

1 HOUSE BILL NO. 86

2 INTRODUCED BY K. WALSH

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA WILDLIFE HABITAT IMPROVEMENT
6 ACT; REVISING THE SHORT TITLE OF THE ACT; REVISING ELIGIBILITY CRITERIA AND ADVISORY
7 COUNCIL DUTIES; REPEALING THE ACT'S TERMINATION DATE; AMENDING SECTIONS 87-5-801, 87-5-
8 803 AND 87-5-806, MCA; REPEALING SECTION 11, CHAPTER 342, LAWS OF 2017; AND PROVIDING AN
9 IMMEDIATE EFFECTIVE DATE."

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

12
13 **SECTION 1. SECTION 87-5-801, MCA, IS AMENDED TO READ:**

14 **"87-5-801. (Temporary) Short title.** This part may be cited as the "Kelly Flynn Montana Wildlife
15 Habitat Improvement Act". (~~Terminates June 30, 2023--sec. 11, Ch. 342, L. 2017.~~)"

16
17 **Section 2.** Section 87-5-803, MCA, is amended to read:

18 **"87-5-803. (Temporary) Wildlife habitat improvement advisory council -- duties -- members. (1)**

19 There is a wildlife habitat improvement advisory council appointed by the director that ranks projects pursuant
20 to 87-5-804 and advises the department on the administration of this part, including making recommendations
21 on additional weed and soil treatment options and methods that are eligible for funding under this part. The
22 council consists of the following voting members:

- 23 (a) the director of the department or a representative of the department;
- 24 (b) a representative of a hunting organization in Montana;
- 25 (c) a representative of a multiple-use recreation organization in Montana;
- 26 (d) a representative of the timber industry in Montana;
- 27 (e) a livestock producer or a representative of a livestock producer organization in Montana;
- 28 (f) a farmer or a representative of a farming organization in Montana;

- 1 (g) a commercial applicator as defined in 80-8-102;
- 2 (h) a representative of biological research and control interests;
- 3 (i) a representative of the Montana weed control association; and
- 4 (j) two county representatives, one each from the western and eastern parts of the state, who may
- 5 include a county commissioner, district weed board member, or weed district supervisor.
- 6 (2) Nonvoting members of the council include:
- 7 (a) the state weed coordinator; and
- 8 (b) one representative each from:
- 9 (i) the United States bureau of land management;
- 10 (ii) the United States forest service;
- 11 (iii) the United States bureau of reclamation;
- 12 (iv) the United States fish and wildlife service;
- 13 (v) the Montana department of natural resources and conservation; and
- 14 (vi) an Indian tribe as defined in 2-15-141. ~~(Terminates June 30, 2023--sec. 11, Ch. 342, L. 2017.)~~"

15
16 **Section 3.** Section 87-5-806, MCA, is amended to read:

17 **"87-5-806. ~~(Temporary)~~ Administration and expenditure of funds -- cooperation with other**
18 **entities.** (1) (a) The department may expend funds deposited pursuant to 87-5-805 through grants or contracts
19 to communities, noxious weed management districts, conservation districts, nonprofit organizations exempt
20 from taxation under 26 U.S.C. 501(c)(3), or other entities that it considers appropriate for wildlife habitat
21 improvement projects.

22 (b) The department shall consider project recommendations from the council.

23 (c) The department may cooperate in and coordinate the planning and disbursement of these
24 funds with federal, state, and local agencies responsible for the management of noxious weeds.

25 (2) A project is eligible to receive funds only if the county in which the project occurs has funded its
26 own weed management program using one of the following methods, whichever is less:

27 (a) levying an amount of not less than 1.6 mills or an equivalent amount from another source; or

28 (b) appropriating an amount of not less than \$100,000 from any source.

- 1 (3) The department may expend money deposited pursuant to 87-5-805 to:
- 2 (a) restore, rehabilitate, improve, or manage areas of land as wildlife habitat by controlling noxious
- 3 weeds;
- 4 (b) acquire goods and services that will help control noxious weeds in order to restore, rehabilitate,
- 5 improve, or manage land as wildlife habitat;
- 6 (c) fund cost-share noxious weed management programs with local noxious weed management
- 7 districts; or
- 8 (d) provide special grants to local noxious weed management districts to eradicate or contain
- 9 significant noxious weeds newly introduced into the county that affect wildlife habitat.

10 (4) Expenditures allowed pursuant to subsection (3) are limited to:

- 11 (a) biological or mechanical control of noxious weeds;
- 12 (b) purchases and application of approved herbicides;
- 13 (c) seed purchases and application of seed; ~~and~~
- 14 (d) grazing costs as a component of an overall integrated noxious weed management plan; ~~and~~
- 15 (e) other weed and soil treatment options and methods recommended by the council to reduce
- 16 noxious weeds and support native vegetation; ; AND

17 (F) GRANT ADMINISTRATION, VEGETATION MONITORING, AND RELATED ADMINISTRATIVE COSTS NOT TO

18 EXCEED 10% OF A TOTAL PROJECT AMOUNT.

19 (5) The department may expend the funds deposited pursuant to 87-5-805 to pay costs incurred

20 by the department for administering this part and providing support to the council, including but not limited to

21 personal services costs, operating costs, and other administrative costs. After fiscal year 2019, administrative

22 costs may not exceed 15% of the total amount expended pursuant to subsection (3). (~~Terminates June 30,~~

23 ~~2023--sec. 11, Ch. 342, L. 2017.)"~~

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25 NEW SECTION. Section 4. Repealer. Section 11, Chapter 342, Laws of 2017, is repealed.

26

27 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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