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INTRODUCED BY

Dealin Senate BILL NO. 351

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT BENEFIT PAYMENTS TO LANDOWNERS PARTICIPATING IN THE HUNTING ACCESS ENHANCEMENT PROGRAM BE PRORATED BETWEEN AFFECTED LANDOWNERS WHEN A HUNTER IS GRANTED ACCESS BY MORE THAN ONE PARTICIPATING LANDOWNER IN A SINGLE DAY; AMENDING SECTION 87-1-267, MCA; AND PROVIDING A TERMINATION DATE."

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

Section 1. Section 87-1-267, MCA, is amended to read:

"87-1-267. (Temporary) Hunting access enhancement program -- benefits for providing hunting access -- cooperative agreement -- factors for determining benefits earned -- restriction on landowner liability. (1) As provided in 87-1-265, the department may establish and administer a voluntary program to enhance the block management program, to be known as the hunting access enhancement program. The program must be designed to provide tangible benefits to participating private landowners who grant access to their land for public hunting.

(2) Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts public hunting opportunities.

(3) A contract for participation in the hunting access enhancement program is established through a cooperative agreement between the landowner and the department that will guarantee reasonable access for public hunting. Landowners may also form a voluntary association when development of a unified cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of the plan developed by the landowner and the department and may include but is not limited to:

- (a) hunting access management;
 - (b) services to be provided to the public;
 - (c) ranch rules and other restrictions; and
 - (d) any other management information to be gathered, which must be made available to the public.
- (4) If the department determines that the plan referred to in subsection (3) may adversely influence

1 game management decisions or wildlife habitat on public lands outside the block management area, then
2 other public land agencies, interested sportspersons, and affected landowners must be consulted. An
3 affected landowner's management goals and personal observations regarding game populations and habitat
4 use must be considered in developing the plan.

5 (5) The commission shall develop rules for determining tangible benefits to be provided to a
6 landowner for providing public hunting access. Benefits will be provided to offset potential impacts
7 associated with public hunting access, including but not limited to those associated with general ranch
8 maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and
9 parking area maintenance. When a hunter is granted access by more than one participating landowner in
10 a single day, benefit payments based on that day of public hunting must be prorated between the
11 participating landowners that grant access to the hunter on that day. Factors used in determining benefits
12 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 (6) Benefits earned by a landowner under this section may be applied in, but application is not
19 limited to, the following manner:

20 (a) A landowner may direct weed control payments to be made directly to the county weed control
21 board or may elect to receive payments directly.

22 (b) A landowner may direct fire protection payments to be made to the local fire district or the
23 county where the landowner resides or may elect to receive payments directly.

24 (c) A landowner may receive direct payment to offset insurance costs incurred for allowing public
25 hunting access.

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

28 (7) The commission may provide a total of not more than \$8,000 a year to a landowner who
29 participates in the hunter management program or hunting access enhancement program, or both, subject
30 to the conditions set out in 87-1-266(4).

1 (8) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1)
2 applies to a landowner who participates in the hunting access enhancement program. (Terminates October
3 1, 2001--sec. 18, Ch. 459, L. 1995.)"

4

5 NEW SECTION. **Section 2. Termination.** [This act] terminates October 1, 2001.

6

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0351, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring that benefit payments to landowners participating in the hunting access enhancement program be prorated between affected landowners when a hunter is granted access by more than one participating landowner in a single day.

ASSUMPTIONS:

1. The department would need an additional 1.00 FTE, data entry clerk, grade 8, to enter applicable data into a schedule to prorate hunter days among participating landowners.
2. Any reductions in hunter access enhancement payments to participating landowners will allow the agency to add additional participating landowners.

FISCAL IMPACT:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	1.00	1.00
Personal Services	20,493	20,493
Operating Expenses	<u>4,000</u>	<u>4,000</u>
	24,493	24,493
 <u>Funding:</u>		
Variable Priced Licenses (02)	24,493	24,493

Dave Lewis 2-18-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Gerry Devlin 2/18/97
GERRY DEVLIN, PRIMARY SPONSOR DATE

Fiscal Note for SB0351, as introduced
SB 351