23-2-636, 23-2-814, AND 61-3-321, MCA.

[House Bill No. 552](#) -- (H) Died in Process -- AN ACT REVISING LAWS RELATED TO TRAPPING SETBACKS; REVISING CERTAIN SETBACKS FOR TRAPPING ON PUBLIC LANDS; PROVIDING RULEMAKING AUTHORITY; PROVIDING PENALTIES; AMENDING SECTION SECTIONS 87-1-301 AND 87-6-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 585](#) -- Chapter Number Assigned -- AN ACT REQUIRING LEGISLATIVE APPROVAL FOR DIVESTITURE OF STATE PARK LAND; PROVIDING EXCEPTIONS; DEFINING "AFFILIATED LANDS"; AND AMENDING SECTION 23-1-111, MCA.

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[House Bill No. 695](#) -- Chapter Number Assigned -- AN ACT PROVIDING AN APPROPRIATION TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO PURCHASE A RECREATION EASEMENT AT BIG ARM STATE PARK; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 739](#) -- (H) Died in Process -- AN ACT REQUIRING THE LIGHT MOTOR VEHICLE REGISTRATION FEE FOR STATE PARKS, FISHING ACCESS SITES, AND STATE-OWNED PROPERTIES TO BE PAID ON ALL REGISTRATIONS; AMENDING SECTIONS 23-1-105 AND 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[House Bill No. 760](#) -- (H) Died in Standing Committee -- AN ACT ESTABLISHING A STAKEHOLDER PANEL FOR MULTIPLE-USE TRAVEL ON STATE LANDS; PROVIDING PANEL DUTIES AND REQUIREMENTS; PROVIDING AN APPROPRIATION FOR PANEL FUNCTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

[Senate Bill No. 24](#) -- Chapter Number Assigned -- AN ACT INCREASING THE LIGHT MOTOR VEHICLE REGISTRATION FEE FOR STATE PARKS, FISHING ACCESS SITES, AND TRAILS AND RECREATIONAL FACILITIES; CREATING THE TRAILS AND RECREATIONAL FACILITIES ACCOUNT AND GRANT PROGRAM; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[Senate Bill No. 70](#) -- Chapter Number Assigned -- AN ACT REMOVING HEADWATERS STATE PARK AS A PRIMITIVE PARK; AND AMENDING SECTIONS 23-1-116 AND 23-1-118, MCA.

[Senate Bill No. 242](#) -- (S) Died in Standing Committee -- AN ACT REVISING FEE STRUCTURE FOR STATE PARKS, FISHING ACCESS SITES, AND STATE-OWNED PROPERTIES; ESTABLISHING A WINDSHIELD DECAL FOR PURCHASE; ELIMINATING THE OPT-OUT LIGHT VEHICLE REGISTRATION FEE; AND AMENDING SECTIONS 23-1-105 AND 61-3-321, MCA.

[Senate Bill No. 301](#) -- (S) Died in Standing Committee -- AN ACT PROVIDING THAT A COUNTY COMMISSION SHALL GIVE WRITTEN APPROVAL BEFORE A PUBLIC ROAD THAT ACCESSES PUBLIC LANDS IS ABANDONED, VACATED, OR CLOSED.

[Senate Bill No. 341](#) -- Chapter Number Assigned -- 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.

[Senate Bill No. 361](#) -- (S) Died in Standing Committee -- AN ACT ALLOWING THE ISSUANCE OF PUBLIC ACCESS LAND AGREEMENTS; CREATING THE PRIVATE LAND/PUBLIC WILDLIFE ADVISORY COMMITTEE AND ASSIGNING DUTIES; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AMENDING SECTION 87-1-269, MCA; AND PROVIDING AN EFFECTIVE DATE.

**2017**

[House Bill No. 96](#) -- (H) Died in Process -- AN ACT REVISING LAWS RELATED TO THE ISSUANCE OF FREE ELK HUNTING LICENSES AND PERMITS TO LANDOWNERS WHO OFFER FREE PUBLIC ELK HUNTING;

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AMENDING SECTION 87-2-513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

[House Bill No. 97](#) – Chapter Number Assigned -- AN ACT INCREASING THE MAXIMUM PAYMENT A LANDOWNER WHO PARTICIPATES IN THE HUNTER MANAGEMENT OR HUNTING ACCESS ENHANCEMENT PROGRAMS MAY RECEIVE; AMENDING SECTION 87-1-267, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 204](#) – (H) Died in Standing Committee -- AN ACT REVISING FISHING ACCESS MAINTENANCE LAWS RELATED TO VESSELS; REQUIRING A FISHING ACCESS SITE MAINTENANCE DECAL FOR EACH VESSEL OPERATED IN MONTANA; ESTABLISHING FEES AND USES OF REVENUE; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 243](#) – (H) Died in Standing Committee -- AN ACT REGULATING THE USE OF CERTAIN STATE TRUST LAND FOR HUNTING, FISHING, AND TRAPPING; PROHIBITING AN OUTFITTER FROM HUNTING, FISHING, OR TRAPPING ON STATE TRUST LAND NOT LEGALLY ACCESSIBLE; PROHIBITING A LESSEE FROM ALLOWING ACCESS BY AN OUTFITTER TO STATE TRUST LAND NOT LEGALLY ACCESSIBLE; PROVIDING PENALTIES; REQUIRING GAME WARDENS TO ENFORCE PROVISIONS OF THIS ACT; PROVIDING THAT FINES COLLECTED UNDER THIS ACT ARE DEPOSITED IN THE GENERAL FUND; AND AMENDING SECTIONS 77-1-101, 87-1-504, AND 87-1-601, MCA.

[House Bill No. 295](#) – (H) Died in Standing Committee -- AN ACT REVISING LAWS GOVERNING COUNTY ROAD ENCROACHMENTS BY PROVIDING THAT A LOCKED GATE IS AN ENCROACHMENT, ALLOWING ISSUANCE OF A PERMIT FOR CERTAIN ENCROACHMENTS, AND INCREASING THE FINE FOR FAILURE TO REMOVE AN ENCROACHMENT; AND AMENDING SECTIONS 7-14-2134 AND 7-14-2136, MCA.

[House Bill No. 319](#) – (H) Died in Standing Committee -- AN ACT REVISING COUNTY COMMISSION AUTHORITY RELATED TO PUBLIC ROADS; ALLOWING CERTAIN ROADS TO BE DESIGNATED A PUBLIC ROAD IF A PETITION IS SUBMITTED AND A PRESUMPTION THAT THE ROAD IS PUBLIC IS NOT REBUTTED; REQUIRING PUBLIC HEARINGS; ALLOWING FOR JUDICIAL REVIEW OF A DECISION BY A BOARD OF COUNTY COMMISSIONERS TO DESIGNATE A ROAD AS A PUBLIC ROAD; REQUIRING THE BOARD TO DETERMINE THE SCOPE OF MAINTENANCE AND DECIDE HOW MAINTENANCE WILL OCCUR; PROVIDING DEFINITIONS; AND AMENDING SECTION 7-14-2101, MCA.

[House Bill No. 414](#) – (H) Died in Standing Committee -- AN ACT PROVIDING FOR THE ENHANCEMENT OF ACCESS TO SURFACE WATERS CAPABLE OF RECREATIONAL USE DURING DEPARTMENT OF TRANSPORTATION CONSTRUCTION PROJECTS; REQUIRING A FIELD REVIEW; PROVIDING GUIDELINES; ESTABLISHING AN ACCESS ENHANCEMENT ADVISORY COUNCIL; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 498](#) – Chapter Number Assigned -- AN ACT EXTENDING THE UNLOCKING PUBLIC LANDS PROGRAM; AND AMENDING SECTION 6, CHAPTER 346, LAWS OF 2013, AND SECTION 3, CHAPTER 392, LAWS OF 2015.

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[House Bill No. 434](#) – Chapter Number Assigned -- AN ACT CREATING THE MONTANA WILDLIFE HABITAT IMPROVEMENT ACT; ALLOWING THE USE OF FEDERAL FUNDS TO COMBAT NOXIOUS WEEDS AND RESTORE WILDLIFE HABITAT; ESTABLISHING A WILDLIFE HABITAT IMPROVEMENT ADVISORY COUNCIL; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

[House Bill No. 575](#) – (H) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO THE USE OF FISHING ACCESS SITES AND WILDLIFE MANAGEMENT AREAS; ESTABLISHING THE FISH AND WILDLIFE RECREATION ACCESS PASS; ESTABLISHING FEES AND USES OF REVENUE; ESTABLISHING THE COUNTY REIMBURSEMENT GRANT ACCOUNT; PROVIDING RULEMAKING AUTHORITY; PROVIDING STATUTORY APPROPRIATIONS; PROVIDING PENALTIES; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 597](#) – Chapter Number Assigned - AN ACT CREATING THE MONTANA PUBLIC LAND ACCESS NETWORK GRANT PROGRAM; AUTHORIZING DONATIONS; CREATING THE MONTANA PUBLIC LAND ACCESS NETWORK ACCOUNT; AUTHORIZING DISBURSEMENTS; REQUIRING BOARD OF LAND COMMISSIONER APPROVAL; REQUIRING ACCESS EASEMENTS TO BE HELD AND ENFORCED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; EXCLUDING PAYMENTS FOR ACCESS FROM ADJUSTED GROSS INCOME; PROVIDING A STATUTORY APPROPRIATION; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-30-2110, 17-1-508, 17-7-502, AND 87-2-903, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

[House Bill 651](#) – (H) Died in Progress - AN ACT REVISING LAWS RELATED TO PUBLIC ACCESS PROJECTS; CREATING A PUBLIC LANDS ACCESS ADVOCATE; PROVIDING DUTIES; REVISING USE OF WILDLIFE HABITAT FUNDING; PROVIDING AN APPROPRIATION; AMENDING SECTIONS SECTION 77-1-202 AND 87-1-242, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 262](#) – (S) Died in Standing Committee -- AN ACT PROHIBITING THE RESTRICTION OF PUBLIC ACCESS ON CERTAIN ROADS OR RIGHTS-OF-WAY USED BY THE PUBLIC UNLESS CERTAIN REQUIREMENTS ARE MET.

[Senate Joint Resolution No. 22](#) – (S) Bill Not Heard at Sponsor's Request -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WAYS TO PROVIDE ACCESS TO PUBLIC LANDS THROUGH LEGAL MEANS WHILE PROTECTING PRIVATE PROPERTY RIGHTS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 66TH LEGISLATURE.

## 2015

[House Bill No. 82](#) – Chapter Number Assigned -- AN ACT ALLOWING DEVELOPMENT OF A BOAT DOCK AT WILD HORSE ISLAND STATE PARK; AND AMENDING SECTION 77-1-405, MCA.

[House Bill No. 269](#) – (S) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO THE HUNTING ACCESS ENHANCEMENT PROGRAM; INCREASING THE RESIDENT HUNTING ACCESS ENHANCEMENT FEE; INCREASING PAYMENT LIMITS FOR PARTICIPATING LANDOWNERS; AMENDING SECTIONS 87-1-267 AND 87-2-202, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

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[House Bill No. 286](#) – (H) Missed Deadline for General Bill Transmittal -- AN ACT PROHIBITING THE RESTRICTION OF PUBLIC ACCESS ON CERTAIN ROADS OR RIGHTS-OF-WAY USED BY THE PUBLIC UNLESS CERTAIN REQUIREMENTS ARE MET.

[House Bill No. 304](#) – (H) Missed Deadline for Revenue Bill Transmittal -- AN ACT REVISING LAWS GOVERNING ENCROACHMENTS AND OBSTRUCTIONS ON COUNTY ROADS; PROVIDING THAT A LOCKED GATE IS CONSIDERED TO BE AN OBSTRUCTION; INCREASING THE PENALTY FOR FAILURE TO REMOVE AN ENCROACHMENT; REQUIRING THAT THE PENALTY BE PAID INTO THE GENERAL FUND OF THE COUNTY; AND AMENDING SECTIONS 7-14-2133, 7-14-2136, AND 7-14-2137, MCA.

[House Bill No. 352](#) – (H) Missed Deadline for Revenue Bill Transmittal -- AN ACT REGULATING THE USE OF CERTAIN STATE TRUST LAND FOR HUNTING, FISHING, AND TRAPPING; PROHIBITING AN OUTFITTER FROM HUNTING, FISHING, OR TRAPPING ON STATE LAND NOT LEGALLY ACCESSIBLE; PROHIBITING A LESSEE FROM ALLOWING ACCESS BY AN OUTFITTER TO STATE TRUST LAND NOT LEGALLY ACCESSIBLE; PROVIDING PENALTIES; REQUIRING GAME WARDENS TO ENFORCE PROVISIONS OF THIS ACT; PROVIDING THAT FINES COLLECTED UNDER THIS ACT ARE DEPOSITED IN THE GENERAL FUND; AND AMENDING SECTIONS 77-1-101, 77-1-801, 87-1-504, AND 87-1-601, MCA.

[House Bill No. 467](#) – (H) Missed Deadline for General Bill Transmittal -- AN ACT REVISING LAWS GOVERNING PRIVATE ROADS; CLARIFYING THAT CERTAIN MARKERS INSTALLED ON A PRIVATE ROAD MAY NOT BE CONSIDERED TO BE ENCROACHMENTS; CLARIFYING THAT A PERSON WHOSE PRIVATE ROAD IS DAMAGED BY ANOTHER PERSON MAY COMMENCE AN ACTION; CLARIFYING THAT PUBLIC ACCESS MAY NOT BE GRANTED ON A PRIVATE ROAD WITH MULTIPLE OWNERS UNLESS ALL OF THE OWNERS AGREE; AND AMENDING SECTIONS 7-14-2134, 27-2-208, AND 45-6-201, MCA.

[House Bill No. 496](#) – (H) Vetoed by Governor -- AN ACT ESTABLISHING THE PUBLIC LAND TASK FORCE TO STUDY THE MANAGEMENT RESPONSIBILITY FOR PUBLIC LAND CURRENTLY ADMINISTERED BY THE STATE OF MONTANA OR THE UNITED STATES, EXCEPT FOR CONGRESSIONALLY DESIGNATED WILDERNESS AREAS AND NATIONAL PARKS; REQUIRING A FINAL REPORT; APPROPRIATING FUNDS; PROVIDING EFFECTIVE DATES; AND PROVIDING A TERMINATION DATE.

[House Joint Resolution No. 13](#) – (H) Filed with Secretary of State -- A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ROADS ON FEDERAL LAND, FEDERAL LAND PARCELS THAT ARE SURROUNDED BY PRIVATE LAND, AND THE EFFECTS OF DIMINISHED ACCESS ON RECREATIONAL OPPORTUNITIES.

[Senate Bill No. 232](#) – Chapter Number Assigned -- AN ACT REVISING STREAM ACCESS LAWS ONLY TO REFLECT THE MAJORITY OPINION OF THE SUPREME COURT IN THE 1987 GALT DECISION; AMENDING SECTIONS 23-2-302 AND 23-2-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 309](#) – Chapter Number Assigned -- AN ACT REVISING THE UNLOCKING STATE LANDS PROGRAM TO INCLUDE SPECIFIC FEDERAL LAND; INCREASING THE TAX CREDIT FOR QUALIFIED ACCESS; REVISING CRITERIA FOR PROGRAM PARTICIPATION; AMENDING SECTIONS 15-30-2380 AND 87-1-294, MCA; AMENDING SECTION 6, CHAPTER 346, LAWS OF 2013; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE.

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[Senate Bill No. 326](#) – Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO RECREATIONAL USE OF STATE LANDS; REQUIRING PUBLIC NOTICE PRIOR TO LAND CLOSURES AND RESTRICTIONS ON GENERAL RECREATIONAL USE; SETTING CAMPING LIMITS; PROVIDING RULEMAKING AUTHORITY; REQUIRING REPORTING TO THE ENVIRONMENTAL QUALITY COUNCIL; AMENDING SECTION 77-1-804, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

### 2013

[House Bill No. 235](#) – (H) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO TRESPASS; PROVIDING FOR AUTHORIZATION TO REMAIN LAWFULLY AT CORNER OF PARCELS; PROVIDING AUTHORIZATION TO CROSS PRIVATE LAND AT CORNER OF PARCELS; AND AMENDING SECTIONS 45-6-201 AND 77-1-806, MCA.

[House Bill No. 298](#) – (H) Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN INTERIM STUDY OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS' COMMUNICATION WITH LANDOWNERS AND RELATIONS BETWEEN THE DEPARTMENT, LANDOWNERS, AND HUNTERS; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

[House Bill No. 404](#) – (S) Died in Process -- AN ACT PROVIDING FUNDING FOR BLOCK MANAGEMENT PROGRAMS FROM THE FEE FOR WILDLIFE HABITAT; PROVIDING THAT A PORTION OF HUNTING LICENSE FEES BE ALLOCATED TO THE HUNTING ACCESS ACCOUNT; AMENDING SECTIONS 87-1-230, 87-1-242, AND 87-1-290, MCA; AND PROVIDING A DELAYED AN EFFECTIVE DATE AND A TERMINATION DATE.

[House Bill No. 444](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING STATE LAND LAWS RELATED TO ACCESS; PROVIDING A TAX CREDIT FOR QUALIFIED ACCESS TO STATE LANDS; CREATING THE UNLOCKING STATE LANDS PROGRAM; DEFINING PARCELS NOT PREVIOUSLY DEEMED LEGALLY ACCESSIBLE; PROVIDING CRITERIA FOR PROGRAM PARTICIPATION; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING A DELAYED EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE.

### 2011

[House Bill No. 148](#) – (H) Died in Standing Committee -- AN ACT AUTHORIZING THE USE OF MOTOR VEHICLES TO RETRIEVE BIG GAME ANIMALS ON CERTAIN LANDS WHERE MOTORIZED VEHICLE USE IS OTHERWISE RESTRICTED; AND AMENDING SECTION 87-3-125, MCA.

House Bill No. 290 – (H) Died in Standing Committee -- N ACT PROHIBITING THE RESTRICTION OF PUBLIC ACCESS ON CERTAIN ROADS OR RIGHTS-OF-WAY USED BY THE PUBLIC UNLESS CERTAIN REQUIREMENTS ARE MET.

[House Bill No. 309](#) – (S) Died in Standing Committee -- AN ACT CLARIFYING THE PROHIBITION ON RECREATIONAL USE OF WATER DIVERTED FROM A NATURAL WATER BODY BY A CONSTRUCTED WATER CONVEYANCE SYSTEM; CLARIFYING THE DESCRIPTION OF A CONSTRUCTED WATER CONVEYANCE SYSTEM; REMOVING PROVISIONS OF STREAM ACCESS LAWS THAT HAVE BEEN

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DECLARED INVALID; AMENDING SECTIONS 23-2-301, 23-2-302, AND 23-2-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 405](#) – (S) Died in Standing Committee -- AN ACT CREATING THE FREEDOM TO FLOAT ACT; PROVIDING THAT A LANDOWNER OR OTHER PERSON MAY NOT CREATE ACROSS A STREAM OR RIVER A WIRE BARRIER THAT CREATES A HAZARD TO FLOATERS; PROVIDING A PENALTY; PROVIDING FOR REMOVAL OF A WIRE BARRIER UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 23-2-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 454](#) – (H) Died in Standing Committee -- AN ACT REQUIRING THAT AT LEAST 20% OF THE LANDS OR WATERS ACQUIRED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS BE MANAGED FOR MULTIPLE-USE PURPOSES; AMENDING SECTION 87-1-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

### 2009

[House Bill No. 26](#) – (H) Died in Standing Committee -- AN ACT PROVIDING FOR PUBLIC RECREATIONAL ACCESS TO STREAMS AND RIVERS FROM A COUNTY BRIDGE AND ITS RIGHT-OF-WAY; PROVIDING FOR THE ERECTION, MAINTENANCE, AND REPLACEMENT OF A LEGAL FENCE IN THE RIGHT-OF-WAY IF THE FENCE IS ATTACHED TO THE COUNTY BRIDGE; ALLOWING A BOARD OF COUNTY COMMISSIONERS TO CONDITION RECREATIONAL ACCESS AT COUNTY BRIDGES AND TO IMPOSE REASONABLE REQUIREMENTS ON A FENCE AND ON ATTACHMENT OF THE FENCE TO A COUNTY BRIDGE; PROVIDING FOR PUBLIC PAYMENT OF THE COSTS OF SPECIAL FENCING CONDITIONS; PROVIDING FOR PROPOSALS FOR THE IMPROVEMENT AND ENHANCEMENT OF RECREATIONAL ACCESS OVER OR THROUGH A LEGAL FENCE WITHIN THE RIGHT-OF-WAY AT A COUNTY BRIDGE; PROVIDING FOR APPEAL OF A DECISION OF A BOARD OF COUNTY COMMISSIONERS REGARDING RECREATIONAL ACCESS AT A COUNTY BRIDGE TO THE DISTRICT COURT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 137](#) – Chapter Number Assigned -- AN ACT REVISING LICENSE BENEFITS FOR LANDOWNERS ENROLLED IN THE HUNTER MANAGEMENT PROGRAM; ALLOWING EMPLOYEES OF LANDOWNERS TO RECEIVE THE FREE BIG GAME COMBINATION LICENSE ALLOTTED TO THE LANDOWNER; DEFINING "EMPLOYEE"; DELETING THE REQUIREMENT THAT THE COST OF A FREE LICENSE RECEIVED BY A LANDOWNER BE DEDUCTED FROM COMPENSATION PAID; AMENDING SECTION 87-1-266, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 190](#) – Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO ACCESS TO STATE WATERS FROM COUNTY ROADS AND BRIDGES; PROVIDING THAT A FENCE ATTACHED TO OR ABUTTING A COUNTY ROAD BRIDGE IS NOT CONSIDERED AN ENCROACHMENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR PUBLIC ACCESS TO SURFACE WATERS FOR RECREATIONAL USE FROM A COUNTY ROAD RIGHT-OF-WAY AND FROM A COUNTY BRIDGE, ITS RIGHT-OF-WAY, AND ITS ABUTMENTS; PROVIDING FOR PUBLIC PASSAGE TO SURFACE WATERS THROUGH COUNTY ROAD AND BRIDGE RIGHTS-OF-WAY WHILE MAINTAINING LIVESTOCK CONTROL OR PROPERTY MANAGEMENT; REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO NEGOTIATE WITH AFFECTED LANDOWNERS TO PROVIDE METHODS TO ENSURE PUBLIC PASSAGE TO SURFACE WATERS FOR



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RECREATIONAL PURPOSES WHILE MAINTAINING LIVESTOCK CONTROL OR PROPERTY MANAGEMENT; PROVIDING FOR PAYMENT OF THE COSTS OF ANY FENCE MODIFICATION NECESSARY TO PROVIDE FOR PUBLIC PASSAGE; AMENDING SECTION 7-14-2134, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 558](#) – (H) Died in Standing Committee -- AN ACT REVISING LAWS THAT ENHANCE FREE PUBLIC ACCESS TO PRIVATE LANDS FOR HUNTING; ESTABLISHING THE COMMUNITY HUNTING ACCESS PARTNERSHIP; ESTABLISHING THE COMMUNITY HUNTING ACCESS PARTNERSHIP ACCOUNT; PROVIDING FOR ADMINISTRATION, PARTICIPATION, AND COMPENSATION; LIMITING LANDOWNER LIABILITY; PROVIDING AN APPROPRIATION; GRANTING RULEMAKING AUTHORITY; INCREASING ANNUAL LANDOWNER PAYMENTS FROM THE HUNTING ACCESS ENHANCEMENT PROGRAM; AMENDING SECTIONS 87-1-264, 87-1-265, 87-1-267, 87-1-268, 87-1-269, 87-1-270, 87-1-271, AND 87-2-202, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill No. 314](#) – (S) Died in Standing Committee -- AN ACT DEFINING "NATURAL" AND "NATURAL WATER BODY" FOR PURPOSES OF THE LAW GOVERNING THE RECREATIONAL USE OF STREAMS; AMENDING SECTIONS 23-2-301 AND 23-2-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Prepared by Hope Stockwell, Research Analyst, 9/4/20