



AN ACT REVISING LAWS RELATED TO PUBLIC ACCESS LAND AGREEMENT APPLICATIONS;
REMOVING THE FEE TO PROPOSE A PUBLIC ACCESS LAND AGREEMENT; AMENDING SECTION 87-1-
295, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 87-1-295, MCA, is amended to read:

"87-1-295. Public access land agreement -- terms -- application fee. (1) A public access land agreement may be granted only to a landowner who is providing access across the landowner's land to public land that is leased by the landowner or to public land for which there is no leaseholder. An agreement may not include land for which the landowner is also compensated pursuant to 76-17-102 or 87-1-294.

(2) The department ~~shall~~may negotiate the terms of a proposed public access land agreement with the landowner. Negotiable terms include:

- (a) the amount of compensation, not to exceed \$15,000 annually, and the duration of the agreement;
- (b) improvements to the land provided by the department that may facilitate public access;
- (c) the location of the access and the transportation mode by which the public may use the access;
- (d) time periods when the access may and may not be used; and
- (e) penalties for trespassing on private land not covered by the agreement.

(3) The private land/public wildlife advisory committee appointed pursuant to 87-1-269 shall review proposed public access land agreements and make recommendations to the department. The department shall consider the recommendations when issuing agreements.

(4) The department may revoke a public access land agreement for a violation of the terms of the

agreement.

(5) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who holds a public access land agreement.

~~(6) (a) A landowner who proposes a public access land agreement to the department shall pay a \$5 application fee.~~

~~(b) All application fees must be deposited in the department's general license account and used for the purpose of establishing public access land agreements. At the end of each fiscal year, application revenue that remains unobligated is available to the department for any purpose pursuant to 87-1-201(3).~~

~~(7)~~(6) The department may adopt rules to implement the provisions of this section."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 438, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 438

INTRODUCED BY D. LOGE, R. FITZGERALD, M. MARLER, M. YAKAWICH, G. NIKOLAKAKOS

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