

HOUSE BILL NO. 754

INTRODUCED BY HARPER, SIMON, LYNCH, BISHOP, YELLOWTAIL,
HAGER, O'KEEFE, WALKER, MARKS, IVERSON, GRADY

IN THE HOUSE

MARCH 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
MARCH 3, 1989	FIRST READING.
MARCH 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 17, 1989	PRINTING REPORT.
MARCH 29, 1989	SECOND READING, DO PASS.
MARCH 30, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 48.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 31, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
	FIRST READING.
APRIL 6, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 8, 1989	SECOND READING, CONCURRED IN.
APRIL 10, 1989	THIRD READING, CONCURRED IN. AYES, 36; NOES, 12.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 11, 1989

RECEIVED FROM SENATE.

ON MOTION BY CHIEF SPONSOR,
REPRESENTATIVES MARKS, IVERSON, AND
GRADY ADDED AS SPONSORS.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 12, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *754*
2 INTRODUCED BY *Steven Simonovich*
3 *Bishop Yellowstone Hager Lake Eden*
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A RIVER
5 RESTORATION PROGRAM AND A RIVER RESTORATION ACCOUNT; FUNDING
6 THE ACCOUNT THROUGH A 50-CENT INCREASE IN THE COST OF A
7 CLASS A RESIDENT FISHING LICENSE AND A CLASS AAA SPORTSMAN'S
8 LICENSE AND A \$1 INCREASE IN THE COST OF A CLASS B
9 NONRESIDENT FISHING LICENSE; AMENDING SECTION 8, CHAPTER
10 636, LAWS OF 1987, AND SECTIONS 87-2-301, 87-2-302, AND
11 87-2-711, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN
12 APPLICABILITY DATE."

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

15 NEW SECTION. **Section 1. Purpose.** The legislature
16 finds that the conservation of rivers and their fisheries is
17 of vital social and economic importance to Montana. The
18 legislature further finds that our state's rivers and
19 fisheries are diminished in value by water pollution, water
20 shortages, and riparian development and that there is a need
21 for a program to maintain and restore the integrity and
22 productivity of our river systems. The legislature further
23 finds that establishment of a river restoration program,
24 funded by anglers from across the state and nation, is a
25 sound and proper method to ensure that the rivers and

1 fisheries that anglers and others have treasured for
2 Montana's first 100 years will continue to serve the state
3 and its people.

4 NEW SECTION. **Section 2. Definitions.** As used in
5 [sections 1 through 5], the following definitions apply:

6 (1) "Account" means the river restoration account
7 provided for in [section 4].

8 (2) "Associated lands" means the beds, banks,
9 shorelines, wetlands, and riparian vegetation associated
10 with a river.

11 (3) "Department" means the department of fish,
12 wildlife, and parks provided for in 2-15-3401.

13 (4) "Program" means the river restoration program
14 provided for in [section 3].

15 (5) "River" means a river, stream, creek, or other
16 body of flowing water.

17 NEW SECTION. **Section 3. River restoration program.**

18 (1) The department shall administer a river restoration
19 program.

20 (2) The program may consist of the following
21 activities to conserve and enhance fish and wildlife
22 habitat:

23 (a) physical rehabilitation of rivers and their
24 associated lands; and

25 (b) lease or purchase of water or water rights and the

administration of the lease or purchase, if the lease or purchase is authorized by law.

(3) The department shall work cooperatively with state, local, private, tribal, and federal organizations to achieve the goals of the program and may contract with private organizations to implement specific river restoration projects.

NEW SECTION. Section 4. River restoration account.

(1) There is a river restoration special revenue account administered by the department within the state special revenue fund established in 17-2-102.

(2) There must be deposited in the account:

(a) all proceeds earmarked for this account under 87-2-301, 87-2-302, and 87-2-711; and

(b) money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for the purposes of this account.

(3) The department may spend funds in the account only to carry out the program provided for in [section 3].

NEW SECTION. Section 5. Funding for river restoration account. The amount of money specified in this section from the sale of each of the following licenses must be deposited in the account provided for in [section 4]:

- (1) Class A--resident fishing license, 50 cents;
- (2) Class B--nonresident fishing license, \$1; and

(3) Class AAA--sportsman's license, 50 cents.

Section 6. Section 87-2-301, MCA, is amended to read:

"87-2-301. Class A--resident fishing license. Any resident, as defined by 87-2-102, upon payment of a fee of \$9 \$9.50, shall receive a Class A license which shall entitle the holder thereof to fish with hook and line or rod as authorized by regulations of the department."

Section 7. Section 87-2-302, MCA, is amended to read:

"87-2-302. Class B--nonresident fishing license. Any person not a resident, as defined in 87-2-102, upon payment of the sum of \$35 \$36 to any agent of the department authorized to issue fishing and hunting licenses, shall be entitled to a Class B license which shall entitle the holder thereof to fish with hook and line as authorized by the rules and regulations of the department."

Section 8. Section 87-2-711, MCA, is amended to read:

"87-2-711. (Effective March 1, 1988, to March 1, 1994) Class AAA--sportsman's license. Any resident, as defined by 87-2-102, who will be 12 years of age or older prior to September 15 of the season for which the license is issued, upon payment of the sum of \$45 \$45.50, shall be entitled to a sportsman's license which shall permit the holder to exercise all rights granted to holders of Class A, A-1, A-3, A-5, A-6, and resident conservation licenses as prescribed in 87-2-202. The department shall furnish each holder of a

sportsman's license an appropriate decal. (Chapter 598 terminates March 1, 1994--sec. 12, Ch. 598, L. 1987. Fee becomes \$38 \$38.50 March 1, 1994.)"

Section 9. Section 8, Chapter 636, Laws of 1987, is amended to read:

"Section 8. Section 87-2-711, MCA, is amended to read:

"87-2-711. Class ~~AAA~~--sportsman's license. Any resident, as defined by 87-2-102, who will be 12 years of age or older prior to September 15 of the season for which the license is issued, upon payment of the sum of \$38 \$38.50, shall be entitled to a sportsman's license which shall permit the holder to exercise all rights granted to holders of Class A, A-1, A-3, A-5, A-6, and resident conservation licenses as prescribed in 87-2-202. The department shall furnish each holder of a sportsman's license an appropriate decal."

NEW SECTION. **Section 10.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. **Section 11.** Applicability date. [Sections 6, 7, and 8] apply to licenses for fishing seasons that begin on or after March 1, 1990.

NEW SECTION. **Section 12.** Effective date. [This act] is effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB754, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB754 would establish a River Restoration Program to be administered by the Department of Fish, Wildlife and Parks and funded by increases in fishing license fees.

ASSUMPTIONS:

1. License increases related to this legislation would be effective March 1, 1990.
2. The fee increase will not result in any buyer resistance and, therefore, the revenue estimates for the fee increase associated with the River Restoration Program are based upon 1988 license year sales, generating \$62,720 in FY90 and \$105,500 in FY91.
3. Under current law the department does not have the authority to purchase or lease consumptive water or water rights. If legislation were passed allowing the department to lease or purchase consumptive water or water rights, the department would fund 25% of the costs of developing criteria for selecting rivers for restoration and negotiating consumptive water right lease agreements with the funds earmarked by this legislation for the River Restoration Program and 75% with federal Dingle-Johnson funds. These costs are estimated at \$50,000 in FY90 and \$64,000 in FY91, with \$28,500 to be paid from the river restoration account and \$85,500 from the federal revenue. The balance of the river restoration account, projected at \$139,720, would be used for restoration projects beginning in FY92.
4. The expenditure impact reflected in this fiscal note, however, reflects current law and the proposed bill. Therefore, the funds earmarked for the River Restoration Program are all in FY91 operating expenses for contracted services to lease stored water and to begin restoration projects.

FISCAL IMPACT:

	<u>FY90</u>			<u>FY91</u>		
<u>Expenditures:</u>	Current	Proposed		Current	Proposed	
Dept. of FWP	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
Operating Expenses	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$168,220	\$168,220
<u>Funding:</u>						
State Special Revenue	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$168,220	\$168,220
<u>Revenues:</u>						
State Special Revenue						
Resident Fishing License	\$1,350,000	\$1,398,000	\$48,000	\$1,350,000	\$1,425,000	\$ 75,000
Nonresident Fishing	735,000	741,930	6,930	735,000	756,000	21,000
Sportsman License	855,000	862,790	7,790	855,000	864,500	9,500
Total	\$2,940,000	\$3,002,720	\$62,720	\$2,940,000	\$3,045,500	\$105,500

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The earmarked fees for this program will be approximately \$105,500 each year.

Ray Shackelford

DATE 3/10/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

Hal Harper
HAL HARPER, PRIMARY SPONSOR

DATE 3/21/89

Fiscal Note for HB754, as introduced

HB 754

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 754

INTRODUCED BY HARPER, SIMON, LYNCH,
BISHOP, YELLOWTAIL, HAGER, O'KEEFE, WALKER

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A RIVER RESTORATION PROGRAM AND A RIVER RESTORATION ACCOUNT; FUNDING THE ACCOUNT THROUGH A 50-CENT INCREASE IN THE COST OF A CLASS A RESIDENT FISHING LICENSE AND A CLASS AAA SPORTSMAN'S LICENSE AND A \$1 INCREASE IN THE COST OF A CLASS B NONRESIDENT FISHING LICENSE; AMENDING SECTION 8, CHAPTER 636, LAWS OF 1987, AND SECTIONS 87-2-301, 87-2-302, AND 87-2-711, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

STATEMENT OF INTENT

It is the intent of the legislature that the department of fish, wildlife, and parks conduct the river restoration program in coordination, communication, and cooperation with local landowners, lessees, and conservation district officials so that projects conducted under the program will benefit the river resource and all parties involved.

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

NEW SECTION. Section 1. Purpose. The legislature finds that the conservation of rivers and their fisheries is

of vital social and economic importance to Montana. The legislature further finds that our state's rivers and fisheries are diminished in value by water pollution, water shortages, and riparian development and that there is a need for a program to maintain and restore the integrity and productivity of our river systems. The legislature further finds that establishment of a river restoration program, funded by anglers from across the state and nation, is a sound and proper method to HELP ensure that the rivers and fisheries that anglers and others have treasured for Montana's first 100 years will continue to serve the state and its people.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 5], the following definitions apply:

(1) "Account" means the river restoration account provided for in [section 4].

(2) "Associated lands" means the beds, banks, shorelines, wetlands, and riparian vegetation associated with a river.

(3) "Department" means the department of fish, wildlife, and parks provided for in 2-15-3401.

(4) "Program" means the river restoration program provided for in [section 3].

(5) "River" means a river, stream, creek, or other body of flowing water.

NEW SECTION. Section 3. River restoration program.

(1) The department shall administer a river restoration program.

(2) The program may consist of the following activities to conserve and enhance fish and wildlife habitat:

(a) physical rehabilitation--of PROJECTS TO IMPROVE rivers and their associated lands; and

(b) lease or purchase of water or--water--rights FROM STORAGE FACILITIES and the administration of the lease or purchase, if the lease or purchase is authorized by law.

(3) The department shall work cooperatively with INDIVIDUALS, CONSERVATION DISTRICTS, AND state, local, private, tribal, and federal organizations to achieve the goals of the program and may contract with private organizations to implement specific river restoration projects.

(4) THE DEPARTMENT SHALL CONSULT WITH THE LOCAL CONSERVATION DISTRICT REGARDING THE APPROPRIATENESS OF THE PROJECT AND ANY APPLICABLE PERMIT REQUIREMENTS.

(5) THE DEPARTMENT SHALL RECEIVE THE CONSENT OF THE LANDOWNER OR LESSEE OF ANY ASSOCIATED LANDS BEFORE INITIATING PHYSICAL PROJECTS ON THESE LANDS.

NEW SECTION. Section 4. River restoration account.

(1) There is a river restoration special revenue account

administered by the department within the state special revenue fund established in 17-2-102.

(2) There must be deposited in the account:

(a) all proceeds earmarked for this account under 87-2-301, 87-2-302, and 87-2-711; and

(b) money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for the purposes of this account.

(3) The department may spend funds in the account only to carry out the program provided for in [section 3].

NEW SECTION. Section 5. Funding for river restoration account. The amount of money specified in this section from the sale of each of the following licenses must be deposited in the account provided for in [section 4]:

(1) Class A--resident fishing license, 50 cents;

(2) Class B--nonresident fishing license, \$1; and

(3) Class AAA--sportsman's license, 50 cents.

Section 6. Section 87-2-301, MCA, is amended to read:

"87-2-301. Class A--resident fishing license. Any resident, as defined by 87-2-102, upon payment of a fee of \$9 \$9.50, shall receive a Class A license which shall entitle the holder thereof to fish with hook and line or rod as authorized by regulations of the department."

Section 7. Section 87-2-302, MCA, is amended to read:

"87-2-302. Class B--nonresident fishing license. Any

1 person not a resident, as defined in 87-2-102, upon payment
2 of the sum of \$35 \$36 to any agent of the department
3 authorized to issue fishing and hunting licenses, shall be
4 entitled to a Class B license which shall entitle the holder
5 thereof to fish with hook and line as authorized by the
6 rules and regulations of the department."

7 **Section 8.** Section 87-2-711, MCA, is amended to read:

8 "87-2-711. (Effective March 1, 1988, to March 1, 1994)
9 Class AAA--sportsman's license. Any resident, as defined by
10 87-2-102, who will be 12 years of age or older prior to
11 September 15 of the season for which the license is issued,
12 upon payment of the sum of \$45 \$45.50, shall be entitled to
13 a sportsman's license which shall permit the holder to
14 exercise all rights granted to holders of Class A, A-1, A-3,
15 A-5, A-6, and resident conservation licenses as prescribed
16 in 87-2-202. The department shall furnish each holder of a
17 sportsman's license an appropriate decal. (Chapter 598
18 terminates March 1, 1994--sec. 12, Ch. 598, L. 1987. Fee
19 becomes \$38 \$38.50 March 1, 1994.)"

20 **Section 9.** Section 8, Chapter 636, Laws of 1987, is
21 amended to read:

22 "Section 8. Section 87-2-711, MCA, is amended to read:

23 "87-2-711. Class AAA--sportsman's license. Any
24 resident, as defined by 87-2-102, who will be 12 years of
25 age or older prior to September 15 of the season for which

1 the license is issued, upon payment of the sum of \$38
2 \$38.50, shall be entitled to a sportsman's license which
3 shall permit the holder to exercise all rights granted to
4 holders of Class A, A-1, A-3, A-5, A-6, and resident
5 conservation licenses as prescribed in 87-2-202. The
6 department shall furnish each holder of a sportsman's
7 license an appropriate decal."

8 NEW SECTION. **Section 10.** Extension of authority. Any
9 existing authority to make rules on the subject of the
10 provisions of [this act] is extended to the provisions of
11 [this act].

12 NEW SECTION. **Section 11.** Applicability date.
13 [Sections 6, 7, and 8] apply to licenses for fishing seasons
14 that begin on or after March 1, 1990.

15 NEW SECTION. **Section 12.** Effective date. [This act]
16 is effective July 1, 1989.

-End-

HOUSE BILL NO. 754

INTRODUCED BY HARPER, SIMON, LYNCH,
BISHOP, YELLOWTAIL, HAGER, O'KEEFE, WALKER

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A RIVER RESTORATION PROGRAM AND A RIVER RESTORATION ACCOUNT; FUNDING THE ACCOUNT THROUGH A 50-CENT INCREASE IN THE COST OF A CLASS A RESIDENT FISHING LICENSE AND A CLASS AAA SPORTSMAN'S LICENSE AND A \$1 INCREASE IN THE COST OF A CLASS B NONRESIDENT FISHING LICENSE; AMENDING SECTION 8, CHAPTER 636, LAWS OF 1987, AND SECTIONS 87-2-301, 87-2-302, AND 87-2-711, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

STATEMENT OF INTENT

It is the intent of the legislature that the department of fish, wildlife, and parks conduct the river restoration program in coordination, communication, and cooperation with local landowners, lessees, and conservation district officials so that projects conducted under the program will benefit the river resource and all parties involved.

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

NEW SECTION. Section 1. Purpose. The legislature finds that the conservation of rivers and their fisheries is

of vital social and economic importance to Montana. The legislature further finds that our state's rivers and fisheries are diminished in value by water pollution, water shortages, and riparian development and that there is a need for a program to maintain and restore the integrity and productivity of our river systems. The legislature further finds that establishment of a river restoration program, funded by anglers from across the state and nation, is a sound and proper method to HELP ensure that the rivers and fisheries that anglers and others have treasured for Montana's first 100 years will continue to serve the state and its people.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 5], the following definitions apply:

(1) "Account" means the river restoration account provided for in [section 4].

(2) "Associated lands" means the beds, banks, shorelines, wetlands, and riparian vegetation associated with a river.

(3) "Department" means the department of fish, wildlife, and parks provided for in 2-15-3401.

(4) "Program" means the river restoration program provided for in [section 3].

(5) "River" means a river, stream, creek, or other body of flowing water.

NEW SECTION. Section 3. River restoration program.

(1) The department shall administer a river restoration program.

(2) The program may consist of the following activities to conserve and enhance fish and wildlife habitat:

(a) physical rehabilitation--of PROJECTS TO IMPROVE rivers and their associated lands; and

(b) lease or purchase of water or--water--rights FROM STORAGE FACILITIES and the administration of the lease or purchase, if the lease or purchase is authorized by law.

(3) The department shall work cooperatively with INDIVIDUALS, CONSERVATION DISTRICTS, AND state, local, private, tribal, and federal organizations to achieve the goals of the program and may contract with private organizations to implement specific river restoration projects.

(4) THE DEPARTMENT SHALL CONSULT WITH THE LOCAL CONSERVATION DISTRICT REGARDING THE APPROPRIATENESS OF THE PROJECT AND ANY APPLICABLE PERMIT REQUIREMENTS.

(5) THE DEPARTMENT SHALL RECEIVE THE CONSENT OF THE LANDOWNER OR LESSEE OF ANY ASSOCIATED LANDS BEFORE INITIATING PHYSICAL PROJECTS ON THESE LANDS.

NEW SECTION. Section 4. River restoration account.

(1) There is a river restoration special revenue account

administered by the department within the state special revenue fund established in 17-2-102.

(2) There must be deposited in the account:

(a) all proceeds earmarked for this account under 87-2-301, 87-2-302, and 87-2-711; and

(b) money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for the purposes of this account.

(3) The department may spend funds in the account only to carry out the program provided for in [section 3].

NEW SECTION. Section 5. Funding for river restoration account. The amount of money specified in this section from the sale of each of the following licenses must be deposited in the account provided for in [section 4]:

(1) Class A--resident fishing license, 50 cents;

(2) Class B--nonresident fishing license, \$1; and

(3) Class AAA--sportsman's license, 50 cents.

Section 6. Section 87-2-301, MCA, is amended to read:

"87-2-301. Class A--resident fishing license. Any resident, as defined by 87-2-102, upon payment of a fee of \$9 \$9.50, shall receive a Class A license which shall entitle the holder thereof to fish with hook and line or rod as authorized by regulations of the department."

Section 7. Section 87-2-302, MCA, is amended to read:

"87-2-302. Class B--nonresident fishing license. Any

1 person not a resident, as defined in 87-2-102, upon payment
 2 of the sum of \$35 \$36 to any agent of the department
 3 authorized to issue fishing and hunting licenses, shall be
 4 entitled to a Class B license which shall entitle the holder
 5 thereof to fish with hook and line as authorized by the
 6 rules and regulations of the department."

7 **Section 8.** Section 87-2-711, MCA, is amended to read:

8 "87-2-711. (Effective March 1, 1988, to March 1, 1994)
 9 Class AAA--sportsman's license. Any resident, as defined by
 10 87-2-102, who will be 12 years of age or older prior to
 11 September 15 of the season for which the license is issued,
 12 upon payment of the sum of \$45 \$45.50, shall be entitled to
 13 a sportsman's license which shall permit the holder to
 14 exercise all rights granted to holders of Class A, A-1, A-3,
 15 A-5, A-6, and resident conservation licenses as prescribed
 16 in 87-2-202. The department shall furnish each holder of a
 17 sportsman's license an appropriate decal. (Chapter 598
 18 terminates March 1, 1994--sec. 12, Ch. 598, L. 1987. Fee
 19 becomes \$38 \$38.50 March 1, 1994.)"

20 **Section 9.** Section 8, Chapter 636, Laws of 1987, is
 21 amended to read:

22 "Section 8. Section 87-2-711, MCA, is amended to read:

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 24 resident, as defined by 87-2-102, who will be 12 years of
 25 age or older prior to September 15 of the season for which

1 the license is issued, upon payment of the sum of ~~\$38~~
 2 \$38.50, shall be entitled to a sportsman's license which
 3 shall permit the holder to exercise all rights granted to
 4 holders of Class A, A-1, A-3, A-5, A-6, and resident
 5 conservation licenses as prescribed in 87-2-202. The
 6 department shall furnish each holder of a sportsman's
 7 license an appropriate decal."

8 **NEW SECTION. Section 10.** Extension of authority. Any
 9 existing authority to make rules on the subject of the
 10 provisions of [this act] is extended to the provisions of
 11 [this act].

12 **NEW SECTION. Section 11.** Applicability date.
 13 [Sections 6, 7, and 8] apply to licenses for fishing seasons
 14 that begin on or after March 1, 1990.

15 **NEW SECTION. Section 12.** Effective date. [This act]
 16 is effective July 1, 1989.

-End-

SENATE STANDING COMMITTEE REPORT

page 1 of 2
April 6, 1989

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation, having had under consideration HB 754 (third reading copy -- blue), respectfully report that HB 754 be amended and as so amended be concurred in:

Sponsor: Harper (Walker)

1. Page 2, line 2.

Following: "that"

Insert: "some of"

2. Page 2, line 4.

Strike: "development"

Insert: "erosion"

3. Page 2, line 5.

Strike: "maintain and restore the integrity"

Insert: "promote the beneficial use"

4. Page 2, line 18.

Strike: "shorelines, wetlands, and riparian vegetation"

Insert: "and immediately adjacent lands"

5. Page 2, line 24.

Following: line 23

Insert: "(5) "Restoration" means to restore to a good condition, regenerate, or make over in an improved form."

Renumber: subsequent subsection

6. Page 2, line 24.

Following: "other"

Insert: "naturally occurring"

7. Page 3, lines 4 and 5.

Strike: "the following activities"

Insert: "physical projects to improve rivers and their associated lands in order"

SENATE COMMITTEE ON AGRICULTURE, HB 754
page 2 of 2

8. Page 3, lines 6 through 11.

Following: "habitat" on line 6

Strike: the remainder of line 6 through "law" on line 11

9. Page 3, line 18.

Strike: "CONSULT WITH"

Insert: "present projects to"

10. Page 3, lines 19 and 20.

Strike: "REGARDING THE APPROPRIATENESS OF THE PROJECT"

Insert: "for review and recommendations"

11. Page 3, line 20.

Following: "AND"

Insert: "obtain"

Following: "APPLICABLE"

Strike: "PERMIT REQUIREMENTS"

Insert: "permits"

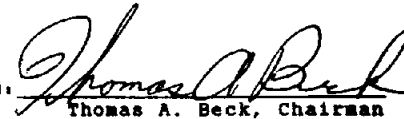
12. Page 3, line 24.

Following: line 23

Insert: "(6) No project conducted under the program may restrict or interfere with the exercise of any water right."

AND AS AMENDED BE CONCURRED IN

Signed:


Thomas A. Beck, Chairman

continued

scrhb754.405

HB 754

SENATE

1 HOUSE BILL NO. 754

2 INTRODUCED BY HARPER, SIMON, LYNCH,

3 BISHOP, YELLOWTAIL, HAGER, O'KEEFE, WALKER

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A RIVER
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13 APPLICABILITY DATE."

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15 STATEMENT OF INTENT

16 It is the intent of the legislature that the department
17 of fish, wildlife, and parks conduct the river restoration
18 program in coordination, communication, and cooperation with
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24 NEW SECTION. Section 1. Purpose. The legislature
25 finds that the conservation of rivers and their fisheries is

1 of vital social and economic importance to Montana. The
2 legislature further finds that SOME OF our state's rivers
3 and fisheries are diminished in value by water pollution,
4 water shortages, and riparian development EROSION and that
5 there is a need for a program to maintain--and--restore--the
6 integrity PROMOTE THE BENEFICIAL USE and productivity of our
7 river systems. The legislature further finds that
8 establishment of a river restoration program, funded by
9 anglers from across the state and nation, is a sound and
10 proper method to HELP ensure that the rivers and fisheries
11 that anglers and others have treasured for Montana's first
12 100 years will continue to serve the state and its people.

13 NEW SECTION. Section 2. Definitions. As used in
14 [sections 1 through 5], the following definitions apply:

15 (1) "Account" means the river restoration account
16 provided for in [section 4].

17 (2) "Associated lands" means the beds, banks,
18 shorelines, ~~wetlands,~~ and ~~riparian~~ vegetation AND
19 IMMEDIATELY ADJACENT LANDS associated with a river.

20 (3) "Department" means the department of fish,
21 wildlife, and parks provided for in 2-15-3401.

22 (4) "Program" means the river restoration program
23 provided for in [section 3].

24 (5) "RESTORATION" MEANS TO RESTORE TO A GOOD
25 CONDITION, REGENERATE, OR MAKE OVER IN AN IMPROVED FORM.

1 ~~(5)(6)~~ "River" means a river, stream, creek, or other
2 NATURALLY OCCURRING body of flowing water.

3 NEW SECTION. Section 3. River restoration program.

4 (1) The department shall administer a river restoration
5 program.

6 (2) The program may consist of the--following
7 activities PHYSICAL PROJECTS TO IMPROVE RIVERS AND THEIR
8 ASSOCIATED LANDS IN ORDER to conserve and enhance fish and
9 wildlife habitat:

10 ~~(a)--physical rehabilitation--of PROJECTS--TO--IMPROVE~~
11 ~~rivers-and-their-associated-lands;-and~~

12 ~~(b)--lease--or--purchase--of-water-or-water-rights FROM~~
13 ~~STORAGE-FACILITIES and-the-administration-of--the--lease--or~~
14 ~~purchase;-if-the-lease-or-purchase-is-authorized-by-law.~~

15 (3) The department shall work cooperatively with
16 INDIVIDUALS, CONSERVATION DISTRICTS, AND state, local,
17 private, tribal, and federal organizations to achieve the
18 goals of the program and may contract with private
19 organizations to implement specific river restoration
20 projects.

21 (4) THE DEPARTMENT SHALL CONSULT WITH PRESENT PROJECTS
22 TO THE LOCAL CONSERVATION DISTRICT REGARDING---THE
23 APPROPRIATENESS---OF---THE---PROJECT FOR REVIEW AND
24 RECOMMENDATIONS AND OBTAIN ANY APPLICABLE PERMIT
25 REQUIREMENTS PERMITS.

1 (5) THE DEPARTMENT SHALL RECEIVE THE CONSENT OF THE
2 LANDOWNER OR LESSEE OF ANY ASSOCIATED LANDS BEFORE
3 INITIATING PHYSICAL PROJECTS ON THESE LANDS.

4 (6) NO PROJECT CONDUCTED UNDER THE PROGRAM MAY
5 RESTRICT OR INTERFERE WITH THE EXERCISE OF ANY WATER RIGHT.

6 NEW SECTION. Section 4. River restoration account.

7 (1) There is a river restoration special revenue account
8 administered by the department within the state special
9 revenue fund established in 17-2-102.

10 (2) There must be deposited in the account:

11 (a) all proceeds earmarked for this account under
12 87-2-301, 87-2-302, and 87-2-711; and

13 (b) money received by the department in the form of
14 gifts, grants, reimbursements, or appropriations from any
15 source intended to be used for the purposes of this account.

16 (3) The department may spend funds in the account only
17 to carry out the program provided for in [section 3].

18 NEW SECTION. Section 5. Funding for river restoration
19 account. The amount of money specified in this section from
20 the sale of each of the following licenses must be deposited
21 in the account provided for in [section 4]:

- 22 (1) Class A--resident fishing license, 50 cents;
23 (2) Class B--nonresident fishing license, \$1; and
24 (3) Class AAA--sportsman's license, 50 cents.

25 **Section 6.** Section 87-2-301, MCA, is amended to read:

1 **"87-2-301. Class A--resident fishing license. Any**
 2 resident, as defined by 87-2-102, upon payment of a fee of
 3 \$9 \$9.50, shall receive a Class A license which shall
 4 entitle the holder thereof to fish with hook and line or rod
 5 as authorized by regulations of the department."

6 **Section 7.** Section 87-2-302, MCA, is amended to read:

7 **"87-2-302. Class B--nonresident fishing license. Any**
 8 person not a resident, as defined in 87-2-102, upon payment
 9 of the sum of ~~\$35~~ \$36 to any agent of the department
 10 authorized to issue fishing and hunting licenses, shall be
 11 entitled to a Class B license which shall entitle the holder
 12 thereof to fish with hook and line as authorized by the
 13 rules and regulations of the department."

14 **Section 8.** Section 87-2-711, MCA, is amended to read:

15 **"87-2-711. (Effective March 1, 1988, to March 1, 1994)**
 16 **Class AAA--sportsman's license. Any resident, as defined by**
 17 87-2-102, who will be 12 years of age or older prior to
 18 September 15 of the season for which the license is issued,
 19 upon payment of the sum of ~~\$45~~ \$45.50, shall be entitled to
 20 a sportsman's license which shall permit the holder to
 21 exercise all rights granted to holders of Class A, A-1, A-3,
 22 A-5, A-6, and resident conservation licenses as prescribed
 23 in 87-2-202. The department shall furnish each holder of a
 24 sportsman's license an appropriate decal. (Chapter 598
 25 terminates March 1, 1994--sec. 12, Ch. 598, L. 1987. Fee

1 becomes ~~\$38~~ \$38.50 March 1, 1994.)"

2 **Section 9.** Section 8, Chapter 636, Laws of 1987, is
 3 amended to read:

4 "Section 8. Section 87-2-711, MCA, is amended to read:

5 **"87-2-711. Class AAA--sportsman's license. Any**
 6 resident, as defined by 87-2-102, who will be 12 years of
 7 age or older prior to September 15 of the season for which
 8 the license is issued, upon payment of the sum of ~~\$38~~
 9 \$38.50, shall be entitled to a sportsman's license which
 10 shall permit the holder to exercise all rights granted to
 11 holders of Class A, A-1, A-3, A-5, A-6, and resident
 12 conservation licenses as prescribed in 87-2-202. The
 13 department shall furnish each holder of a sportsman's
 14 license an appropriate decal."

15 **NEW SECTION. Section 10.** Extension of authority. Any
 16 existing authority to make rules on the subject of the
 17 provisions of [this act] is extended to the provisions of
 18 [this act].

19 **NEW SECTION. Section 11.** Applicability date.
 20 [Sections 6, 7, and 8] apply to licenses for fishing seasons
 21 that begin on or after March 1, 1990.

22 **NEW SECTION. Section 12.** Effective date. [This act]
 23 is effective July 1, 1989.

-End-