

SENATE BILL NO. 251
INTRODUCED BY K. BALES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT INTERESTS IN LAND FOR WILDLIFE HABITAT MAY BE ACQUIRED ONLY THROUGH LEASE PURCHASES FOR A PERIOD OF 4 YEARS; REQUIRING THAT LEASES INCLUDE PROVISIONS FOR HABITAT IMPROVEMENT AND ACCESS FOR PUBLIC HUNTING; REQUIRING A REPORT TO THE 60TH LEGISLATURE REGARDING THE EFFECTIVENESS OF THE LEASE OPTION; AMENDING SECTION 87-1-241, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, House Bill No. 526, adopted in 1987, established a means for the Department of Fish, Wildlife, and Parks to acquire interests in land for the purpose of protecting and enhancing wildlife habitat through leases, conservation easements, or purchase of fee title; and

WHEREAS, the statement of intent attached to House Bill No. 526 recognized that all three alternatives for acquiring an interest in property were necessary, but noted the Legislature's intent that "it is preferable to acquire such interest through lease or conservation easement"; and

WHEREAS, since 1987, the conservation easement alternative and the fee title alternative have been used extensively, while the lease alternative, although preferred, has been used considerably less often; and

WHEREAS, it remains appropriate, effective, and cost-efficient to apply the preferred lease alternative to wildlife habitat acquisitions in order to improve habitat and increase opportunities for public hunting; and

WHEREAS, the lease alternative may best be implemented through a temporary moratorium on conservation easements and fee title acquisitions, while ensuring that leases include provisions for habitat improvement and public hunting access.

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

Section 1. Section 87-1-241, MCA, is amended to read:

"87-1-241. (Temporary) Acquisition of wildlife habitat -- rules -- moratorium on conservation easements and fee title acquisitions -- report. (1) Before acquisition of any interest in land for the primary purpose of securing wildlife habitat, the commission shall by rule establish a policy for making ~~such~~ acquisitions. With regard to any specific acquisition, the policy ~~shall~~ must be consistent with subsection (3)(a) and provide for a comprehensive analysis of:

- (a) the wildlife populations and use currently associated with the property;
- (b) the potential value of the land for protection, preservation, and propagation of wildlife;
- (c) management goals proposed for the land and wildlife populations, and ~~where~~ when feasible, any additional uses of the land, such as livestock grazing or timber harvest;
- (d) any potential impacts to adjacent private land resulting from proposed management goals, and plans to address ~~such~~ those impacts;
- (e) any significant potential social and economic impacts to affected local governments and the state, including but not limited to impacts on:
 - (i) tax revenue available for the operation of taxing jurisdictions within the county;
 - (ii) services required to be provided by local governments;
 - (iii) employment opportunities within the counties;
 - (iv) local schools; and
 - (v) private businesses supplying goods and services to the community;
 - (f) a land maintenance program to control weeds and maintain roads and fences; and
 - (g) any other matter considered necessary or appropriate by the commission.

(2) The analysis made of any proposed acquisition must be made available for review by each owner of land adjacent to the property that is the subject of analysis; and ~~to~~ by any member of the public. A public hearing must be held in the affected area after the analysis has been made available to the public.

(3) (a) For a period of 4 years from [the effective date of this act], the acquisition of interests in land for wildlife habitat pursuant to this section is restricted to leases. Conservation easements and fee title acquisitions may not be purchased during the moratorium period. Leases may be for terms of 3 to 10 years. In addition to the management and impact analysis required in subsection (1), each lease must also include provisions for habitat improvement and access for public hunting.

(b) The department shall report to the 60th legislature regarding the exclusive use of the lease alternative during the moratorium, including the effectiveness of leases in improving wildlife habitat and in making more land available for public hunting. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)"

NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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