

## 1 SENATE BILL NO. 249

2 INTRODUCED BY M. LANG, R. KNUDSEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO FUNDING OF THE MONTANA  
 5 GREATER SAGE-GROUSE STEWARDSHIP ACT; AUTHORIZING A COST-SHARING AGREEMENT  
 6 BETWEEN THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THE DEPARTMENT OF NATURAL  
 7 RESOURCES AND CONSERVATION; REVISING THE AMOUNT OF ADMINISTRATIVE FEES THAT MAY  
 8 BE PAID FROM THE SAGE GROUSE STEWARDSHIP ACCOUNT; RECODIFYING THE MONTANA  
 9 GREATER SAGE-GROUSE STEWARDSHIP ACT IN TITLE 87; AMENDING SECTION 76-22-109, MCA; AND  
 10 PROVIDING AN EFFECTIVE DATE."

11

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

13

14 NEW SECTION. **Section 1. Agreement for payment of costs for implementation of Montana**  
 15 **Greater Sage-Grouse Stewardship Act.** Subject to appropriation by the legislature, the department of fish,  
 16 wildlife, and parks may enter into a cost-sharing agreement with the department of natural resources and  
 17 conservation to pay costs associated with the implementation of the Montana Greater Sage-Grouse  
 18 Stewardship Act.

19

20 **Section 2.** Section 76-22-109, MCA, is amended to read:

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

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

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

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

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

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

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

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

15           ~~(a) for fee simple acquisition of private land;~~

16           ~~(b) to purchase water rights;~~

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

19           ~~(d) to allow the release of any species listed under 87-5-107 or the federal Endangered Species Act,~~  
 20 ~~16 U.S.C. 1531, et seq.~~

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

22           ~~(7) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the~~  
 23 ~~account. (Terminates June 30, 2021--sec. 8, Ch. 360, L. 2017.)~~

24           **76-22-109. (Effective July 1, 2021) Sage grouse stewardship account.** (1) There is a sage grouse  
 25 stewardship account in the state special revenue fund established in 17-2-102. Money deposited in the account  
 26 is statutorily appropriated, as provided in 17-7-502, and must be used for the administration of and pursuant to  
 27 the provisions of this part to maintain, enhance, restore, expand, or benefit sage grouse habitat and populations  
 28 for the heritage of Montana and its people.

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

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

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

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

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

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

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

17 (b) to purchase water rights;

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

20 (d) to allow the release of any species listed under 87-5-107 or the federal Endangered Species Act,  
21 16 U.S.C. 1531, et seq.

22 (6) ~~Administrative costs paid from the account are limited to \$400,000~~Up to \$25,000 may be paid from  
23 the account in each fiscal year for costs associated with meetings of the oversight team.

24 (7) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the  
25 account."  
26

27 **NEW SECTION. Section 3. Directions to code commissioner.** (1) The code commissioner is  
28 instructed to renumber sections currently in Title 76, chapter 22, part 1, into a new part in Title 87, chapter 5.

1           (2) The code commissioner is instructed to change all internal references within and to the  
2 renumbered sections in the Montana Code Annotated, including within sections enacted or amended by the  
3 2021 legislature, to reflect the new section numbers assigned pursuant to this section.

4           (3) Any section enacted by the 2021 legislature that is to be codified in Title 76, chapter 22, part 1,  
5 must be codified as an integral part of the new part, and the provisions of the new part apply to the enacted  
6 sections.

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8           NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2021.

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10           NEW SECTION. Section 5. Contingent termination. (1) If the department of fish, wildlife, and parks  
11 and the department of natural resources and conservation do not sign an agreement pursuant to [section 1] by  
12 [the effective date of this act], then [sections 1 and 2] are void.

13           (2) If an agreement between the department of fish, wildlife, and parks and the department of natural  
14 resources and conservation pursuant to [section 1] is terminated prior to the expiration date of the agreement,  
15 then [sections 1 and 2] are void.

16           (3) If the department of fish, wildlife, and parks and the department of natural resources and  
17 conservation do not enter into a renewal agreement prior to the expiration date of an agreement, then [sections  
18 1 and 2] are void on the expiration date of the agreement.

19           (4) If a court of competent jurisdiction determines that an agreement entered into pursuant to [section  
20 1] is invalid, then [sections 1 and 2] are void on the date the court's judgment is final.

21           (5) If the department of fish, wildlife, and parks receives written notice from the United States fish and  
22 wildlife service that an agreement entered into pursuant to [section 1] will result in a loss of federal fish and  
23 wildlife funds being disbursed to the department of fish, wildlife, and parks, then [sections 1 and 2] are void.

24           (6) The department of fish, wildlife, and parks shall notify the code commissioner of the occurrence of  
25 any contingency provided for in this section.

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