

SENATE BILL NO. 329

INTRODUCED BY BLAYLOCK, BRADLEY

IN THE SENATE

FEBRUARY 12, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
FEBRUARY 20, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 21, 1987	PRINTING REPORT.
FEBRUARY 23, 1987	SECOND READING, DO PASS MOTION FAILED.  SECOND READING, INDEFINITELY POSTPONED.  ON MOTION, RECONSIDER ACTION ON SB NO. 329. BILL PLACED ON SECOND READING.
FEBRUARY 24, 1987	SECOND READING, DO PASS.
FEBRUARY 25, 1987	ENGROSSING REPORT.  THIRD READING, PASSED. AYES, 26; NOES, 24.  TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 3, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
MARCH 24, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 28, 1987	SECOND READING, CONCURRED IN AS AMENDED.

MARCH 30, 1987

THIRD READING, CONCURRED IN.  
AYES, 70; NOES, 27.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 3, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

1 *Senate* BILL NO. *329*  
 2 INTRODUCED BY *Blaylock Bradley*  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 5 DEPARTMENT OF STATE LANDS TO PLAN FOR A NATURAL AREAS  
 6 SYSTEM; DEFINING THE DUTIES OF THE BOARD OF LAND  
 7 COMMISSIONERS, THE DEPARTMENT OF STATE LANDS, AND THE  
 8 NATURAL AREAS ADVISORY COUNCIL; AMENDING SECTIONS 76-12-102,  
 9 76-12-104, 76-12-107, 76-12-112, AND 76-12-115, MCA;  
 10 REPEALING SECTIONS 76-12-105, 76-12-106, 76-12-113, AND  
 11 76-12-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
 12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 14 Section 1. Section 76-12-102, MCA, is amended to read:  
 15 "76-12-102. Legislative findings. The legislature  
 16 finds that:  
 17 (1) in the expanses of Montana there are natural areas  
 18 possessing significant scenic, educational, scientific,  
 19 biological, and/or geological values or areas possessing  
 20 these characteristics to a degree promising their  
 21 restoration to a natural state;  
 22 (2) since the development of these areas is an  
 23 irreversible commitment of a finite and diminishing resource  
 24 of fundamental importance, ~~the--remaining~~ selected areas  
 25 should be preserved for the benefit of this and future

1 generations; and  
 2 (3) currently there are no regulations promulgated by  
 3 the state or local governments to insure adequate protection  
 4 for natural areas;  
 5 (4) it is necessary to establish a process for  
 6 developing a system of natural areas and to encourage public  
 7 and private participation in the establishment of a natural  
 8 areas system for the benefit of the citizens of the state;  
 9 and  
 10 (5) future designations of natural areas should avoid  
 11 duplication of previously protected natural resources of  
 12 publicly owned and privately dedicated lands such as nature  
 13 preserves, natural areas, parks, and wilderness areas."  
 14 Section 2. Section 76-12-104, MCA, is amended to read:  
 15 "76-12-104. Definitions. (1) "Board" means the board  
 16 of land commissioners.  
 17 (2) "Council" means the natural areas advisory council  
 18 created-by-this-part provided for in [section 6].  
 19 (3) "Department" means the department of state lands.  
 20 (4) "Natural area" means an area of land which must  
 21 generally appear to have been affected primarily by the  
 22 forces of nature with the visual aspects of human intrusion  
 23 not dominant and also must have one or more of the following  
 24 characteristics:  
 25 (a) an outstanding mixture or variety of vegetation,



1 wildlife, water resource, landscape, and scenic values;  
 2 (b) an important or rare ecological or geological  
 3 feature or other rare or significant natural feature worthy  
 4 of preservation for scientific, educational, or ecological  
 5 purposes.  
 6 (5) "Natural areas system" means the composite of  
 7 lands in the state that exhibit the characteristics of  
 8 natural areas and that have been designated by the board or  
 9 dedicated or otherwise protected and managed as natural  
 10 areas.  
 11 (6) "Register" means the Montana register of natural  
 12 areas established under [section 3]."  
 13 **NEW SECTION.** Section 3. Duties of department -- plan  
 14 for natural areas system. The department shall:  
 15 (1) identify the existing and potential natural areas  
 16 on lands under its jurisdiction and annually prepare a  
 17 register listing the existing and potential natural areas on  
 18 private, county, state, and federal land;  
 19 (2) prepare and implement a biennial administrative  
 20 plan for a natural areas system that will:  
 21 (i) assure equitable representation of the diversity  
 22 of natural area types that are found to occur on private,  
 23 county, state, and federal lands; and  
 24 (ii) include identification of important natural area  
 25 needs, viable methods to make eligible lands a part of the

1 natural areas system, responsible management entities, goals  
 2 for establishing natural areas, obligations of cooperating  
 3 agencies, organizations, and individuals, and administrative  
 4 procedures for registering natural areas with the  
 5 department;  
 6 (3) consider the concerns and comments of the council,  
 7 the board, and the public in preparing and implementing the  
 8 administrative plan described in subsection (2); and  
 9 (4) make recommendations to the board for designation  
 10 of natural areas on state lands and for acquisition of  
 11 interests in other lands for the preservation of natural  
 12 areas.  
 13 Section 4. Section 76-12-107, MCA, is amended to read:  
 14 "76-12-107. Methods of bringing land under part. A  
 15 natural area, as defined in 76-12-104, may become subject to  
 16 the provisions of this part in any of the following ways:  
 17 (1) designation by the board on lands controlled by  
 18 the board;  
 19 (2) designation by the legislature on lands owned by  
 20 the state of Montana;  
 21 (3) acquisition by the board by purchase with consent  
 22 of the property owner of sufficient interests in private  
 23 property to protect the natural area; provided, however,  
 24 that transfer of surface property or development rights  
 25 shall not alter the rights attending the subsurface estate

1 if owned by another party;

2 (4) gift accepted by the board under the authority of  
3 77-1-213, including conservation easements, provided that  
4 lands accepted must be protected and managed as natural  
5 areas and money accepted must be used in accordance with the  
6 purposes of this part;

7 (5) trade of state-owned trust land for a natural area  
8 on federal, county, or private land, provided, however, that  
9 lands received in exchange for trust lands should be equal  
10 in value to the exchanged trust land and as closely as  
11 possible equal in area; or

12 (6) registration of land by the department, following  
13 appropriate documentation and owner consent, that has been  
14 designated, dedicated, or otherwise protected as a natural  
15 area by the owner, including a private landowner, public  
16 interest group, or other land management agency."

17 Section 5. Section 76-12-112, MCA, is amended to read:

18 "76-12-112. Administrative Duties of board --  
19 administrative rules and hearing requirements. (1) The board  
20 shall, after at least one public hearing, promulgate  
21 comprehensive regulations for the protection of acquired and  
22 designated natural areas within its jurisdiction. Such  
23 regulations shall be consistent with the intent of this part  
24 and shall be promulgated and enforced so as to protect the  
25 qualities of the natural areas. Special attention shall be

1 given to protecting areas from recreational overuse.

2 (2) The regulations shall provide ~~at least two board~~  
3 ~~meetings-per-year~~ for meetings by the board for the receipt  
4 of testimony on the ~~board's~~ department's proposed  
5 designation of natural areas. No area shall be designated by  
6 the board unless the opportunity for public testimony has  
7 been afforded at meetings provided for in the regulations  
8 and positive notification of all involved landowners and  
9 lessees has been made.

10 (3) The board shall consider the department's  
11 recommendations as provided in [subsection (4) of section 3]  
12 and issue a statement of its decision."

13 NEW SECTION. Section 6. Natural areas advisory  
14 council. There is a natural areas advisory council.

15 (1) The council consists of seven citizens of the  
16 state appointed by the governor as follows:

17 (a) four members having relevant qualifications to  
18 evaluate management strategies for natural areas; and

19 (b) one member each engaged in agriculture, ranching,  
20 and industry, respectively.

21 (2) The terms of four of the members must alternate  
22 with the terms of the other members. For the first  
23 appointment, four of the members must be appointed for 2  
24 years and three members for 4 years. Thereafter, each member  
25 must be appointed for a term of 4 years. Members may be

1 reappointed.

2 (3) Members appointed to fill unexpired terms must be  
3 appointed for the remainder of the unexpired term.

4 (4) Subsections (5) through (8) of 2-15-122 apply to  
5 the council and its members.

6 NEW SECTION. Section 7. Duties of council. The  
7 council shall:

8 (1) advise the department of rules that the council  
9 considers necessary in carrying out this chapter;

10 (2) make recommendations to the department concerning  
11 the establishment and administration of a natural areas  
12 system;

13 (3) make recommendations to the department concerning  
14 areas that are suitable for registration as natural areas;  
15 and

16 (4) assist the department with preparation of  
17 publications that will inform the public and obtain input  
18 from the public concerning natural areas and their  
19 management.

20 Section 8. Section 76-12-115, MCA, is amended to read:

21 "76-12-115. Consultation with interested parties. The  
22 ~~board-and-the--natural--areas--advisory--council~~ department  
23 shall consult with citizen organizations and other  
24 interested state agencies in the administration of this  
25 part."

1 NEW SECTION. Section 9. Repealer. Sections 76-12-105,  
2 76-12-106, 76-12-113, and 76-12-114, MCA, are repealed.

3 NEW SECTION. Section 10. Extension of authority. Any  
4 existing authority of the board of land commissioners to  
5 make rules on the subject of the provisions of this act is  
6 extended to the provisions of this act.

7 NEW SECTION. Section 11. Codification instructions.  
8 (1) Section 6 is intended to be codified as an integral part  
9 of Title 2, chapter 15, part 32, and the provisions of Title  
10 2, chapter 15, part 32, apply to section 6.

11 (2) Sections 3, 7, and 10 are intended to be codified  
12 as an integral part of Title 76, chapter 12, part 1, and the  
13 provisions of Title 76, chapter 12, part 1, apply to  
14 sections 3, 7, and 10.

15 NEW SECTION. Section 12. Effective date. This act is  
16 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB329, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The proposed legislation would authorize the Department of State Lands to plan for a natural areas system. The bill also defines the duties of the Board of Land Commissioners, the Natural Areas Advisory Council and the Department of State Lands.

ASSUMPTIONS:

1. One additional FTE Natural Area Specialist will be needed to comply with the provisions of the proposed legislation.
2. The Natural Areas Advisory Council will meet at least once a month and the seven members are entitled to per diem, meals, lodging and travel expenses.
3. Funding for appraisal work and purchase of sites are not included in this estimate.
4. Funding for the Natural Areas operation and the Council will be from the General Fund and no attempt was made to determine the amount of donations that would be collected during the next biennium.
5. Part time secretarial service is assumed to be necessary.

FISCAL IMPACT:

Expenditures:

	<u>FY88</u>			<u>FY89</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Personal Services	\$ 0	\$25,834	\$25,834	\$ 0	\$25,834	\$25,834
Operating Expenses	0	22,910	22,910	0	22,910	22,910
Capitol outlay	0	1,550	1,550	0	0	0
TOTAL	\$ 0	\$50,303	\$50,303	\$ 0	\$48,744	\$48,744

Funding:

General Fund	\$ 0	\$50,303	\$50,303	\$ 0	\$48,744	\$48,744
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TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

If donations are to fund all or part of the Natural Areas Program, a provision is needed to authorize acceptance of such donations.

*David L. Hunter* DATE 2/14/87  
 DAVID L. HUNTER, BUDGET DIRECTOR  
 Office of Budget and Program Planning

DATE \_\_\_\_\_  
 CHET BLAYLOCK, PRIMARY SPONSOR

Fiscal Note for SB329, as introduced.

**SB 329**

**SPONSOR'S FISCAL NOTE**

Form BD-15S

There is hereby submitted a Sponsor's Fiscal Note for: SB-329, Version: \_\_\_\_\_

DESCRIPTION OF THE PROPOSED LEGISLATION:

The proposed legislation would authorize the Department of State Lands to plan for a natural areas system, define the duties of the Board of Land Commissioners, the Department of State Lands, and the Natural Areas Advisory Council. The bill also amends sections 76-12-102, 76-12-104, 76-12-107, 76-12-112, and 76-12-115, MCA, and repeals sections 76-12-105, 76-12-106, 76-12-113, and 76-12-114, MCA, and provides an immediate effective date.

ASSUMPTIONS:

1. One additional FTE Natural Area Specialist will be needed to comply with the provisions of the proposed legislation.
2. The Natural Areas Advisory Council will meet at least once a month and the seven members are entitled to per diem, meals, lodging and travel expenses.
3. Funding for appraisal work and purchase of sites are not included in this estimate.
4. Funding for the Natural Areas operation and Council may come from private donations.
5. Part time secretarial service is assumed to be necessary.

FISCAL IMPACT:

Expenditures:

	<u>FY88</u>			<u>FY89</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Personal Services	\$ 0	\$25,834	\$25,834	\$ 0	\$25,834	\$25,834
Operating Expenses	0	22,910	22,910	0	22,910	22,910
Capitol outlay	0	1,550	1,550	0	0	0
<b>TOTAL</b>	<b>\$ 0</b>	<b>\$50,303</b>	<b>\$50,303</b>	<b>\$ 0</b>	<b>\$48,744</b>	<b>\$48,744</b>

Funding:

State special fund	\$ 0	\$50,303	\$50,303	\$ 0	\$48,744	\$48,744
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TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

Standard statutory appropriations language will be included in the House version of SB-329, to allow Department of State Lands to accept and use private donations for the purposes of administering the State Natural Areas Program.

*Chet Blaylock*

Fiscal Note for SB 329 Date 2-23-87  
Sponsor's



APPROVED BY COMM. ON NATURAL RESOURCES

1 INTRODUCTION BY Senate BILL NO. 329  
2 Blaylock Snodley  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
5 DEPARTMENT OF STATE LANDS TO PLAN FOR A NATURAL AREAS  
6 SYSTEM; DEFINING THE DUTIES OF THE BOARD OF LAND  
7 COMMISSIONERS, THE DEPARTMENT OF STATE LANDS, AND THE  
8 NATURAL AREAS ADVISORY COUNCIL; AMENDING SECTIONS 76-12-102,  
9 76-12-104, 76-12-107, 76-12-112, AND 76-12-115, MCA;  
10 REPEALING SECTIONS 76-12-105, 76-12-106, 76-12-113, AND  
11 76-12-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
12

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

14 Section 1. Section 76-12-102, MCA, is amended to read:  
15 "76-12-102. Legislative findings. The legislature  
16 finds that:

17 (1) in the expanses of Montana there are natural areas  
18 possessing significant scenic, educational, scientific,  
19 biological, and/or geological values or areas possessing  
20 these characteristics to a degree promising their  
21 restoration to a natural state;

22 (2) since the development of these areas is an  
23 irreversible commitment of a finite and diminishing resource  
24 of fundamental importance, the--remaining selected areas  
25 should be preserved for the benefit of this and future

1 generations; and

2 (3) currently there are no regulations promulgated by  
3 the state or local governments to insure adequate protection  
4 for natural areas;

5 (4) it is necessary to establish a process for  
6 developing a system of natural areas and to encourage public  
7 and private participation in the establishment of a natural  
8 areas system for the benefit of the citizens of the state;  
9 and

10 (5) future designations of natural areas should avoid  
11 duplication of previously protected natural resources of  
12 publicly owned and privately dedicated lands such as nature  
13 preserves, natural areas, parks, and wilderness areas."

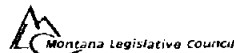
14 Section 2. Section 76-12-104, MCA, is amended to read:  
15 "76-12-104. Definitions. (1) "Board" means the board  
16 of land commissioners.

17 (2) "Council" means the natural areas advisory council  
18 ~~created by this part~~ provided for in [section 6].

19 (3) "Department" means the department of state lands.

20 (4) "Natural area" means an area of land which must  
21 generally appear to have been affected primarily by the  
22 forces of nature with the visual aspects of human intrusion  
23 not dominant and also must have one or more of the following  
24 characteristics:

25 (a) an outstanding mixture or variety of vegetation,



1 wildlife, water resource, landscape, and scenic values;

2 (b) an important or rare ecological or geological  
3 feature or other rare or significant natural feature worthy  
4 of preservation for scientific, educational, or ecological  
5 purposes.

6 (5) "Natural areas system" means the composite of  
7 lands in the state that exhibit the characteristics of  
8 natural areas and that have been designated by the board or  
9 dedicated or otherwise protected and managed as natural  
10 areas.

11 (6) "Register" means the Montana register of natural  
12 areas established under [section 3]."

13 NEW SECTION. Section 3. Duties of department -- plan  
14 for natural areas system. The department shall:

15 (1) identify the existing and potential natural areas  
16 on lands under its jurisdiction and annually prepare a  
17 register listing the existing and potential natural areas on  
18 private, county, state, and federal land;

19 (2) prepare and implement a biennial administrative  
20 plan for a natural areas system that will:

21 (i) assure equitable representation of the diversity  
22 of natural area types that are found to occur on private,  
23 county, state, and federal lands; and

24 (ii) include identification of important natural area  
25 needs, viable methods to make eligible lands a part of the

1 natural areas system, responsible management entities, goals  
2 for establishing natural areas, obligations of cooperating  
3 agencies, organizations, and individuals, and administrative  
4 procedures for registering natural areas with the  
5 department;

6 (3) consider the concerns and comments of the council,  
7 the board, and the public in preparing and implementing the  
8 administrative plan described in subsection (2); and

9 (4) make recommendations to the board for designation  
10 of natural areas on state lands and for acquisition of  
11 interests in other lands for the preservation of natural  
12 areas.

13 Section 4. Section 76-12-107, MCA, is amended to read:

14 "76-12-107. Methods of bringing land under part. A  
15 natural area, as defined in 76-12-104, may become subject to  
16 the provisions of this part in any of the following ways:

17 (1) designation by the board on lands controlled by  
18 the board;

19 (2) designation by the legislature on lands owned by  
20 the state of Montana;

21 (3) acquisition by the board by purchase with consent  
22 of the property owner of sufficient interests in private  
23 property to protect the natural area; provided, however,  
24 that transfer of surface property or development rights  
25 shall not alter the rights attending the subsurface estate

1 if owned by another party;

2 (4) gift accepted by the board under the authority of  
3 77-1-213, including conservation easements, provided that  
4 lands accepted must be protected and managed as natural  
5 areas and money accepted must be used in accordance with the  
6 purposes of this part;

7 (5) trade of state-owned trust land for a natural area  
8 on federal, county, or private land, provided, however, that  
9 lands received in exchange for trust lands should be equal  
10 in value to the exchanged trust land and as closely as  
11 possible equal in area; or

12 (6) registration of land by the department, following  
13 appropriate documentation and owner consent, that has been  
14 designated, dedicated, or otherwise protected as a natural  
15 area by the owner, including a private landowner, public  
16 interest group, or other land management agency."

17 Section 5. Section 76-12-112, MCA, is amended to read:

18 "76-12-112. Administrative Duties of board --  
19 administrative rules and hearing requirements. (1) The board  
20 shall, after at least one public hearing, promulgate  
21 comprehensive regulations for the protection of acquired and  
22 designated natural areas within its jurisdiction. Such  
23 regulations shall be consistent with the intent of this part  
24 and shall be promulgated and enforced so as to protect the  
25 qualities of the natural areas. Special attention shall be

1 given to protecting areas from recreational overuse.

2 (2) The regulations shall provide ~~at least two board~~  
3 ~~meetings per year~~ for meetings by the board for the receipt  
4 of testimony on the ~~board's~~ department's proposed  
5 designation of natural areas. No area shall be designated by  
6 the board unless the opportunity for public testimony has  
7 been afforded at meetings provided for in the regulations  
8 and positive notification of all involved landowners and  
9 lessees has been made.

10 (3) The board shall consider the department's  
11 recommendations as provided in [subsection (4) of section 3]  
12 and issue a statement of its decision."

13 NEW SECTION. Section 6. Natural areas advisory  
14 council. There is a natural areas advisory council.

15 (1) The council consists of seven citizens of the  
16 state appointed by the governor as follows:

17 (a) four members having relevant qualifications to  
18 evaluate management strategies for natural areas; and

19 (b) one member each engaged in agriculture, ranching,  
20 and industry, respectively.

21 (2) The terms of four of the members must alternate  
22 with the terms of the other members. For the first  
23 appointment, four of the members must be appointed for 2  
24 years and three members for 4 years. Thereafter, each member  
25 must be appointed for a term of 4 years. Members may be

1 reappointed.

2 (3) Members appointed to fill unexpired terms must be  
3 appointed for the remainder of the unexpired term.

4 (4) Subsections (5) through (8) of 2-15-122 apply to  
5 the council and its members.

6 NEW SECTION. Section 7. Duties of council. The  
7 council shall:

8 (1) advise the department of rules that the council  
9 considers necessary in carrying out this chapter;

10 (2) make recommendations to the department concerning  
11 the establishment and administration of a natural areas  
12 system;

13 (3) make recommendations to the department concerning  
14 areas that are suitable for registration as natural areas;  
15 and

16 (4) assist the department with preparation of  
17 publications that will inform the public and obtain input  
18 from the public concerning natural areas and their  
19 management.

20 Section 8. Section 76-12-115, MCA, is amended to read:

21 "76-12-115. Consultation with interested parties. The  
22 ~~board-and-the--natural--areas--advisory--council~~ department  
23 shall consult with citizen organizations and other  
24 interested state agencies in the administration of this  
25 part."

1 NEW SECTION. Section 9. Repealer. Sections 76-12-105,  
2 76-12-106, 76-12-113, and 76-12-114, MCA, are repealed.

3 NEW SECTION. Section 10. Extension of authority. Any  
4 existing authority of the board of land commissioners to  
5 make rules on the subject of the provisions of this act is  
6 extended to the provisions of this act.

7 NEW SECTION. Section 11. Codification instructions.  
8 (1) Section 6 is intended to be codified as an integral part  
9 of Title 2, chapter 15, part 32, and the provisions of Title  
10 2, chapter 15, part 32, apply to section 6.

11 (2) Sections 3, 7, and 10 are intended to be codified  
12 as an integral part of Title 76, chapter 12, part 1, and the  
13 provisions of Title 76, chapter 12, part 1, apply to  
14 sections 3, 7, and 10.

15 NEW SECTION. Section 12. Effective date. This act is  
16 effective on passage and approval.

-End-

1 *Senate* BILL NO. *329*  
 2 INTRODUCED BY *Blaylock* *Bondley*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 5 DEPARTMENT OF STATE LANDS TO PLAN FOR A NATURAL AREAS  
 6 SYSTEM; DEFINING THE DUTIES OF THE BOARD OF LAND  
 7 COMMISSIONERS, THE DEPARTMENT OF STATE LANDS, AND THE  
 8 NATURAL AREAS ADVISORY COUNCIL; AMENDING SECTIONS 76-12-102,  
 9 76-12-104, 76-12-107, 76-12-112, AND 76-12-115, MCA;  
 10 REPEALING SECTIONS 76-12-105, 76-12-106, 76-12-113, AND  
 11 76-12-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
 12

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

14 Section 1. Section 76-12-102, MCA, is amended to read:

15 "76-12-102. Legislative findings. The legislature  
 16 finds that:

17 (1) in the expanses of Montana there are natural areas  
 18 possessing significant scenic, educational, scientific,  
 19 biological, and/or geological values or areas possessing  
 20 these characteristics to a degree promising their  
 21 restoration to a natural state;

22 (2) since the development of these areas is an  
 23 irreversible commitment of a finite and diminishing resource  
 24 of fundamental importance, ~~the--remaining~~ selected areas  
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1 generations; and

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10 (5) future designations of natural areas should avoid  
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 13 preserves, natural areas, parks, and wilderness areas."

14 Section 2. Section 76-12-104, MCA, is amended to read:

15 "76-12-104. Definitions. (1) "Board" means the board  
 16 of land commissioners.

17 (2) "Council" means the natural areas advisory council  
 18 created-by-this-part provided for in [section 6].

19 (3) "Department" means the department of state lands.

20 (4) "Natural area" means an area of land which must  
 21 generally appear to have been affected primarily by the  
 22 forces of nature with the visual aspects of human intrusion  
 23 not dominant and also must have one or more of the following  
 24 characteristics:

25 (a) an outstanding mixture or variety of vegetation,

1 wildlife, water resource, landscape, and scenic values;

2 (b) an important or rare ecological or geological

3 feature or other rare or significant natural feature worthy

4 of preservation for scientific, educational, or ecological

5 purposes.

6 (5) "Natural areas system" means the composite of

7 lands in the state that exhibit the characteristics of

8 natural areas and that have been designated by the board or

9 dedicated or otherwise protected and managed as natural

10 areas.

11 (6) "Register" means the Montana register of natural

12 areas established under [section 3]."

13 NEW SECTION. Section 3. Duties of department -- plan

14 for natural areas system. The department shall:

15 (1) identify the existing and potential natural areas

16 on lands under its jurisdiction and annually prepare a

17 register listing the existing and potential natural areas on

18 private, county, state, and federal land;

19 (2) prepare and implement a biennial administrative

20 plan for a natural areas system that will:

21 (i) assure equitable representation of the diversity

22 of natural area types that are found to occur on private,

23 county, state, and federal lands; and

24 (ii) include identification of important natural area

25 needs, viable methods to make eligible lands a part of the

1 natural areas system, responsible management entities, goals

2 for establishing natural areas, obligations of cooperating

3 agencies, organizations, and individuals, and administrative

4 procedures for registering natural areas with the

5 department;

6 (3) consider the concerns and comments of the council,

7 the board, and the public in preparing and implementing the

8 administrative plan described in subsection (2); and

9 (4) make recommendations to the board for designation

10 of natural areas on state lands and for acquisition of

11 interests in other lands for the preservation of natural

12 areas.

13 Section 4. Section 76-12-107, MCA, is amended to read:

14 "76-12-107. Methods of bringing land under part. A

15 natural area, as defined in 76-12-104, may become subject to

16 the provisions of this part in any of the following ways:

17 (1) designation by the board on lands controlled by

18 the board;

19 (2) designation by the legislature on lands owned by

20 the state of Montana;

21 (3) acquisition by the board by purchase with consent

22 of the property owner of sufficient interests in private

23 property to protect the natural area; provided, however,

24 that transfer of surface property or development rights

25 shall not alter the rights attending the subsurface estate

1 if owned by another party;

2 (4) gift accepted by the board under the authority of  
3 77-1-213, including conservation easements, provided that  
4 lands accepted must be protected and managed as natural  
5 areas and money accepted must be used in accordance with the  
6 purposes of this part;

7 (5) trade of state-owned trust land for a natural area  
8 on federal, county, or private land, provided, however, that  
9 lands received in exchange for trust lands should be equal  
10 in value to the exchanged trust land and as closely as  
11 possible equal in area; or

12 (6) registration of land by the department, following  
13 appropriate documentation and owner consent, that has been  
14 designated, dedicated, or otherwise protected as a natural  
15 area by the owner, including a private landowner, public  
16 interest group, or other land management agency."

17 Section 5. Section 76-12-112, MCA, is amended to read:

18 "76-12-112. Administrative Duties of board --  
19 administrative rules and hearing requirements. (1) The board  
20 shall, after at least one public hearing, promulgate  
21 comprehensive regulations for the protection of acquired and  
22 designated natural areas within its jurisdiction. Such  
23 regulations shall be consistent with the intent of this part  
24 and shall be promulgated and enforced so as to protect the  
25 qualities of the natural areas. Special attention shall be

1 given to protecting areas from recreational overuse.

2 (2) The regulations shall provide at-least-two-board  
3 meetings-per-year for meetings by the board for the receipt  
4 of testimony on the board's department's proposed  
5 designation of natural areas. No area shall be designated by  
6 the board unless the opportunity for public testimony has  
7 been afforded at meetings provided for in the regulations  
8 and positive notification of all involved landowners and  
9 lessees has been made.

10 (3) The board shall consider the department's  
11 recommendations as provided in [subsection (4) of section 3]  
12 and issue a statement of its decision."

13 NEW SECTION. Section 6. Natural areas advisory  
14 council. There is a natural areas advisory council.

15 (1) The council consists of seven citizens of the  
16 state appointed by the governor as follows:

17 (a) four members having relevant qualifications to  
18 evaluate management strategies for natural areas; and

19 (b) one member each engaged in agriculture, ranching,  
20 and industry, respectively.

21 (2) The terms of four of the members must alternate  
22 with the terms of the other members. For the first  
23 appointment, four of the members must be appointed for 2  
24 years and three members for 4 years. Thereafter, each member  
25 must be appointed for a term of 4 years. Members may be

1 reappointed.

2 (3) Members appointed to fill unexpired terms must be  
3 appointed for the remainder of the unexpired term.

4 (4) Subsections (5) through (8) of 2-15-122 apply to  
5 the council and its members.

6 NEW SECTION. Section 7. Duties of council. The  
7 council shall:

8 (1) advise the department of rules that the council  
9 considers necessary in carrying out this chapter;

10 (2) make recommendations to the department concerning  
11 the establishment and administration of a natural areas  
12 system;

13 (3) make recommendations to the department concerning  
14 areas that are suitable for registration as natural areas;  
15 and

16 (4) assist the department with preparation of  
17 publications that will inform the public and obtain input  
18 from the public concerning natural areas and their  
19 management.

20 Section 8. Section 76-12-115, MCA, is amended to read:

21 "76-12-115. Consultation with interested parties. The  
22 ~~board-and-the-natural-areas-advisory-council~~ department  
23 shall consult with citizen organizations and other  
24 interested state agencies in the administration of this  
25 part."

1 NEW SECTION. Section 9. Repealer. Sections 76-12-105,  
2 76-12-106, 76-12-113, and 76-12-114, MCA, are repealed.

3 NEW SECTION. Section 10. Extension of authority. Any  
4 existing authority of the board of land commissioners to  
5 make rules on the subject of the provisions of this act is  
6 extended to the provisions of this act.

7 NEW SECTION. Section 11. Codification instructions.  
8 (1) Section 6 is intended to be codified as an integral part  
9 of Title 2, chapter 15, part 32, and the provisions of Title  
10 2, chapter 15, part 32, apply to section 6.

11 (2) Sections 3, 7, and 10 are intended to be codified  
12 as an integral part of Title 76, chapter 12, part 1, and the  
13 provisions of Title 76, chapter 12, part 1, apply to  
14 sections 3, 7, and 10.

15 NEW SECTION. Section 12. Effective date. This act is  
16 effective on passage and approval.

-End-



SENATE BILL NO. 329

INTRODUCED BY BLAYLOCK, BRADLEY

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING--THE DEPARTMENT--OF--STATE--LANDS--TO--PLAN--FOR--A-NATURAL-AREAS SYSTEM,--DEFINING--THE--DUTIES--OF--THE--BOARD---OF---LAND COMMISSIONERS,--THE--DEPARTMENT--OF--STATE--LANDS,--AND--THE NATURAL--AREAS--ADVISORY--COUNCIL GENERALLY REVISING THE MONTANA NATURAL AREAS ACT OF 1974; AMENDING SECTIONS 17-7-502, 76-12-102, 76-12-104, 76-12-107, 76-12-112, AND 76-12-115, MCA; REPEALING SECTIONS 76-12-105, 76-12-106, 76-12-113, AND 76-12-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

Section 1. Section 76-12-102, MCA, is amended to read:

"76-12-102. Legislative findings. The legislature finds that:

(1) in the expanses of Montana there are natural areas possessing significant scenic, educational, scientific, biological, and/or geological values or areas possessing these characteristics to a degree promising their restoration to a natural state;

(2) since the development of these areas is an irreversible commitment of a finite and diminishing resource

of fundamental importance, the--remaining selected areas should be preserved for the benefit of this and future generations; and

(3) currently there are no regulations promulgated by the state or local governments to insure adequate protection for natural areas;

(4) it is necessary to establish a process for developing a system of natural areas and to encourage public and private participation in the establishment of a natural areas system for the benefit of the citizens of the state; and

(5) future designations of natural areas should avoid duplication--of--previously FIRST CONSIDER protected natural resources--of FEATURES IN publicly owned and privately dedicated lands, such as nature preserves, natural areas, parks, and wilderness areas, AND SHOULD AVOID DUPLICATION OF THESE FEATURES."

Section 2. Section 76-12-104, MCA, is amended to read:

"76-12-104. Definitions. (1) "Board" means the board of land commissioners.

(2) "Council" means the natural areas advisory council created-by-this-part provided for in [section 6].

(3) "Department" means the department of state lands.

(4) "Natural area" means an area of land which must generally appear to have been affected primarily by the



1 forces of nature with the visual aspects of human intrusion  
2 not dominant and also must have one or more of the following  
3 characteristics:

4 (a) an outstanding mixture or variety of vegetation,  
5 wildlife, water resource, landscape, and scenic values;

6 (b) an important or rare ecological or geological  
7 feature or other rare or significant natural feature worthy  
8 of preservation for scientific, educational, or ecological  
9 purposes.

10 (5) "Natural areas system" means the composite of  
11 lands in the state that exhibit the characteristics of  
12 natural areas and that have been designated by the board or  
13 dedicated or otherwise protected and managed as natural  
14 areas.

15 (6) "Register" means the Montana register of natural  
16 areas established under [section 3]."

17 NEW SECTION. Section 3. Duties of department -- plan  
18 for natural areas system. The department shall MAY:

19 (1) identify the existing and potential natural areas  
20 on lands under its jurisdiction and annually prepare a  
21 register listing the existing and ~~potential~~ natural areas on  
22 private, county, state, and federal land;

23 (2) prepare and implement a biennial administrative  
24 plan for a natural areas system that will:

25 (i) assure equitable representation of the diversity

1 of natural area types that are found to occur on private,  
2 county, state, and federal lands; and

3 (ii) include identification of important natural area  
4 needs, viable methods to make eligible lands a part of the  
5 natural areas system, responsible management entities, goals  
6 for establishing natural areas, obligations of cooperating  
7 agencies, organizations, and individuals, and administrative  
8 procedures for registering natural areas with the  
9 department;

10 (3) consider the concerns and comments of the council,  
11 the board, and the public in preparing and implementing the  
12 administrative plan described in subsection (2); and

13 (4) make recommendations to the board for designation  
14 of natural areas on state lands and for acquisition of  
15 interests in other lands for the preservation of natural  
16 areas;

17 (5) PROVIDE THAT DESIGNATED NATURAL AREAS ON STATE  
18 LANDS ARE AVAILABLE FOR MULTIPLE USES, INCLUDING BUT NOT  
19 LIMITED TO GRAZING, RECREATION, AND SNOWMOBILING, IF SUCH  
20 USES ARE CONSISTENT WITH THE STATE'S OBLIGATIONS UNDER THE  
21 ENABLING ACT AND DO NOT INTERFERE WITH THE MANAGEMENT OR  
22 INTEGRITY OF THE NATURAL AREA; AND

23 (6) PROVIDE THAT THE MANAGEMENT OF NATURAL AREAS ON  
24 STATE LANDS INCLUDES PROVISIONS FOR WEED CONTROL CONSISTENT  
25 WITH 7-22-2151. THE DEPARTMENT OF STATE LANDS ASSUMES ANY

1 LEVY UNDER 7-22-2142 IN NATURAL AREAS, LESSEE IS NOT  
 2 RESPONSIBLE FOR FIRE SUPPRESSION COSTS IN NATURAL AREAS, AND  
 3 LESSEE IS NOT RESPONSIBLE FOR KEEPING NATURAL AREAS FREE OF  
 4 GARBAGE AND DEBRIS.

5 Section 4. Section 76-12-107, MCA, is amended to read:  
 6 "76-12-107. Methods of bringing land under part. A  
 7 natural area, as defined in 76-12-104, may become subject to  
 8 the provisions of this part in any of the following ways:

9 (1) designation by the board on lands controlled by  
 10 the board;

11 (2) designation by the legislature on lands owned by  
 12 the state of Montana;

13 (3) acquisition by the board by purchase with consent  
 14 of the property owner of sufficient interests in private  
 15 property to protect the natural area; provided, however,  
 16 that transfer of surface property or development rights  
 17 shall not alter the rights attending the subsurface estate  
 18 if owned by another party;

19 (4) gift accepted by the board under the authority of  
 20 77-1-213, including conservation easements, provided that  
 21 lands accepted must be protected and managed as natural  
 22 areas and money accepted must be used in accordance with the  
 23 purposes of this part;

24 (5) trade of state-owned trust land for a natural area  
 25 on federal, county, or private land, provided, however, that

1 lands received in exchange for trust lands should be equal  
 2 in value to the exchanged trust land and as closely as  
 3 possible equal in area; or

4 (6) registration of land by the department, following  
 5 appropriate documentation and owner consent, that has been  
 6 designated, dedicated, or otherwise protected as a natural  
 7 area by the owner, including a private landowner, public  
 8 interest group, or other land management agency."

9 Section 5. Section 76-12-112, MCA, is amended to read:

10 "76-12-112. Administrative Duties of board --  
 11 administrative rules and hearing requirements. (1) The board  
 12 shall, after at least one public hearing, promulgate  
 13 comprehensive regulations for the protection of acquired and  
 14 designated natural areas within its jurisdiction. Such  
 15 regulations shall be consistent with the intent of this part  
 16 and shall be promulgated and enforced so as to protect the  
 17 qualities of the natural areas. Special attention shall be  
 18 given to protecting areas from recreational overuse.

19 (2) The regulations shall provide at-least--two--board  
 20 meetings--per-year for meetings by the board for the receipt  
 21 of testimony on the board's department's proposed  
 22 designation of natural areas. No area shall be designated by  
 23 the board unless the opportunity for public testimony has  
 24 been afforded at meetings provided for in the regulations  
 25 and positive notification of all involved landowners and

1 lessees has been made.

2 (3) The board shall consider the department's  
3 recommendations as provided in [subsection (4) of section 3]  
4 and issue a statement of its decision."

5 NEW SECTION. Section 6. Natural areas advisory  
6 council. There is a natural areas advisory council.

7 (1) The council consists of ~~seven~~ SIX citizens of the  
8 state appointed by the governor as follows:

9 (a) ~~four~~ THREE members having relevant qualifications  
10 to evaluate management strategies for natural areas; and

11 (b) one member ~~each~~ engaged in agriculture, ~~ranching,~~  
12 ~~and industry, respectively;~~

13 (C) ONE MEMBER ENGAGED IN RANCHING; AND

14 (D) ONE MEMBER REPRESENTING INDUSTRY.

15 (2) ~~The terms of four of the members must alternate~~  
16 ~~with the terms of the other members.~~ For the first  
17 appointment, ~~four~~ THREE of the members must be appointed for  
18 2 years and three members for 4 years. Thereafter, each  
19 member must be appointed for a term of 4 years. Members may  
20 be reappointed.

21 (3) Members appointed to fill unexpired terms must be  
22 appointed for the remainder of the unexpired term.

23 (4) Subsections (5) through (8) of 2-15-122 apply to  
24 the council and its members, EXCEPT THAT COMPENSATION AND  
25 REIMBURSEMENT ARE SUBJECT TO THE AVAILABILITY OF FUNDS.

1 NEW SECTION. Section 7. Duties of council. The  
2 council shall:

3 (1) advise the department of rules that the council  
4 considers necessary in carrying out this chapter;

5 (2) make recommendations to the department concerning  
6 the establishment and administration of a natural areas  
7 system;

8 (3) make recommendations to the department concerning  
9 areas that are suitable for registration as natural areas;  
10 and

11 (4) assist the department with preparation of  
12 publications that will inform the public and obtain input  
13 from the public concerning natural areas and their  
14 management.

15 Section 8. Section 76-12-115, MCA, is amended to read:

16 "76-12-115. Consultation with interested parties. The  
17 ~~board and the natural areas advisory council~~ department  
18 shall consult with citizen organizations, ORGANIZATIONS  
19 REPRESENTING MONTANA'S BASIC RESOURCE INDUSTRIES, and other  
20 interested state agencies in the administration of this  
21 part."

22 NEW SECTION. SECTION 9. NATURAL AREAS ACCOUNT. (1)  
23 THERE IS A NATURAL AREAS SPECIAL REVENUE ACCOUNT WITHIN THE  
24 STATE SPECIAL REVENUE FUND ESTABLISHED IN 17-2-102.

25 (2) THE NATURAL AREAS ACCOUNT MAY RECEIVE FUNDS FROM

1 ANY SOURCE AS GIFTS.

2 (3) THE DEPARTMENT MAY SPEND FUNDS ACCEPTED AS GIFTS  
3 IN ACCORDANCE WITH THE PURPOSES OF THIS PART, INCLUDING  
4 ADMINISTRATION OF A NATURAL AREAS PROGRAM. THESE FUNDS ARE  
5 STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502.

6 SECTION 10. SECTION 17-7-502, MCA, IS AMENDED TO READ:

7 "17-7-502. Statutory appropriations -- definition --  
8 requisites for validity. (1) A statutory appropriation is an  
9 appropriation made by permanent law that authorizes spending  
10 by a state agency without the need for a biennial  
11 legislative appropriation or budget amendment.

12 (2) Except as provided in subsection (4), to be  
13 effective, a statutory appropriation must comply with both  
14 of the following provisions:

15 (a) The law containing the statutory authority must be  
16 listed in subsection (3).

17 (b) The law or portion of the law making a statutory  
18 appropriation must specifically state that a statutory  
19 appropriation is made as provided in this section.

20 (3) The following laws are the only laws containing  
21 statutory appropriations:

- 22 (a) 2-9-202;
- 23 (b) 2-17-105;
- 24 (c) 2-18-812;
- 25 (d) 10-3-203;

- 1 (e) 10-3-312;
- 2 (f) 10-3-314;
- 3 (g) 10-4-301;
- 4 (h) 13-37-304;
- 5 (i) 15-31-702;
- 6 (j) 15-36-112;
- 7 (k) 15-70-101;
- 8 (l) 16-1-404;
- 9 (m) 16-1-410;
- 10 (n) 16-1-411;
- 11 (o) 17-3-212;
- 12 (p) 17-5-404;
- 13 (q) 17-5-424;
- 14 (r) 17-5-804;
- 15 (s) 19-8-504;
- 16 (t) 19-9-702;
- 17 (u) 19-9-1007;
- 18 (v) 19-10-205;
- 19 (w) 19-10-305;
- 20 (x) 19-10-506;
- 21 (y) 19-11-512;
- 22 (z) 19-11-513;
- 23 (aa) 19-11-606;
- 24 (bb) 19-12-301;
- 25 (cc) 19-13-604;

1 (dd) 20-6-406;  
 2 (ee) 20-8-111;  
 3 (ff) 23-5-612;  
 4 (gg) 37-51-501;  
 5 (hh) 53-24-206;  
 6 (ii) 75-1-1101;  
 7 (jj) 75-7-305;  
 8 (kk) 80-2-103;  
 9 (ll) 80-2-228;  
 10 (mm) 90-3-301;  
 11 (nn) 90-3-302;  
 12 (oo) 90-15-103; and  
 13 (pp) Sec. 13, HB 861, L. 1985; and  
 14 (qq) [section 9].  
 15 (4) There is a statutory appropriation to pay the  
 16 principal, interest, premiums, and costs of issuing, paying,  
 17 and securing all bonds, notes, or other obligations, as due,  
 18 that have been authorized and issued pursuant to the laws of  
 19 Montana. Agencies that have entered into agreements  
 20 authorized by the laws of Montana to pay the state  
 21 treasurer, for deposit in accordance with 17-2-101 through  
 22 17-2-107, as determined by the state treasurer, an amount  
 23 sufficient to pay the principal and interest as due on the  
 24 bonds or notes have statutory appropriation authority for  
 25 such payments."

1 NEW SECTION. Section 11. Repealer. Sections  
 2 76-12-105, 76-12-106, 76-12-113, and 76-12-114, MCA, are  
 3 repealed.  
 4 NEW SECTION. Section 12. Extension of authority. Any  
 5 existing authority of the board of land commissioners to  
 6 make rules on the subject of the provisions of this act is  
 7 extended to the provisions of this act.  
 8 NEW SECTION. Section 13. Codification instructions.  
 9 (1) Section 6 is intended to be codified as an integral part  
 10 of Title 2, chapter 15, part 32, and the provisions of Title  
 11 2, chapter 15, part 32, apply to section 6.  
 12 (2) Sections 3, 7, and ~~10~~ 9 are intended to be  
 13 codified as an integral part of Title 76, chapter 12, part  
 14 1, and the provisions of Title 76, chapter 12, part 1, apply  
 15 to sections 3, 7, and ~~10~~ 9.  
 16 NEW SECTION. Section 14. Effective date. This act is  
 17 effective on passage and approval.  
 18 NEW SECTION. SECTION 15. TERMINATION. SECTIONS 6 AND  
 19 7 TERMINATE ON JUNE 30, 1993.

-End-

STANDING COMMITTEE REPORT

HOUSE

MARCH 23 1987

MARCH 23 1987

Speaker: We, the committee on NATURAL RESOURCES

Bill: SB 329

Do pass Do not pass [ ] be concurred in [ ] be not concurred in [X] as amended [ ] statement of intent attached

TOM JONES Chairman

AMENDMENTS AS FOLLOWS:

1) Title, lines through 8 4 Strike: "AUTHORIZING" on line through "COUNCIL" on line 8 Insert: "GENERALLY REVISING THE MONTANA NATURAL AREAS ACT OF 1974"

2) Title, line 8 Following: "SECTIONS" Insert: "17-7-502," "DATE" He, line 11. Following: "DATE" Insert: "AND A TERMINATE DATE"

4) Page 2, lines 10 and 11 Strike: "future" Following: "should" Strike: "avoid" on line 10 through "previously" on line 11 Insert: "first consider" Strike: "resources of" on line 11 Insert: "features in"

5) Page 2, line 13 Following: "wilderness areas" Insert: ", and should avoid duplication of these features"

6) Page 3, line 17 Strike: "and potential"

7) Page 4, line 8 Strike: "and"

8) Page 4, line 12 Following: "areas" Insert: "; (5) provide that designated natural areas on state lands are available for multiple uses, including but not limited to grazing, recreation, and snowmobiling, if such uses are consistent with the state's obligations under the Enabling Act and do not interfere with the management or integrity of the natural area; and (6) provide that the management of natural areas on state lands include provisions for weed control consistent with 7-22-2151"

- 9) Page 6, line 15 Strike: "seven" Insert: "six"
10) Page 6, line 17 Strike: "four" Insert: "three"
11) Page 6, line 18 Strike: "and"
12) Page 6, lines 19 and 20 Strike: "each" Following: "agriculture" Strike: ", " on line 19 through "respectively" on line 20 Insert: "; (c) one member engaged in ranching; and (d) one member representing industry"
13) Page 6, lines 21 and 22 Strike: "The" on line 21 through "members." on line 22
14) Page 6, line 23 Strike: "four" Insert: "three"
15) Page 7, line 5 Following: "members" Insert: ", except that compensation and reimbursement are subject to the availability of funds"
16) Page 7, line 23 Following: "organizations" Insert: ", organizations representing Montana's basic resource industries,"
17) Page 7 Following: line 25 Insert: "NEW SECTION. Section 9. Natural areas account. (1) There is a natural areas special revenue account within the state special revenue fund established in 17-2-102. (2) The natural areas account may receive funds from any source as gifts. (3) The department may spend funds accepted as gifts in accordance with this purposes of this part, including administration of a natural areas program. These funds are statutorily appropriated as provided in 17-7-502."

Tom Jones Chairman

1007-11

1007-11

Section 10. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations:

- (a) 2-9-202;
- (b) 2-17-105;
- (c) 2-18-812;
- (d) 10-3-203;
- (e) 10-3-312;
- (f) 10-3-314;
- (g) 10-4-301;
- (h) 13-37-304;
- (i) 15-31-702;
- (j) 15-36-112;
- (k) 15-70-101;
- (l) 16-1-404;
- (m) 16-1-410;
- (n) 16-1-411;
- (o) 17-3-212;
- (p) 17-5-404;
- (q) 17-5-424;
- (r) 17-5-804;
- (s) 19-8-504;
- (t) 19-9-702;
- (u) 19-9-1007;
- (v) 19-10-205;
- (w) 19-10-305;
- (x) 19-10-506;
- (y) 19-11-512;
- (z) 19-11-513;
- (aa) 19-11-606;
- (bb) 19-12-301;
- (cc) 19-13-604;

- (dd) 20-6-406;
- (ee) 20-8-111;
- (ff) 23-5-612;
- (gg) 37-51-501;
- (hh) 53-24-206;
- (ii) 75-1-1101;
- (jj) 75-7-305;
- (kk) 80-2-103;
- (ll) 82-2-228;
- (mm) 90-3-301;
- (nn) 90-3-302;
- (oo) 90-15-103;
- (pp) Sec. 13, HB 861, L. 1985; and
- (qq) [section 9].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments."

*- Remember subsequent sections -*

18) ~~10~~ Page 8, line 11  
Strike: "10"  
Insert: "9"

19) ~~10~~ Page 8, line 14  
Strike: "10"  
Insert: "9"

20) ~~10~~ Page 8  
Following: line 16  
Insert: "NEW SECTION". Section <sup>15</sup> Termination. Sections 6 and 7 terminate on June 30, 1993."

*[Signature]*  
Chairman

*[Signature]*  
Chairman



# COMMITTEE OF THE WHOLE AMENDMENT

HOUSE

3-28-87

DATE

17:45

TIME

MR. CHAIRMAN: I MOVE TO AMEND SB 329

3rd reading copy ( blue ) as follows:  
Color

1) Page 3, line 14.  
Strike: "shall"  
Insert: "may"

# COMMITTEE OF THE WHOLE AMENDMENT

HOUSE

3-28-87

DATE

17:15

TIME

MR. CHAIRMAN: I MOVE TO AMEND SB 329

3rd reading copy ( blue ) as follows:  
Color

AMENDING THE HOUSE NATURAL RESOURCES STANDING COMMITTEE REPORT  
DATED 3-23-87, WHICH AMENDED SB 329

1) Amending Instruction No. 8, line 12 (the inserted material).  
Following: "consistent with 7-22-2151"  
Insert: ". The department of state lands assumes any levy under  
7-22-2142 in natural areas, lessee is not responsible for fire  
suppression costs in natural areas, and lessee is not  
responsible for keeping natural areas free of garbage and  
debris"