

HOUSE BILL NO. 763

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE BLOCK  
MANAGEMENT PROGRAM; ALLOWING THE FISH AND WILDLIFE COMMISSION TO ADOPT SIMPLIFIED  
RULES FOR AGREEMENTS THAT ONLY PROVIDE ACCESS TO ADJACENT PUBLIC LANDS; PROVIDING  
RULEMAKING AUTHORITY; AND AMENDING SECTION 87-1-265, MCA."

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

**Section 1.** Section 87-1-265, MCA, is amended to read:

**"87-1-265. Hunting access programs -- block management program -- private landowner  
assistance -- rules -- restriction on landowner liability.** (1) There is established a block management  
program administered by the department to provide landowner assistance that encourages public access to  
private and public lands for hunting purposes.

(2) The department may also develop and administer alternative programs to the block  
management program that are designed to promote public access to private and public lands for hunting  
purposes.

(3) Participation in a hunting access program established under this section is voluntary. A lease,  
acquisition, or other arrangement for public access to or across private property for hunting purposes must be  
negotiated 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 conditions for use of the private property, including but not limited to:

- 1 (a) hunting access management;
- 2 (b) services to be provided to the public;
- 3 (c) ranch rules and other restrictions; and
- 4 (d) any other management information to be gathered, which must be made available to the public.

5 (4) Private land is not eligible for inclusion in a hunting access program if outfitting, commercial  
6 hunting, or fees charged for private hunting access unreasonably restrict public hunting opportunities.

7 (5) If the department determines that an agreement may adversely influence game management  
8 decisions or wildlife habitat on public lands, then other public land agencies, interested sportspeople, and  
9 affected landowners must be consulted. An affected landowner's management goals and personal observations  
10 regarding game populations and habitat use must be considered in development of the agreement.

11 (6) The commission may adopt rules to implement the provisions of this section, including but not  
12 limited to rules that determine tangible benefits to be provided to a landowner who participates in a hunting  
13 access program. Benefits are intended to offset potential impacts associated with public hunting access,  
14 including but not limited to those associated with general ranch maintenance, conservation efforts, weed  
15 control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors used in  
16 determining benefits may include but are not limited to:

- 17 (a) the number of days of public hunting provided by a participating landowner;
- 18 (b) wildlife habitat provided;
- 19 (c) resident game populations;
- 20 (d) number, sex, and species of animals taken; and
- 21 (e) access provided to adjacent public lands.

22 (7) FOR A PROPOSED AGREEMENT THAT ONLY PROVIDES ACCESS TO ADJACENT PUBLIC LANDS FOR  
23 HUNTING PURPOSES, THE DEPARTMENT SHALL:

24 (A) NOTIFY ADJACENT PUBLIC LAND LEASEHOLDERS;

25 (B) ENSURE THE PROPOSED AGREEMENT DOES NOT VIOLATE OR INTERFERE WITH THE TERMS OF ANY  
26 ADJACENT PUBLIC LAND LEASE AGREEMENT;

27 (C) INCORPORATE THE RELEVANT TERMS OF AN ADJACENT PUBLIC LAND LEASE AGREEMENT INTO THE  
28 PROPOSED ACCESS AGREEMENT; AND

(D) ALLOW AN ADJACENT PUBLIC LAND LEASEHOLDER THE OPPORTUNITY TO SUPPORT OR OBJECT TO THE PROPOSED ACCESS AGREEMENT.

~~(7)(8)~~ For agreements. IN CONSIDERING A PROPOSED AGREEMENT ~~that only provide~~ PROVIDES access to adjacent public lands for hunting purposes, the commission may:

(A) CONSIDER AN ADJACENT LEASEHOLDER'S SUPPORT FOR OR OBJECTION TO A PROPOSED ACCESS AGREEMENT;

~~(a)(B)~~ exempt the access agreement from tracking the number of days of public hunting access provided by a participating landowner;

~~(b)(C)~~ agree to a payment to the landowner that is a flat fee rate and not based on the number of days of public hunting access provided by a participating landowner;

~~(c)(D)~~ use the amount and opportunity provided by public lands access as factors to determine benefits; and

~~(d)(E)~~ otherwise implement simplified rules.

~~(7)(8)(9)~~ (a) Benefits earned by a landowner who participates in a hunting access program may include but are not limited to those applied in the manner described in subsections ~~(7)(b) (8)(b) (9)(B)~~ and ~~(7)(c) (8)(c) (9)(C)~~.

(b) A landowner may receive direct payments:

(i) for weed control or may direct payments to be made directly to the county weed control board;

(ii) for fire protection or may direct fire protection payments to be made to the local fire district or the county where the landowner resides; and

(iii) to offset insurance costs incurred for allowing public hunting access.

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

~~(8)(9)(10)~~ (a) Except as provided in 87-1-264 and subsection ~~(8)(b) (9)(b) (10)(B)~~ of this section, payments to a landowner who participates in a hunting access program through an annual agreement may not exceed \$50,000 a year, and \$25,000 a year for agreements that only provide access to public land for hunting purposes.

(b) Each landowner who participates in a unified cooperative agreement pursuant to subsection (3)

- 1 may be eligible for payments not to exceed \$50,000 a year, and \$25,000 a year for agreements that only  
2 provide access to public land for hunting purposes.
- 3 ~~(9)(10)(11)~~ The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-  
4 302(1) applies to a landowner who participates in a hunting access program."
- 5 - END -