

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING A PERCENTAGE OF COMPENSATORY
5 MITIGATION DEPOSITS FROM THE SAGE GROUSE STEWARDSHIP ACCOUNT TO THE STATE
6 GENERAL FUND TO REPAY THE INITIAL COST OF IMPLEMENTING THE MONTANA GREATER SAGE
7 GROUSE STEWARDSHIP ACT; ESTABLISHING A TRANSFER LIMIT; AMENDING SECTION 76-22-109,
8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A CONTINGENT TERMINATION DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 76-22-109, MCA, is amended to read:

13 **"76-22-109. (Temporary) Sage grouse stewardship account.** (1) There is a sage grouse
14 stewardship account in the state special revenue fund established in 17-2-102. Money deposited in the account
15 is statutorily appropriated, as provided in 17-7-502, and, except as provided in subsection (8), must be used for
16 the administration of and pursuant to the provisions of this part to maintain, enhance, restore, expand, or
17 benefit sage grouse habitat and populations for the heritage of Montana and its people.

18 (2) The following funds must be deposited in the account:

19 (a) each fiscal year, the amount provided in 15-1-122 that is transferred to the account from the state
20 general fund;

21 (b) money received by the department in the form of grants, gifts, transfers, bequests, payments for
22 credits or financial contributions made pursuant to 76-22-111, and donations, including donations limited in their
23 purpose by the grantor, or appropriations from any source intended to be used for the purposes of this account;
24 and

25 (c) any interest or income earned on the account.

26 (3) Subject to subsections (4), ~~and (5)~~, and (8), the department shall make disbursements from the
27 account to projects approved by the oversight team to receive grants.

28 (4) The majority of the funds in the account may not be disbursed before the habitat quantification tool

1 has been adopted. The habitat quantification tool must be applied to any project funded after the habitat
 2 quantification tool has been adopted. The majority of the account funds must be awarded to projects that
 3 generate credits that are available for compensatory mitigation under 76-22-111. When selecting projects to
 4 receive funds, the oversight team shall prioritize projects that maximize the amount of credits generated per
 5 dollars of funds awarded.

6 (5) Money deposited in the account may not be used:

7 (a) for fee simple acquisition of private land;

8 (b) to purchase water rights;

9 (c) to purchase a lease or conservation easement that requires recreational access or prohibits
 10 hunting, fishing, or trapping as part of its terms; or

11 (d) to allow the release of any species listed under 87-5-107 or the federal Endangered Species Act,
 12 16 U.S.C. 1531, et seq.

13 (6) Administrative costs paid from the account are limited to \$400,000 in each fiscal year.

14 (7) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the
 15 account.

16 (8) Ten percent of each deposit made in the account pursuant to 76-22-111 must be transferred to the
 17 state general fund until the total amount of transfers made pursuant to this subsection equals \$10 million.

18 (Terminates June 30, 2021--sec. 8, Ch. 360, L. 2017.)

19 **76-22-109. (Effective July 1, 2021) Sage grouse stewardship account.** (1) There is a sage grouse
 20 stewardship account in the state special revenue fund established in 17-2-102. Money deposited in the account
 21 is statutorily appropriated, as provided in 17-7-502, and, except as provided in subsection (8), must be used for
 22 the administration of and pursuant to the provisions of this part to maintain, enhance, restore, expand, or
 23 benefit sage grouse habitat and populations for the heritage of Montana and its people.

24 (2) The following funds must be deposited in the account:

25 (a) money received by the department in the form of grants, gifts, transfers, bequests, payments for
 26 credits or financial contributions made pursuant to 76-22-111, and donations, including donations limited in their
 27 purpose by the grantor, or appropriations from any source intended to be used for the purposes of this account;
 28 and

1 (b) any interest or income earned on the account.

2 (3) Subject to subsections (4), ~~and (5)~~, and (8), the department shall make disbursements from the
3 account to projects approved by the oversight team to receive grants.

4 (4) The majority of the funds in the account may not be disbursed before the habitat quantification tool
5 has been adopted. The habitat quantification tool must be applied to any project funded after the habitat
6 quantification tool has been adopted. The majority of the account funds must be awarded to projects that
7 generate credits that are available for compensatory mitigation under 76-22-111. When selecting projects to
8 receive funds, the oversight team shall prioritize projects that maximize the amount of credits generated per
9 dollars of funds awarded.

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14 hunting, fishing, or trapping as part of its terms; or

15 (d) to allow the release of any species listed under 87-5-107 or the federal Endangered Species Act,
16 16 U.S.C. 1531, et seq.

17 (6) Administrative costs paid from the account are limited to \$400,000 in each fiscal year.

18 (7) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the
19 account.

20 (8) Ten percent of each deposit made in the account pursuant to 76-22-111 must be transferred to the
21 state general fund until the total amount of transfers made pursuant to this subsection equals \$10 million."

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23 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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25 NEW SECTION. Section 3. Contingent termination. [This act] terminates on the date that the
26 director of the office of budget and program planning certifies to the code commissioner that \$10 million has
27 been transferred to the state general fund from the sage grouse stewardship account pursuant to 76-22-109(8).

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