### SENATE BILL NO. 33

# INTRODUCED BY BISHOP

## IN THE SENATE

	IN THE SENATE
JANUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
JANUARY 21, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
JANUARY 23, 1989	PRINTING REPORT.
JANUARY 24, 1989	SECOND READING, DO PASS.
JANUARY 25, 1989	ENGROSSING REPORT.
JANUARY 26, 1989	THIRD READING, PASSED. AYES, 39; NOES, 7.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
JANUARY 20, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 20, 1989	FIRST READING.
MARCH 8, 1989	COMMITTEE RECOMMEND BILL BE

MARCH 10, 1989

MARCH 11, 1989

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 87; NOES, 4.

CONCURRED IN. REPORT ADOPTED.

RETURNED TO SENATE.

# IN THE SENATE

MARCH 13, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1	SENATE BILL NO. 33
2	INTRODUCED BY BISHOP
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO RENAME THE PHEASANT
5	ENHANCEMENT PROGRAM AS THE UPLAND GAME BIRD ENHANCEMENT
6	PROGRAM; TO PROVIDE FOR THE FUNDING OF UPLAND GAME BIRD
7	HABITAT ENHANCEMENT THROUGH A PORTION OF PROGRAM PROCEEDS;
8	AND AMENDING SECTIONS 87-1-246 THROUGH 87-1-250, MCA."
9	
.0	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.1	Section 1. Section 87-1-246, MCA, is amended to read:
. 2	*87-1-246. Funding of pheasant upland game bird
. 3	enhancement program. The amount of money specified in this
4	section from the sale of each hunting license listed must be
١5	used exclusively by the department to preserve and enhance
16	pheasant upland game bird populations in Montana in
17	accordance with 87-1-246 through 87-1-249, subject to
8	appropriation by the legislature:
19	<ol> <li>Class A-1, resident upland game bird, \$2;</li> </ol>
20	(2) Class B-1, nonresident upland game bird, \$23;
21	(3) Class AAA, sportsman's, \$2; and
22	(4) Class B-10, nonresident big game combination,
23	\$23."
24	Section 2. Section 87-1-247, MCA, is amended to read:
25	"87-1-247. Authorized use of pheasantenhancement

2	under 87-1-246 may be used by the department to:
3	(a) prepare and disseminate information to landowners
4	and organizations concerning the pheasant upland game bird
5	enhancement program;
6	(b) review potential pheasant release sites;
7	(c) assist applicants in preparing management plans
8	for project areas; and
9	(d) evaluate the pheasant upland game bird enhancement
10	program.
11	(2) The remainder of the money raised must be used:
12	(a) to share, $apto$ at \$3 a bird, in the cost of
13	releasing pheasants in suitable habitat, in such numbers and
14	under conditions determined by the department under
15	87-1-248(1); and
16	(b) to revert, at the end of each fiscal year, all
17	unexpended funds to the habitat portion of the program
18	outlined in 87-1-248(2) for the development, enhancement,
19	and conservation of upland game bird habitat in Montana."
20	Section 3. Section 87-1-248, MCA, is amended to read:
21	"87-1-248. Qualification of pheasant upland game bird
22	enhancement projects. (1) A project eligible for funding
23	under this the pheasant release program must contain the
24	proper combination of winter cover, food, nesting cover, and

other pheasant habitat components determined necessary by

INTRODUCED BILL

SB 33

program funds. (1) Not more than 10% of the money generated



- the department to provide for a viable permanent pheasant 1 population.
- (2) Habitat enhancement efforts include 3 must assistance to applicants in the establishment of suitable nesting cover, winter cover, and feeding areas through cost-sharing programs, leases, and conservation easements.

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- (2)(3) No project containing hunting preserves or any commercial hunting enterprise or wherein hunting rights are leased or paid for is eligible for funding.
- (3)(4) Preference must be given for project applications submitted by youth organizations, 4-H clubs, sportsmen's groups, and other associations of sufficient size to quarantee completion of all project requirements. However, individual landowners may also apply, so long as the land in the project area remains open to public hunting in accordance with reasonable use limitations imposed by the landowner."
- Section 4. Section 87-1-249, MCA, is amended to read: 18 \*87-1-249. Rules. The department shall adopt rules for 19 20 administration of the pheasant upland game bird 21 enhancement program created in 87-1-246 through 87-1-249."
- 22 Section 5. Section 87-1-250, MCA, is amended to read: 23 \*87-1-250. Report. The department shall report to the 24 fish and game committee of each house of the legislature 25 concerning pheasant upland game bird enhancement activities

- undertaken pursuant to 87-1-246 through 87-1-249 during the
- recommendations preceding biennium, together with any
- concerning the operation of the program."
- Section 6. 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].

-End-

#### APPROVED BY COMM. ON FISH AND GAME

1	SENATE BILL NO. 33
2	INTRODUCED BY BISHOP
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO RENAME THE PHEASANT
5	ENHANCEMENT PROGRAM AS THE UPLAND GAME BIRD ENHANCEMENT
6	PROGRAM; TO PROVIDE FOR THE FUNDING OF UPLAND GAME BIRD
7	HABITAT ENHANCEMENT THROUGH A PORTION OF PROGRAM PROCEEDS;
8	AND AMENDING SECTIONS 87-1-246 THROUGH 87-1-250, MCA; AND
9	PROVIDING AN IMMEDIATE EFFECTIVE DATE."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 87~1-246, MCA, is amended to read:
13	"87-1-246. Funding of pheasant upland game bird
14	enhancement program. The amount of money specified in this
15	section from the sale of each hunting license listed must be
16	used exclusively by the department to preserve and enhance
17	pheasant upland game bird populations in Montana in
18	accordance with 87-1-246 through 87-1-249, subject to
19	appropriation by the legislature:
20	(1) Class A-1, resident upland game bird, \$2;
21	(2) Class B-1, nonresident upland game bird, \$23;
22	(3) Class AAA, sportsman's, \$2; and
23	(4) Class B-10, nonresident big game combination,
24	\$23."
25	Section 2. Section 87-1-247, MCA, is amended to read:

*87-1-247. Authorized use of pheasantenhancement						
program funds. (1) Not more than 10% of the money generated						
under 87-1-246 may be used by the department to:						
(a) prepare and disseminate information to landowners						
and organizations concerning the pheasant upland game bird						
enhancement program;						
<ul><li>(b) review potential pheasant release sites;</li></ul>						
(c) assist applicants in preparing management plans						
for project areas; and						
(d) evaluate the pheasant upland game bird enhancement						
program.						
(2) The remainder of the money raised must be used:						
(a) to share, up-to at \$3 a bird, in the cost of						
releasing pheasants in suitable habitat, in such numbers and						
under conditions determined by the department under						
87-1-248(1); and						
(b) to revert, at the end of each fiscal year, all						
unexpended funds to the habitat portion of the program						
outlined in 87-1-248(2) for the development, enhancement,						
and conservation of upland game bird habitat in Montana."						
Section 3. Section 87-1-248, MCA, is amended to read:						
*87-1-248. Qualification of pheasant upland game bird						
enhancement projects. (1) A project eligible for funding						
under this the pheasant release program must contain the						

proper combination of winter cover, food, nesting cover, and

other pheasant habitat components determined necessary by the department to provide for a viable permanent pheasant population.

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(2) Habitat enhancement efforts must include assistance to applicants in the establishment of suitable nesting cover, winter cover, and feeding areas through cost-sharing programs, leases, and conservation easements.

(2)(3) No project containing hunting preserves or any commercial hunting enterprise or wherein hunting rights are leased or paid for is eligible for funding.

(3)(4) Preference must be given for project applications submitted by youth organizations, 4-H clubs, sportsmen's groups, and other associations of sufficient size to guarantee completion of all project requirements. However, individual landowners may also apply, so long as the land in the project area remains open to public hunting in accordance with reasonable use limitations imposed by the landowner."

Section 4. Section 87-1-249, MCA, is amended to read:

"87-1-249. Rules. The department shall adopt rules for
the administration of the pheasant upland game bird
enhancement program created in 87-1-246 through 87-1-249."

Section 5. Section 87-1-250, MCA, is amended to read:

"87-1-250. Report. The department shall report to the

concerning pheasant upland game bird enhancement activities
undertaken pursuant to 87-1-246 through 87-1-249 during the
preceding biennium, together with any recommendations
concerning the operation of the program."

NEW SECTION. Section 6. 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].

9 NEW SECTION. SECTION 7. EFFECTIVE DATE. [THIS ACT]

10 IS EFFECTIVE ON PASSAGE AND APPROVAL.

7

-End-

SB 33

fish and game committee of each house of the legislature

SB 0033/02

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1	SENATE BILL NO. 33
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6	PROGRAM; TO PROVIDE FOR THE FUNDING OF UPLAND GAME BIRD
7	HABITAT ENHANCEMENT THROUGH A PORTION OF PROGRAM PROCEEDS;
8	AND AMENDING SECTIONS 87-1-246 THROUGH 87-1-250, MCA; AND
9	PROVIDING AN IMMEDIATE EFFECTIVE DATE."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 87-1-246, MCA, is amended to read:
13	*87-1-246. Funding of pheasant upland game bird
14	enhancement program. The amount of money specified in this
15	section from the sale of each hunting license listed must be
16	used exclusively by the department to preserve and enhance
17	pheasant upland game bird populations in Montana in
18	accordance with 87-1-246 through 87-1-249, subject to
19	appropriation by the legislature:
20	<ol> <li>Class A-1, resident upland game bird, \$2;</li> </ol>
21	(2) Class B-1, nonresident upland game bird, \$23;
22	(3) Class AAA, sportsman's, \$2; and
23	(4) Class B-10, nonresident big game combination,
24	\$23."
25	Section 2. Section 87-1-247, MCA, is amended to read:

51st Legislature

2	<pre>program funds. (1) Not more than 10% of the money generated</pre>
3	under 87-1-246 may be used by the department to:
4	(a) prepare and disseminate information to landowners
5	and organizations concerning the pheasant upland game bird
6	enhancement program;
7	<ul><li>(b) review potential pheasant release sites;</li></ul>
8	(c) assist applicants in preparing management plans
9	for project areas; and
10	(d) evaluate the pheasant upland game bird enhancement
11	program.
12	(2) The remainder of the money raised must be used:
13	(a) to share, up-to at \$3 a bird, in the cost of
14	releasing pheasants in suitable habitat, in such numbers and
15	under conditions determined by the department under
16	87-1-248(1); and
17	(b) to revert, at the end of each fiscal year, all
18	unexpended funds to the habitat portion of the program
19	outlined in 87-1-248(2) for the development, enhancement,
20	and conservation of upland game bird habitat in Montana."
21	Section 3. Section 87-1-248, MCA, is amended to read:
22	"87-1-248. Qualification of pheasant upland game bird
23	enhancement projects. (1) A project eligible for funding
24	under this the pheasant release program must contain the

\*87-1-247. Authorized use of pheasant--enhancement

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SB 0033/02

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other pheasant habitat components determined necessary by the department to provide for a viable permanent pheasant population.

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(2) Habitat enhancement efforts must include assistance to applicants in the establishment of suitable nesting cover, winter cover, and feeding areas through cost-sharing programs, leases, and conservation easements.

(2)(3) No project containing hunting preserves or any commercial hunting enterprise or wherein hunting rights are leased or paid for is eligible for funding.

t3)(4) Preference must be given for project applications submitted by youth organizations, 4-H clubs, sportsmen's groups, and other associations of sufficient size to guarantee completion of all project requirements. However, individual landowners may also apply, so long as the land in the project area remains open to public hunting in accordance with reasonable use limitations imposed by the landowner."

Section 4. Section 87-1-249, MCA, is amended to read:

"87-1-249. Rules. The department shall adopt rules for
the administration of the phreasant upland game bird
enhancement program created in 87-1-246 through 87-1-249."

Section 5. Section 87-1-250, MCA, is amended to read:

"87-1-250. Report. The department shall report to the

concerning pheasant upland game bird enhancement activities
undertaken pursuant to 87-1-246 through 87-1-249 during the
preceding biennium, together with any recommendations
concerning the operation of the program."

NEW SECTION. Section 6. 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].

9 NEW SECTION. SECTION 7. EFFECTIVE DATE. [THIS ACT]
10 IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

fish and game commuttee of each house of the legislature

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9 NEW SECTION. SECTION 7. EFFECTIVE DATE. [THIS ACT]
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-End-