

1 SENATE BILL NO. 304

2 INTRODUCED BY L. NELSON, HEDGES

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE SCOPE OF AND REVISING FUNDING
 5 CRITERIA FOR THE UPLAND GAME BIRD HABITAT ENHANCEMENT PROGRAM; REQUIRING THAT A
 6 PERCENTAGE OF AVAILABLE REVENUE BE SPENT ON THE UPLAND GAME BIRD RELEASE PROGRAM
 7 BEFORE REMAINING REVENUE BECOMES AVAILABLE FOR THE UPLAND GAME BIRD HABITAT
 8 ENHANCEMENT PROGRAM; CLARIFYING PROJECT ELIGIBILITY CRITERIA; AMENDING SECTIONS
 9 87-1-247, 87-1-248, AND 87-1-249, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10

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

12

13 **Section 1.** Section 87-1-247, MCA, is amended to read:

14 **"87-1-247. Authorized use of funds.** (1) Not more than ~~10%~~ 15% of the money generated under
 15 87-1-246 may be used by the department to:

16 (a) prepare and disseminate information to landowners and organizations concerning the upland
 17 game bird enhancement program;

18 (b) review potential ~~pheasant~~ upland game bird release sites;

19 (c) assist applicants in preparing management plans for project areas; and

20 (d) evaluate the upland game bird enhancement program.

21 (2) The remainder of the money raised must be used:

22 ~~—— (a) to share, at \$3 a bird, in the cost of releasing pheasants in suitable habitat, in such numbers
 23 and under conditions determined by the department under 87-1-248(1); and~~

24 ~~—— (b) to revert, at the end of each fiscal year, all unexpended funds to the habitat portion of the
 25 program outlined in 87-1-248(2) for releasing upland game birds in suitable habitat and for the
 26 development, enhancement, and conservation of upland game bird habitat in Montana.~~

27 (3) (a) At least 15% of the funds collected under 87-1-246 must be set aside each fiscal year for
 28 expenditures related to upland game bird releases.

29 (b) At least 25% of the funds set aside for upland game bird release must be committed before
 30 any funds may be expended for habitat enhancement SPENT EACH YEAR."

1

2 **Section 2.** Section 87-1-248, MCA, is amended to read:

3 **"87-1-248. Qualification of upland game bird enhancement projects.** (1) A project eligible for
4 funding under the ~~pheasant upland game bird~~ release program must contain the proper combination of
5 winter cover, food, nesting cover, and other ~~pheasant upland game bird~~ habitat components determined
6 necessary ~~by the department~~ to provide for ESTABLISHMENT OF a viable permanent pheasant upland game
7 bird population.

8 (2) ~~Habitat~~ A project eligible for funding under the habitat enhancement efforts program must
9 include assistance to applicants in the establishment of suitable nesting cover, winter cover, ~~and or~~ feeding
10 areas through cost-sharing ~~programs~~, leases, ~~and or~~ conservation easements.

11 (3) ~~No~~ A project containing hunting preserves or any commercial hunting enterprise or wherein
12 in which hunting rights are leased or paid for is not eligible for funding.

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

17 (5) (a) ~~A~~ EXCEPT WHEN A GREATER AMOUNT, UP TO \$200,000, IS AUTHORIZED BY THE COMMISSION, A
18 project may not receive more than \$100,000 in funds collected under 87-1-246.

19 (b) ~~Aggregate capital~~ TOTAL purchases OF EQUIPMENT, LAND, AND BUILDINGS under the habitat
20 enhancement program may not exceed \$25,000 for each project.

21 (c) The construction of wells, pipelines, or roads using funds collected under 87-1-246 is
22 prohibited ONLY ALLOWED ON A COST-SHARE BASIS, WHEN THE APPLICANT PAYS AT LEAST 50% OF THE FUNDED COSTS.

23 (d) Any equipment purchased with funds collected under 87-1-246 remains the property of the
24 department.

25 (e) A shelterbelt may not be constructed within 500 400 feet of any residential building or
26 enclosure BUILDING occupied by livestock.

27 (f) Funds collected under 87-1-246 may be expended for supplemental feeding programs that are
28 authorized by the department."

29

30 **Section 3.** Section 87-1-249, MCA, is amended to read:

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

3 (2) The rules must:

4 (a) provide for eligibility criteria for project applications, including project evaluation criteria that
5 ~~incorporates~~ INCORPORATE the following factors:

6 (i) proposed project acreage of suitable size;
7 (ii) proposed project acreage and adjoining lands that are suitable for upland game bird habitat;
8 (iii) evidence that existing and potential species will benefit from the project;
9 (iv) the number of acres that will be open to and suitable for public bird hunting under the proposal;
10 and

11 (v) in addition to the criteria in subsections (2)(a)(i) through (2)(a)(iv), preference to proposed
12 projects with:

13 (A) longer contract length and larger landowner cost share;
14 (B) lands with special or unique components, such as wetlands; and
15 (C) a landowner history of providing hunter access and habitat enhancement;
16 (b) be consistent with general requirements of the federal conservation reserve program, the
17 agricultural conservation program, the state hunter management program, and the state hunting access
18 enhancement program so that landowners who participate in those programs may also be eligible for
19 participation in the upland game bird enhancement program;

20 (c) specifically indicate specifications under which upland game birds will be released in project
21 areas, including but not limited to:

22 (i) habitat requirements;
23 (ii) number of upland game birds to be released;
24 (iii) health requirements;
25 (iv) banding requirements;
26 (v) time for release;
27 (vi) age of birds to be released; and
28 (vii) reimbursement amount for each bird released;

29 (d) establish application procedures for project funding and review and for approval or denial of
30 applications; and

1 (e) establish project monitoring and reporting procedures, INCLUDING A REQUIREMENT THAT PAYMENTS
2 FOR PROJECTS AUTHORIZED PURSUANT TO 87-1-247 BE SUPPORTED BY CONTRACTS, INVOICES, RECEIPTS, OR OTHER
3 SUPPORTING DOCUMENTATION."

4

5 NEW SECTION. Section 4. Effective date. [This act] is effective ~~on passage and approval~~ JULY
6 1, 2001.

7

- END -