

HOUSE BILL 369

Introduced by Hanson, et al.

1/27	Introduced
1/27	Referred to Fish & Game
1/27	First Reading
1/27	Fiscal Note Requested
2/01	Fiscal Note Received
2/01	Fiscal Note Printed
2/09	Hearing
2/19	Committee Report--Bill Passed as Amended
2/20	2nd Reading Do Not Pass

House BILL NO. *369*

INTRODUCED BY

Matthew J. Hildart, Treasurer, Swissgood, Berlin, Ted Kelly, Mamm, R. Joe, M. Laffey

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROGRAM OF GRANTS FOR LANDOWNERS WHO PROVIDE HUNTING ACCESS TO THEIR PRIVATE PROPERTY; USING A PORTION OF WILDLIFE HABITAT ACQUISITION MONEY TO FUND THE PROGRAM; GRANTING THE FISH, WILDLIFE, AND PARKS COMMISSION RULEMAKING AUTHORITY TO PROVIDE PROPER ADMINISTRATION OF THE PROGRAM BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTION 87-1-242, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, wildlife and big game numbers are at an all-time high; and

WHEREAS, public access for hunting purposes is a matter of ongoing concern to private landowners and the hunting public.

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 2] requires the fish, wildlife, and parks commission to adopt rules for the proper administration of the landowner access program by the department of fish, wildlife, and parks. It is intended that rules address, at a minimum:

- (1) eligibility requirements for a grant;
- (2) the application process and forms;
- (3) grant procedures and amounts; and
- (4) any other rules that the commission considers necessary to provide incentive to Montana landowners, on a statewide basis and within available funding, to provide public access to the landowner's private land for hunting purposes.

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

Section 1. Section 87-1-242, MCA, is amended to read:

"87-1-242. (Temporary) Funding for wildlife habitat.

(1) The amount of money specified in this subsection from the sale of each hunting license or permit listed must be used exclusively by the commission to secure, develop, and maintain wildlife habitat, and to fund the landowner access program created under [section 2], subject to appropriation by the legislature.

- (a) Class B-10, nonresident combination, \$77;
- (b) Nonresident antelope, \$20;
- (c) Nonresident moose, \$20;
- (d) Nonresident mountain goat, \$20;
- (e) Nonresident mountain sheep, \$20;
- (f) Class D-1, nonresident mountain lion, \$20;
- (g) Nonresident black bear, \$20;

1 (h) Wild turkey nonresident, \$10;
 2 (i) Class AAA, sportsman's, \$7;
 3 (j) Class B-11 nonresident deer combination, \$200.
 4 (2) Twenty percent of any increase after March 1, 1988,
 5 in the fee for the Class B-7 license or any license or
 6 permit listed in subsection (1) must be allocated for use as
 7 provided in subsection (1).
 8 (3) (a) Eighty Forty percent of the money allocated by
 9 this section, together with the interest and income
 10 therefrom from the money, must be used to secure wildlife
 11 habitat pursuant to 87-1-209.
 12 (b) Forty percent of the money allocated by this
 13 section, together with the interest and income from the
 14 money, must be used to fund the landowner access program
 15 created under [section 2].
 16 (4) ~~{a}-Until March 1, 1991, 20% of the money allocated~~
 17 ~~by--this--section--must--be--credited--to--the--account--created--by~~
 18 ~~87-1-601(5)--for--use--in--the--manner--prescribed--therein--for--the~~
 19 ~~development--and--maintenance--of--real--property--used--for~~
 20 ~~wildlife--habitat--~~
 21 ~~{b}-On--and--after--March--1,--1991, 20%~~ Twenty percent of
 22 the money allocated by this section must be used as follows:
 23 ~~{i}{a}~~ up to 50% a year may be used for development and
 24 maintenance of real property used for wildlife habitat; and
 25 ~~{ii}{b}~~ the remainder and any money not allocated for

1 development and maintenance under subsection ~~{4}{b}{i}~~ (4)
 2 (a) by the end of each odd-numbered fiscal year must be
 3 credited to the account created by 87-1-601(5) for use in
 4 the manner prescribed therein in that subsection for the
 5 development and maintenance of real property used for
 6 wildlife habitat. (Terminates March 1, 1996--sec. 3, Ch.
 7 319, L. 1991.)"

8 NEW SECTION. Section 2. Landowner access program --
 9 commission rulemaking authority -- limit on landowner
 10 liability. (1) The department shall establish and administer
 11 a program, from funds allocated under 87-1-242(3)(b), to
 12 provide grants to Montana landowners who provide public
 13 hunting access and are otherwise qualified to receive
 14 funding under the terms of this section.

15 (2) The department may not use more than 20% of the
 16 funds allocated for the landowner access program to
 17 administer the program. The remainder of available funds
 18 must be used to provide grants to landowners who provide
 19 access.

20 (3) A landowner who provides public access to the
 21 landowner's private property for hunting may apply to the
 22 department, on a form provided by the department, for an
 23 access grant. The commission shall by rule establish
 24 criteria for eligibility, based at least in part on the
 25 number of hunter access days provided by the landowner and

1 on the species taken, and establish an amount for which a
2 landowner is eligible. The department shall attempt to
3 ensure the statewide distribution of available funds.

4 (4) Participation in the landowner access program does
5 not create a permanent easement for any recreational use.

6 (5) The provisions of 70-16-302 that limit the
7 liability of a landowner or a landowner's tenant for the
8 recreational use of property apply to any landowner who
9 participates in the landowner access program.

10 NEW SECTION. **Section 3.** Codification instruction.

11 [Section 2] is intended to be codified as an integral part
12 of Title 87, chapter 1, part 2, and the provisions of Title
13 87, chapter 1, part 2, apply to [section 2].

14 NEW SECTION. **Section 4.** Effective date. [This act] is
15 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0369, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act establishing a program of grants for landowners who provide hunting access to their private property; using a portion of wildlife habitat acquisition money to fund the program; granting the Fish, Wildlife and Parks Commission rulemaking authority to provide proper administration of the program by the Department of Fish, Wildlife and Parks; and providing an immediate effective date.


ASSUMPTIONS:

1. 40% of the wildlife habitat acquisition revenue as defined in 87-1-242, MCA, would be \$2,453,000 for the biennium.
2. Rulemaking will require an additional 0.60 FTE in FY94 only.
3. The FWP will receive 1,500 applications per year and 750 will meet minimum standards for qualifications.
4. Field review and grant contract development will require five days per landowner for 1.80 FTE, grade 14.
5. Administrative costs will be 0.01 FTE per contract for a total of 7.50 FTE, grade 11.
6. Operations costs for travel, printing, etc will be \$150 per contract.
7. FWP will spend 20% of the funds allocated for the landowner access grant program to administer the program.

FISCAL IMPACT:Expenditures:

	<u>FY94</u>	<u>FY95</u>
FTE	9.90	9.30
Personal Services	253,534	231,870
Operating Expenses	<u>112,500</u>	<u>112,500</u>
Total	366,034	344,370

(continued on next page)

 2-1-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/1/93
MARIAN HANSON, PRIMARY SPONSOR DATE

Fiscal Note for HB0369, as introduced**HB 369**

Revenues: Distribution of Wildlife Habitat Acquisition Revenue

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Wildlife Habitat Acquisition	2,450,400	1,225,200	(1,225,200)	2,456,000	1,228,000	(1,228,000)
Landowner Access Grant Program	0	1,225,200	1,225,200	0	1,228,000	1,228,000
Wildlife Habitat Trust Account	306,300	306,300	0	307,000	307,000	0
Dev. & Maint. of WL Habitat Prop.	<u>306,300</u>	<u>306,300</u>	<u>0</u>	<u>307,000</u>	<u>307,000</u>	<u>0</u>
Total	3,063,000	3,063,000	0	3,070,000	3,070,000	0

Net Impact:

No impact on revenues. However, expenditures will increase by \$366,034 in FY94 and \$344,370 in FY95. Of this increase, \$245,040 in FY94 and \$245,600 in FY95 will be provided from the landowner access grant program as administration costs. Net costs to the Department of Fish, Wildlife and Parks will be \$120,994 in FY94 and \$98,770 in FY95.

APPROVED BY COMM.
ON FISH AND GAME

HOUSE BILL NO. 369

INTRODUCED BY M. HANSON, YELLOWTAIL, MESAROS,
SWYSGOOD, DEVLIN, TASH, KELLER, MASON, KNOX,
ZOOK, MCCAFFREE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROGRAM
OF GRANTS FOR LANDOWNERS WHO PROVIDE HUNTING ACCESS TO THEIR
PRIVATE PROPERTY; USING A PORTION OF WILDLIFE HABITAT
ACQUISITION MONEY TO FUND THE PROGRAM; GRANTING THE FISH,
WILDLIFE, AND PARKS COMMISSION RULEMAKING AUTHORITY TO
PROVIDE PROPER ADMINISTRATION OF THE PROGRAM BY THE
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 6 (2) Twenty percent of any increase after March 1, 1988,
 7 in the fee for the Class B-7 license or any license or
 8 permit listed in subsection (1) must be allocated for use as
 9 provided in subsection (1).
 10 (3) ~~(a) Eighty Forty EIGHTY~~ percent of the money
 11 allocated by this section, MUST BE DIVIDED IN THE FOLLOWING
 12 MANNER:
 13 (A) ONE-THIRD, together with the interest and income
 14 therefrom from the money, must be used to secure wildlife
 15 habitat pursuant to 87-1-209;
 16 (b) Forty--percent--of--the--money--allocated--by--this
 17 section ONE-THIRD, together with the interest and income
 18 from the money, must be used to fund the landowner access
 19 program created under [section 2]; AND
 20 (C) ONE-THIRD, TOGETHER WITH THE INTEREST AND INCOME
 21 FROM THE MONEY, MUST BE USED FOR LEASES, COOPERATIVE
 22 MANAGEMENT AGREEMENTS, AND CONSERVATION EASEMENTS ON
 23 WILDLIFE HABITAT.
 24 (4) ~~(a) Until March 1, 1991, 20% of the money allocated~~
 25 ~~by this section must be credited to the account--created--by~~

1 ~~87-1-601(5) for use in the manner prescribed therein for the~~
 2 ~~development--and--maintenance--of--real--property--used--for~~
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4 ~~(b) On--and--after March 1, 1991, 20%~~ Twenty percent of
 5 the money allocated by this section must be used as follows:
 6 ~~(i)(a)~~ up to 50% a year may be used for development and
 7 maintenance of real property used for wildlife habitat; and
 8 ~~(ii)(b)~~ the remainder and any money not allocated for
 9 development and maintenance under subsection ~~(i)(b)(i)~~ (4)
 10 (a) by the end of each odd-numbered fiscal year must be
 11 credited to the account created by 87-1-601(5) for use in
 12 the manner prescribed therein in that subsection for the
 13 development and maintenance of real property used for
 14 wildlife habitat. (Terminates March 1, 1996--sec. 3, Ch.
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2 access.

3 (3) A landowner who provides public access to the
4 landowner's private property for hunting may apply to the
5 department, on a form provided by the department, for an
6 access grant.

7 (4) The commission shall by rule establish criteria for
8 eligibility, based at least in part on:

9 (A) the number of hunter access days provided by the
10 landowner and on;

11 (B) the species taken; and;

12 (C) IMPROVEMENTS NEEDED TO ENCOURAGE HUNTER ACCESS,
13 WHICH MAY INCLUDE GATES, CATTLE GUARDS, SIGNS, ROAD
14 MAINTENANCE AND IMPROVEMENTS, ESTABLISHMENT OF PARKING
15 AREAS, AND SIMILAR IMPROVEMENTS;

16 (D) IMPROVEMENTS THAT ENHANCE WILDLIFE HABITAT; AND

17 (E) WHETHER THE LANDOWNER HAS PROVIDED PUBLIC HUNTING
18 ACCESS FOR 7 OF THE 10 YEARS PRIOR TO APPLICATION FOR A
19 GRANT OR FOR THE DURATION OF OWNERSHIP IF LESS THAN 7 YEARS.

20 (5) AFTER CONSIDERING THE CRITERIA SET OUT IN
21 SUBSECTION (4), THE COMMISSION SHALL establish an amount for
22 which a landowner is eligible.

23 (6) The department shall attempt to ensure the
24 statewide distribution of available funds.

25 (4)(7) Participation in the landowner access program

1 does not create a permanent easement for any recreational
2 use.

3 (5)(8) The provisions of 70-16-302 that limit the
4 liability of a landowner or a landowner's tenant for the
5 recreational use of property apply to any landowner who
6 participates in the landowner access program.

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