

SENATE BILL NO. 252

INTRODUCED BY SVRCEK, GRADY, ELLIOTT, JERGESON,  
GROSFIELD, DEVLIN, SWYSGOOD, THOFT, SCHYE

IN THE SENATE

FEBRUARY 1, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON FISH & GAME.

FEBRUARY 2, 1991                   FIRST READING.

FEBRUARY 16, 1991                  COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1991                  PRINTING REPORT.

                                      SECOND READING, DO PASS.

FEBRUARY 19, 1991                  ENGROSSING REPORT.

                                      THIRD READING, PASSED.  
AYES, 48; NOES, 2.

                                      TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON FISH & GAME.

                                      FIRST READING.

MARCH 15, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 16, 1991                   ON MOTION, CONSIDERATION PASSED.

MARCH 18, 1991                   ON MOTION, CONSIDERATION PASSED.

MARCH 19, 1991                   SECOND READING, CONCURRED IN.

MARCH 20, 1991                   THIRD READING, CONCURRED IN.  
AYES, 88; NOES, 12.

                                      RETURNED TO SENATE.

IN THE SENATE

MARCH 21, 1991                   RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *252*  
 2 INTRODUCED BY *Sarah Dredy* *Altt Ferguson*  
 3 *Chris Held* *Debra Swygard* *Walt Selby*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION  
 5 OF FUNDS THAT MAY BE USED FOR DEVELOPMENT AND MAINTENANCE OF  
 6 WILDLIFE HABITAT; REQUIRING A COMPREHENSIVE STUDY OF  
 7 WILDLIFE HABITAT ACQUISITION, IMPROVEMENT, AND DEVELOPMENT  
 8 AND PRESENTATION OF THE STUDY TO THE 1993 LEGISLATURE;  
 9 EXTENDING THE WILDLIFE HABITAT ACQUISITION PROGRAM UNTIL  
 10 MARCH 1, 1996; AMENDING SECTION 87-1-242, MCA, AND SECTION  
 11 12, CHAPTER 598, LAWS OF 1987; AND PROVIDING AN IMMEDIATE  
 12 EFFECTIVE DATE AND A CONTINGENT RETROACTIVE APPLICABILITY  
 13 DATE."

14  
 15 WHEREAS, wildlife is a major historical, social, and  
 16 economic resource of Montana; and

17 WHEREAS, it is in the best interests of the people, the  
 18 wildlife, and the State of Montana to have a permanent  
 19 wildlife habitat and conservation easement acquisition  
 20 program; and

21 WHEREAS, sportsmen and others have demonstrated their  
 22 commitment to wildlife by supporting, through license fees,  
 23 the acquisition of wildlife habitat; and

24 WHEREAS, private landowners provide significant habitat  
 25 for Montana's wildlife resources and have legitimate

1 concerns regarding the operation and maintenance of  
 2 neighboring lands acquired by the Fish and Game Commission  
 3 for wildlife habitat; and

4 WHEREAS, it is in the best interests of the people, the  
 5 wildlife, and the State of Montana that relations between  
 6 landowners and sportsmen be cooperative and mutually  
 7 respectful in nature and that the concerns of both  
 8 landowners and sportsmen be taken into consideration in the  
 9 formulation of a wildlife habitat and conservation easement  
 10 acquisition program; and

11 WHEREAS, an independent and detailed study is needed to  
 12 determine the character and application of the state's  
 13 permanent wildlife habitat and conservation easement  
 14 acquisition program.

15  
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

18 "**87-1-242. (Temporary) Funding for wildlife habitat.**

19 (1) The amount of money specified in this subsection from  
 20 the sale of each hunting license or permit listed must be  
 21 used exclusively by the commission to secure, develop, and  
 22 maintain wildlife habitat, subject to appropriation by the  
 23 legislature.

24 (a) Class B-10, nonresident combination, \$77;

25 (b) Nonresident antelope, \$20;

1 (c) Nonresident moose, \$20;  
 2 (d) Nonresident mountain goat, \$20;  
 3 (e) Nonresident mountain sheep, \$20;  
 4 (f) Class D-1, nonresident mountain lion, \$20;  
 5 (g) Nonresident black bear, \$20;  
 6 (h) Wild turkey nonresident, \$10;  
 7 (i) Class AAA, sportsman's, \$7;  
 8 (j) Class B-11 nonresident deer combination, \$200.  
 9 (2) Twenty percent of any increase after March 1, 1988,  
 10 in the fee for the Class B-7 license or any license or  
 11 permit listed in subsection (1) must be allocated for use as  
 12 provided in subsection (1).  
 13 (3) Eighty percent of the money allocated by this  
 14 section, together with the interest and income therefrom,  
 15 must be used to secure wildlife habitat pursuant to  
 16 87-1-209.  
 17 (4) ~~(a) Twenty--percent~~ Until March 1, 1991, 20% of the  
 18 money allocated by this section must be credited to the  
 19 account created by 87-1-601(5) for use in the manner  
 20 prescribed therein for the development and maintenance of  
 21 real property used for wildlife habitat.  
 22 (b) On and after March 1, 1991, 20% of the money  
 23 allocated by this section must be used as follows:  
 24 (i) up to 50% a year may be used for development and  
 25 maintenance of real property used for wildlife habitat; and

1 (ii) the remainder and any money not allocated for  
 2 development and maintenance under subsection (4)(b)(i) by  
 3 the end of each odd-numbered fiscal year must be credited to  
 4 the account created by 87-1-601(5) for use in the manner  
 5 prescribed therein for the development and maintenance of  
 6 real property used for wildlife habitat. (Terminates March  
 7 1, 1994 1996--sec. 12, Ch. 598, L. 1987.)"

8 NEW SECTION. Section 2. Comprehensive study required  
 9 -- report to 1993 legislature. (1) The department of fish,  
 10 wildlife, and parks shall commission an independent  
 11 comprehensive study of wildlife habitat acquisition,  
 12 improvement, and development, to be funded in an amount up  
 13 to \$150,000 from money allocated under 87-1-242(3).

14 (2) The study must analyze the department's current  
 15 wildlife habitat acquisition, improvement, and development  
 16 program and develop a comprehensive plan for a permanent  
 17 wildlife habitat acquisition, improvement, development, and  
 18 land management program, including the use of conservation  
 19 easements, leases, and fee title acquisition. The study must  
 20 also include a comprehensive and detailed accounting of  
 21 expenditures authorized by 87-1-242(4). The department shall  
 22 ensure participation by the public, including landowners and  
 23 sportsmen, in the development of the comprehensive plan. The  
 24 study and plan must be completed by December 1, 1992, and  
 25 presented to the 1993 legislature.

1       **Section 3.** Section 12, Chapter 598, Laws of 1987, is  
2 amended to read:

3       "Section 12. **Effective date -- termination date.** This  
4 act is effective March 1, 1988, and terminates March 1, 1994  
5 1996."

6       NEW SECTION. **Section 4.** Effective date -- contingent  
7 retroactive applicability. [This act] is effective on  
8 passage and approval and, if passed and approved on or after  
9 March 1, 1991, applies retroactively, within the meaning of  
10 1-2-109, to funds allocated under 87-1-242(4) on and after  
11 March 1, 1991.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0252, as introduced.DESCRIPTION OF PROPOSED LEGISLATION:


The proposed bill: 1) revises the allocation of funds that may be used to development and maintenance of wildlife habitat; 2) requires a comprehensive study of wildlife habitat acquisition, improvement, and development and presentation of the study to the 1993 legislature; and 3) extends the wildlife habitat acquisition program until March 1, 1996. Under current law 20% of wildlife habitat funds is deposited into a trust account and the interest from the account is used to operate, maintain and develop wildlife habitat areas. The proposed bill would permit the department to expend up to 50% of the 20% to operate, maintain and develop wildlife habitat areas.

ASSUMPTIONS:

1. A one-time comprehensive study on the wildlife habitat program will cost \$150,000. The amount of dollars remaining for wildlife habitat acquisition would be \$4.45 million.
2. Interest earnings on the wildlife habitat trust is 9%.
3. The wildlife habitat trust account would receive \$280,000 less each fiscal year. This amount would be made available for operation and maintenance.
4. The wildlife habitat trust account will also earn \$25,200 less in interest in FY93 and a compounding amount each year through March 1, 1996.

FISCAL IMPACT:Department of Fish, Wildlife, and Parks:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Wildlife Area O&M	196,000	476,000	280,000	246,000	500,800	254,800
Wildlife Area Study	0	150,000	150,000	0	0	0
Wildlife Acquisition	<u>4,600,000</u>	<u>4,450,000</u>	<u>(150,000)</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	4,796,000	5,076,000	280,000	246,000	500,800	254,800
<u>Funding:</u>						
Interest Earning (02)	196,000	196,000	0	246,000	500,800	254,800
Wildlife Acquisition Fd (02)	4,600,000	4,600,000	0	0	0	0
Develop & Maint. Fd (02)	<u>0</u>	<u>280,000</u>	<u>280,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	4,796,000	5,076,000	280,000	246,000	500,800	254,800

  
 ROD SUNDSTED, BUDGET DIRECTOR      2-6-91      DATE  
 Office of Budget and Program Planning

  
 PAUL SVRCEK, PRIMARY SPONSOR      2/6/91      DATE

Fiscal Note for SB0252, as introduced**SB 252**

APPROVED BY COMM.  
ON FISH AND GAME

1                   SENATE BILL NO. 252  
2           INTRODUCED BY SVRCEK, GRADY, ELLIOTT, JERGESON,  
3           GROSFIELD, DEVLIN, SWYSGOOD, THOFT, SCHYE  
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5   A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION  
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7   WILDLIFE HABITAT; REQUIRING A COMPREHENSIVE STUDY OF  
8   WILDLIFE HABITAT ACQUISITION, IMPROVEMENT, OPERATIONS,  
9   MAINTENANCE, AND DEVELOPMENT AND PRESENTATION OF THE STUDY  
10  TO THE 1993 LEGISLATURE; EXTENDING THE WILDLIFE HABITAT  
11  ACQUISITION PROGRAM UNTIL MARCH 1, 1996; AMENDING SECTION  
12  87-1-242, MCA, AND SECTION 12, CHAPTER 598, LAWS OF 1987;  
13  AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A CONTINGENT  
14  RETROACTIVE APPLICABILITY DATE."  
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16       WHEREAS, wildlife is a major historical, social, and  
17   economic resource of Montana; and  
18       WHEREAS, it is in the best interests of the people, the  
19   wildlife, and the State of Montana to have a permanent  
20   wildlife habitat and conservation easement acquisition  
21   program; and  
22       WHEREAS, sportsmen and others have demonstrated their  
23   commitment to wildlife by supporting, through license fees,  
24   the acquisition of wildlife habitat; and  
25       WHEREAS, private landowners provide significant habitat

1   for Montana's wildlife resources and have legitimate  
2   concerns regarding the operation and maintenance of  
3   neighboring lands acquired by the Fish and Game Commission  
4   for wildlife habitat; and  
5       WHEREAS, it is in the best interests of the people, the  
6   wildlife, and the State of Montana that relations between  
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8   respectful in nature and that the concerns of both  
9   landowners and sportsmen be taken into consideration in the  
10  formulation of a wildlife habitat and conservation easement  
11  acquisition program; and  
12       WHEREAS, an independent and detailed study is needed to  
13  determine the character and application of the state's  
14  permanent wildlife habitat and conservation easement  
15  acquisition program.  
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17  BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
18       **Section 1.** Section 87-1-242, MCA, is amended to read:  
19       **"87-1-242. (Temporary) Funding for wildlife habitat.**  
20       (1) The amount of money specified in this subsection from  
21   the sale of each hunting license or permit listed must be  
22   used exclusively by the commission to secure, develop, and  
23   maintain wildlife habitat, subject to appropriation by the  
24   legislature.  
25       (a) Class B-10, nonresident combination, \$77;

**SECOND READING**

- 1 (b) Nonresident antelope, \$20;  
 2 (c) Nonresident moose, \$20;  
 3 (d) Nonresident mountain goat, \$20;  
 4 (e) Nonresident mountain sheep, \$20;  
 5 (f) Class D-1, nonresident mountain lion, \$20;  
 6 (g) Nonresident black bear, \$20;  
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- 10 (2) Twenty percent of any increase after March 1, 1988,  
 11 in the fee for the Class B-7 license or any license or  
 12 permit listed in subsection (1) must be allocated for use as  
 13 provided in subsection (1).
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 15 section, together with the interest and income therefrom,  
 16 must be used to secure wildlife habitat pursuant to  
 17 87-1-209.
- 18 (4) (a) Twenty-percent Until March 1, 1991, 20% of the  
 19 money allocated by this section must be credited to the  
 20 account created by 87-1-601(5) for use in the manner  
 21 prescribed therein for the development and maintenance of  
 22 real property used for wildlife habitat.
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 24 allocated by this section must be used as follows:
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1 maintenance of real property used for wildlife habitat; and  
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 13 improvement, and development, to be funded in an amount up  
 14 to \$150,000 from money allocated under 87-1-242(3).

15 (2) The study must analyze the department's current  
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 17 MAINTENANCE, and development program and develop a  
 18 comprehensive plan for a permanent wildlife habitat  
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1 development of the comprehensive plan. The study and plan  
2 must be completed by December 1, 1992, and presented to the  
3 1993 legislature.

4 **Section 3.** Section 12, Chapter 598, Laws of 1987, is  
5 amended to read:

6 "Section 12. **Effective date -- termination date.** This  
7 act is effective March 1, 1988, and terminates March 1, ~~1994~~  
8 1996."

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14 March 1, 1991.

-End-

## 1 SENATE BILL NO. 252

2 INTRODUCED BY SVRCEK, GRADY, ELLIOTT, JERGSON,  
3 GROSFIELD, DEVLIN, SWYSGOOD, THOFT, SCHYE  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION  
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12 87-1-242, MCA, AND SECTION 12, CHAPTER 598, LAWS OF 1987;  
13 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A CONTINGENT  
14 RETROACTIVE APPLICABILITY DATE."  
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16 WHEREAS, wildlife is a major historical, social, and  
17 economic resource of Montana; and

18 WHEREAS, it is in the best interests of the people, the  
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23 commitment to wildlife by supporting, through license fees,  
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9 **NEW SECTION. Section 2. Comprehensive study required**  
 10 **-- report to 1993 legislature. (1) The department of fish,**  
 11 **wildlife, and parks shall commission an independent**  
 12 **comprehensive study of wildlife habitat acquisition,**  
 13 **improvement, and development, to be funded in an amount up**  
 14 **to \$150,000 from money allocated under 87-1-242(3).**

15 (2) The study must analyze the department's current  
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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION OF FUNDS THAT MAY BE USED FOR DEVELOPMENT AND MAINTENANCE OF WILDLIFE HABITAT; REQUIRING A COMPREHENSIVE STUDY OF WILDLIFE HABITAT ACQUISITION, IMPROVEMENT, OPERATIONS, MAINTENANCE, AND DEVELOPMENT AND PRESENTATION OF THE STUDY TO THE 1993 LEGISLATURE; EXTENDING THE WILDLIFE HABITAT ACQUISITION PROGRAM UNTIL MARCH 1, 1996; AMENDING SECTION 87-1-242, MCA, AND SECTION 12, CHAPTER 598, LAWS OF 1987; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A CONTINGENT RETROACTIVE APPLICABILITY DATE."

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WHEREAS, sportsmen and others have demonstrated their commitment to wildlife by supporting, through license fees, the acquisition of wildlife habitat; and

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WHEREAS, an independent and detailed study is needed to determine the character and application of the state's permanent wildlife habitat and conservation easement acquisition program.

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REFERENCE BILL

SB 252



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SB 0252/02

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2 must be completed by December 1, 1992, and presented to the  
3 1993 legislature.

4 **Section 3.** Section 12, Chapter 598, Laws of 1987, is  
5 amended to read:

6 "Section 12. **Effective date -- termination date.** This  
7 act is effective March 1, 1988, and terminates March 1, 1994  
8 1996."

9 NEW SECTION. **Section 4.** **Effective date -- contingent**  
10 **retroactive applicability.** [This act] is effective on  
11 passage and approval and, if passed and approved on or after  
12 March 1, 1991, applies retroactively, within the meaning of  
13 1-2-109, to funds allocated under 87-1-242(4) on and after  
14 March 1, 1991.

-End-