

HOUSE BILL NO. 651

INTRODUCED BY M. REGIER

A BILL FOR AN ACT ENTITLED: "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 77-1-202 AND 87-1-242, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Public lands access advocate.** (1) There is a public lands access advocate who is appointed and directed by the board of land commissioners.

(2) The access advocate is dedicated to increasing public access opportunities on and to public land, as defined in 15-30-2380, and to surface waters within Montana that are capable of recreational use.

(3) The access advocate shall:

(a) promote effective engagement in and use of existing public land access programs and opportunities;

(b) research and identify additional opportunities to increase public access on and to public lands and to surface waters that are capable of recreational use;

(c) propose access projects to the board for consideration, with an emphasis on projects that utilize land exchanges, procurement of access easements, and consolidation of checkerboarded lands, and that protect and enhance wildlife habitat. Approval of the board is required for access projects proposed pursuant to this section.

(d) by July 1 of each year, report to the environmental quality council on activities undertaken pursuant to this section.

Section 2. Section 77-1-202, MCA, is amended to read:

"77-1-202. Powers and duties of board. (1) The board shall exercise general authority, direction, and control over the care, management, and disposition of state lands and, subject to the investment authority of the board of investments, the funds arising from the leasing, use, sale, and disposition of those lands or otherwise coming under its administration. In the exercise of these powers, the guiding principle is that these lands and funds are held in trust for the support of education and for the attainment of other worthy objects helpful to the

well-being of the people of this state as provided in The Enabling Act. The board shall administer this trust to:

(a) secure the largest measure of legitimate and reasonable advantage to the state; and

(b) provide for the long-term financial support of education.

(2) It is consistent with the powers and duties provided in subsection (1) that the people are entitled to general recreational use of state lands to the extent that the trusts are compensated for the value of the recreation.

(3) When acquiring land for the state, the board shall determine the value of the land after an appraisal by a qualified land appraiser.

(4) The board may appoint and direct the public lands access advocate established in [section 1] and approve access projects proposed pursuant to [section 1]."

Section 3. Section 87-1-242, MCA, is amended to read:

"87-1-242. 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 secure public access to wildlife habitat, 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;

(h) Nonresident wild turkey, \$10;

(i) Class AAA, combination sports, \$7;

(j) Class B-11 nonresident deer combination, \$200.

(2) Twenty percent of any increase in the fee for the Class B-7 license or any license or permit listed in subsection (1) must be allocated for use as provided in subsection (1).

(3) Eighty percent of the money allocated by this section, together with the interest and income from the money, must be used to secure wildlife habitat pursuant to 87-1-209 and to secure public access to wildlife habitat.

(4) Twenty percent of the money allocated by this section must be used as follows:

(a) up to 50% a year may be used for development and maintenance of real property used for wildlife habitat; and

(b) the remainder and any money not allocated for development and maintenance under subsection (4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for use in the manner prescribed for the development and maintenance of real property used for wildlife habitat."

NEW SECTION. Section 4. Appropriation. For the biennium beginning July 1, 2017, there is appropriated \$200,000 from the general fund to the board of land commissioners for the purposes of [section 1].

NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 77, chapter 1, part 2, and the provisions of Title 77, chapter 1, part 2, apply to [section 1].

COORDINATION SECTION. Section 6. Coordination instruction. If both House Bill No. 5 and [this act] are passed and approved, then the section of House Bill No. 5 referring to land acquisition appropriations must be amended to include the following subsection:

"(2) It is the legislature's intent that Habitat Montana funds appropriated pursuant to this section be used first to secure public access to state lands for which there is currently no legal access for hunting or other wildlife-oriented recreation."

NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2017.

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