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SENATE BILL NO. 367

INTRODUCED BY

Suppood Fish Nutrition Trust

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT WILDLIFE HABITAT MAY NOT BE ACQUIRED THROUGH PURCHASE BY THE FISH, WILDLIFE, AND PARKS COMMISSION; REVISING THE ALLOCATION OF FUNDS DEDICATED TO SECURING WILDLIFE HABITAT; ALLOCATING OTHER PERCENTAGES OF WILDLIFE HABITAT FUNDS FOR GAME DAMAGE ASSISTANCE, WEED CONTROL, AND ENFORCEMENT; AMENDING SECTIONS 87-1-209 AND 87-1-242, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 87-1-209, MCA, is amended to read:

"87-1-209. Acquisition and sale of lands or waters. (1) The department, with the consent of the commission and, in the case of land acquisition involving more than 100 acres or \$100,000 in value, the approval of the board of land commissioners, may acquire by purchase, lease, agreement, gift, or devise and may acquire easements upon lands or waters for the purposes listed in this subsection. Wildlife habitat may be secured under the provisions of 87-1-242 only by lease, agreement, gift, devise, or conservation easement. The department may develop, operate, and maintain acquired lands or waters:

- (a) for fish hatcheries, nursery ponds, or game farms;
- (b) as lands or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection;
- (c) for public hunting, fishing, or trapping areas;
- (d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or fur-bearing animals needed for propagation or stocking purposes or to exercise control measures of undesirable species;
- (e) for state parks and outdoor recreation;
- (f) to extend and consolidate, by exchange, lands or waters suitable for these purposes.

(2) The department, with the consent of the commission, may acquire by condemnation lands or structures for the preservation of historical or archaeological sites that are threatened with destruction or alteration.

1 (3) (a) The department, with the consent of the commission, may dispose of lands and waters
2 acquired by it on those terms after public notice, as required by subsection (3)(b), without regard to other
3 laws that provide for sale or disposal of state lands and with or without reservation, as it considers
4 necessary and advisable.

5 (b) Notice of sale describing the lands or waters to be disposed of must be published once a week
6 for 3 successive weeks in a newspaper with general circulation printed and published in the county where
7 the lands or waters are situated or, if no newspaper is published in that county, then in any newspaper with
8 general circulation in that county.

9 (c) The notice must advertise for cash bids to be presented to the director within 60 days from the
10 date of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an
11 amount equal to 10% of the amount bid. The highest bid must be accepted upon payment of the balance
12 due within 10 days after mailing notice by certified mail to the highest bidder. If that bidder defaults on
13 payment of the balance due, then the next highest bidders must be similarly notified in succession until a
14 sale is completed. Deposits must be returned to the unsuccessful bidders except bidders defaulting after
15 notification.

16 (d) The department shall reserve the right to reject any bids that do not equal or exceed the full
17 market value of the lands and waters as determined by the department. If the department does not receive
18 a bid that equals or exceeds fair market value, it may then sell the lands or waters at private sale. The price
19 accepted on any private sale must exceed the highest bid rejected in the bid process. The department shall
20 convey the lands and waters without covenants of warranty by deed executed by the governor or in the
21 governor's absence or disability by the lieutenant governor, attested by the secretary of state and further
22 countersigned by the director.

23 (4) The department, with the consent of the commission, is authorized to ~~utilize~~ use the installment
24 contract method to facilitate the acquisition of wildlife management areas in which game and nongame
25 fur-bearing animals and game and nongame birds may breed and replenish and areas that provide access
26 to fishing sites for the public. ~~In no case may the~~ The total cost of ~~such~~ installment contracts may not
27 exceed the cost of purchases authorized by the department and appropriated by the legislature.

28 (5) The department is authorized to enter into leases of land under its control in exchange for
29 services to be provided by the lessee on the leased land."
30

1 **Section 2.** Section 87-1-242, MCA, is amended to read:

2 "**87-1-242. (Temporary) Funding for wildlife habitat.** (1) The amount of money specified in this
3 subsection from the sale of each hunting license or permit listed must be used exclusively by the
4 commission ~~to secure, develop, and maintain wildlife habitat~~ and the department for the purposes set out
5 in this section, subject to appropriation by the legislature.

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

7 (b) Nonresident antelope, \$20;

8 (c) Nonresident moose, \$20;

9 (d) Nonresident mountain goat, \$20;

10 (e) Nonresident mountain sheep, \$20;

11 (f) Class D-1, nonresident mountain lion, \$20;

12 (g) Nonresident black bear, \$20;

13 (h) Wild turkey nonresident, \$10;

14 (i) Class AAA, sportsman's, \$7;

15 (j) Class B-11 nonresident deer combination, \$200.

16 (2) Twenty percent of any increase ~~after March 1, 1988~~, in the fee for the Class B-7 license or any
17 license or permit listed in subsection (1) must be allocated for use as provided in subsection (1).

18 (3) ~~Eighty~~ Seventy percent of the money allocated by this section, together with the interest and
19 income ~~therefrom~~ from the money, must be used to secure wildlife habitat pursuant to 87-1-209.

20 (4) ~~(a) Until March 1, 1991, 20% of the money allocated by this section must be credited to the~~
21 ~~account created by 87-1-601(5) for use in the manner prescribed therein for the development and~~
22 ~~maintenance of real property used for wildlife habitat.~~

23 ~~(b) On and after March 1, 1991, 20% of the money allocated by this section must be used as~~
24 ~~follows:~~

25 ~~(i) up to 50% a year may be used for development and maintenance of real property used for~~
26 ~~wildlife habitat; and~~

27 ~~(ii) the remainder and any money not allocated for development and maintenance under subsection~~
28 ~~(4)(b)(i) by the end of each odd numbered fiscal year must be credited to the account created by~~
29 ~~87-1-601(5) for use in the manner prescribed therein for the development and maintenance of real property~~
30 ~~used for wildlife habitat.~~ Ten percent of the money allocated by this section, together with the interest and

1 income from the money, must be used to assist in funding game damage assistance as provided in
2 87-1-225.

3 (5) Ten percent of the money allocated by this section, together with the interest and income from
4 the money, must be used to assist in funding weed control programs administered by the department.

5 (6) Ten percent of the money allocated by this section, together with the interest and income from
6 the money, must be used to assist in funding the department's enforcement activities. (Terminates March
7 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)"

8

9 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1995.

10

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0367, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act clarifying that wildlife habitat may not be acquired through purchase by the Fish, Wildlife & Parks Commission; revising the allocation of funds dedicated to securing wildlife habitat; allocating other percentages of wildlife habitat funds for game damage assistance, weed control and enforcement.

ASSUMPTIONS:

1. Current revenues estimates are \$3,000,000 annually.
2. Under the provisions of this bill, wildlife habitat may be secured only by lease, agreement, gift, devise, or conservation easement.
3. The funds generated by the sale of licenses and permits including interest as outlined in the bill, must be used for the following purposes: 70% to secure wildlife habitat, 10% to assist in funding game damage assistance, 10% funding weed control programs, and 10% assist in the funding of the Department of Fish, Wildlife and Parks' enforcement activities.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Acquisition	(300,000)	(300,000)
Operation & Maintenance	(300,000)	(300,000)
Wildlife Habitat Trust	(300,000)	(300,000)
Game Damage	300,000	300,000
Weed Control	300,000	300,000
FWP Enforcement	<u>300,000</u>	<u>300,000</u>
Total	0	0

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Operation and maintenance funds generated from interest earnings on the trust become fixed, rather than increase over time.

Dave Lewis 2-16-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Chuck Swysgood 2-11-95
 CHUCK SWYSGOOD, PRIMARY SPONSOR DATE

Fiscal Note for SB0367, as introduced

SB 367