

1 SENATE BILL NO. 186

2 INTRODUCED BY J. COHENOUR

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN ELK HABITAT ENHANCEMENT PROGRAM;
5 ESTABLISHING AN ELK CITIZEN ADVISORY COUNCIL; FUNDING ELK HABITAT ENHANCEMENTS;
6 PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 87-1-242, MCA; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Elk citizen advisory council -- members -- duties -- compensation.** (1)

12 There is an elk citizen advisory council consisting of 12 members appointed by the director and serving staggered
13 3-year terms. Prior to the first meeting after [the effective date of this act], the director shall appoint four members
14 to a 1-year term, four members to a 2-year term, and four members to a 3-year term.

15 (2) No more than six members may be affiliated with the same political party. The council must include
16 a public member representing each of the department's administrative regions. Council membership must also
17 include:

- 18 (a) a fish and game commissioner;
19 (b) a member of a conservation organization;
20 (c) a cattle owner who allows public hunting or who participates in the block management program;
21 (d) a currently licensed outfitter or guide; and
22 (e) a senator and a representative from different political parties.

23 (3) All members must have been licensed elk hunters for 3 years prior to appointment and must be
24 licensed during each year of their terms.

25 (4) The members shall select a presiding officer and two vice presiding officers.

26 (5) The council shall meet at least twice a year. At least one meeting must be held in Helena and one
27 meeting must be held outside the Helena administrative region, preferably near a completed elk habitat
28 enhancement project.

29 (6) The council shall:

- 30 (a) rank elk habitat enhancement proposals pursuant to [section 2];

1 (b) develop for the director recommendations and, if necessary, legislation related to elk management;
2 and

3 (c) on or before September 1 of each year preceding the convening of a regular session of the
4 legislature, report the work of the council to the fish and wildlife commission and to the environmental quality
5 council in accordance with 5-11-210.

6 (7) Each member of the council is entitled to receive \$50 in compensation and travel expenses, as
7 provided in 2-18-501 through 2-18-503, for each day spent on official council business. Council members who
8 conduct official council business in their city of residence are entitled to receive a midday meal allowance as
9 provided in 2-18-502.

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11 **NEW SECTION. Section 2. Elk habitat enhancement program -- funding -- uses.** (1) Funds provided
12 for the elk habitat enhancement program pursuant to 87-1-242 must be used by the department to fund elk habitat
13 enhancements on public and private land and the work of the elk citizen advisory council.

14 (2) The elk citizen advisory council established pursuant to [section 1] shall:

- 15 (a) rank proposed elk habitat enhancement projects;
- 16 (b) examine the distribution of elk in relation to proposed projects;
- 17 (c) advise the department on the use of funds pursuant to this section and the possibility of sharing
18 project costs; and

19 (d) recommend rules for adoption by the department necessary to implement the provisions of [section
20 1] and this section.

21 (3) Funds may be used for elk habitat enhancement projects on public or private land. Private land
22 proposed for an elk habitat enhancement project must be opened for public hunting during the general big game
23 season for 3 years after the grant is spent.

24
25 **NEW SECTION. Section 3. Rulemaking authority.** (1) The department shall adopt rules to implement
26 the provisions of [sections 1 and 2].

27 (2) The rules must include a ranking system for proposed elk habitat enhancement projects that
28 considers multiyear public hunting access to project lands and allowances for matching funds and in-kind services
29 or materials.

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1 **Section 4.** Section 87-1-242, MCA, is amended to read:

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

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

6 (b) Nonresident antelope, \$20;

7 (c) Nonresident moose, \$20;

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

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

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

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

12 (h) Nonresident wild turkey, \$10;

13 (i) Class AAA, combination sports, \$7;

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

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

17 (3) ~~Eighty percent~~ Up to 80% of the money allocated by this section, together with the interest and
18 income from the money, must be used to secure wildlife habitat pursuant to 87-1-209.

19 (4) Up to 10% of the money must be used to fund activities allowed pursuant to [section 2].

20 ~~(4)(5)~~ Twenty percent of the money allocated by this section must be used as follows:

21 (a) up to 50% a year may be used for development and maintenance of real property used for wildlife
22 habitat; and

23 (b) the remainder and any money not allocated for development and maintenance under subsection
24 ~~(4)(a)~~ (5)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5)
25 for use in the manner prescribed for the development and maintenance of real property used for wildlife habitat."

26
27 NEW SECTION. Section 5. Codification instruction. [Sections 1 through 3] are intended to be codified
28 as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [sections
29 1 through 3].

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