

1 INTRODUCTION BY Senate BILL NO. 352
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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE DEPARTMENT OF FISH, WILDLIFE, AND
5 PARKS POST LANDS CONTRACTED UNDER THE HUNTING ACCESS ENHANCEMENT PROGRAM AND
6 PROVIDE MAPS OF LANDS IN THE PROGRAM TO PARTICIPATING LANDOWNERS FOR DISTRIBUTION
7 TO HUNTERS; AMENDING SECTION 87-1-267, MCA; AND PROVIDING A TERMINATION 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 87-1-267, MCA, is amended to read:

12 **"87-1-267. (Temporary) Hunting access enhancement program -- benefits for providing hunting**
13 **access -- cooperative agreement -- factors for determining benefits earned -- restriction on landowner**
14 **liability.** (1) As provided in 87-1-265, the department may establish and administer a voluntary program to
15 enhance the block management program, to be known as the hunting access enhancement program. The
16 program must be designed to provide tangible benefits to participating private landowners who grant access
17 to their land for public hunting.

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

20 (3) A contract for participation in the hunting access enhancement program is established through
21 a cooperative agreement between the landowner and the department that will guarantee reasonable access
22 for public hunting. Landowners may also form a voluntary association when development of a unified
23 cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of
24 the plan developed by the landowner and the department and may include but is 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.

29 (4) If the department determines that the plan referred to in subsection (3) may adversely influence
30 game management decisions or wildlife habitat on public lands outside the block management area, then

1 other public land agencies, interested sportspersons, and affected landowners must be consulted. An
2 affected landowner's management goals and personal observations regarding game populations and habitat
3 use must be considered in developing the plan.

4 (5) The commission shall develop rules for determining tangible benefits to be provided to a
5 landowner for providing public hunting access. Benefits will be provided to offset potential impacts
6 associated with public hunting access, including but not limited to those associated with general ranch
7 maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and
8 parking area maintenance. Factors used in determining benefits may include but are not limited to:

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

10 (b) wildlife habitat provided;

11 (c) resident game populations;

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

13 (e) access provided to adjacent public lands.

14 (6) Benefits earned by a landowner under this section may be applied in, but application is not
15 limited to, the following manner:

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

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

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

22 (d) The department may provide assistance in the construction and maintenance of roads, gates,
23 and parking facilities and ~~in the signing of~~ shall appropriately sign all property included in the hunting access
24 enhancement program along the nearest public roads that provide access to the property.

25 (e) The department shall provide each participating landowner with maps of the lands contracted
26 under the hunting access enhancement program, for distribution to hunters.

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

30 (8) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1)

1 applies to a landowner who participates in the hunting access enhancement program. (Terminates October
2 1, 2001--sec. 18, Ch. 459, L. 1995.)"

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

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0352, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

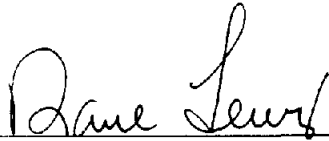
A bill for an act requiring that the Department of Fish, Wildlife and Parks post lands contracted under the hunter access enhancement program and provide maps of lands in the program to participating landowners for distribution to hunters.

ASSUMPTIONS:

1. The Department of Fish, Wildlife and Parks (FWP) is unable to determine what additional effort it would take to appropriately sign all property in the hunter access enhancement program along the nearest public roads that provide access to the property. It potentially could be material.
2. The FWP currently provides maps of lands in the program to participating landowners for distribution to hunters.

FISCAL IMPACT:

Unable to determine at this time.

 2-17-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/18/97

GERRY DEVLIN, PRIMARY SPONSOR DATE

Fiscal Note for SB0352, as introduced

SB352