

HOUSE BILL NO. 434

INTRODUCED BY K. FLYNN

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA WILDLIFE HABITAT IMPROVEMENT ACT; ALLOWING THE USE OF FEDERAL FUNDS TO COMBAT NOXIOUS WEEDS AND RESTORE WILDLIFE HABITAT; ESTABLISHING A WILDLIFE HABITAT IMPROVEMENT ADVISORY COUNCIL; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, noxious weeds already encroach on wildlife habitat throughout Montana and are propagating at rising rates; and

WHEREAS, a noxious weed control program administered by the department of fish, wildlife, and parks will complement and enhance existing noxious weed control efforts; and

WHEREAS, the program would use federal funds to restore wildlife habitat for the benefit of the public; and

WHEREAS, wildlife habitat noxious weed projects will enhance and steward habitat for the benefit of wildlife.

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 8] may be cited as the "Montana Wildlife Habitat Improvement Act".

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 8], unless the context indicates otherwise, the following definitions apply:

- (1) "Council" means the wildlife habitat improvement advisory council established in [section 2].
- (2) "Department" means the department of fish, wildlife, and parks established in 2-15-3401.
- (3) "Native plant" means a plant indigenous to the state of Montana.
- (4) "Noxious weed" means a weed defined in 7-22-2101.
- (5) "Noxious weed management" means an integrated weed management program for the containment, suppression, and, where possible, eradication of noxious weeds. The term includes a long-term management

1 approach toward noxious weeds that includes but is not limited to hand-pulling, cultivation, herbicide application,  
2 mechanical or biological control, prescribed grazing or burning, prevention, and revegetation.

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4 **NEW SECTION. Section 3. Wildlife habitat improvement advisory council -- members.** (1) There  
5 is a wildlife habitat improvement advisory council appointed by the director that ranks projects pursuant to [section  
6 4] and advises the department on the administration of [sections 1 through 8]. The council consists of the  
7 following voting members:

- 8 (a) the director of the department or a representative of the department;  
9 (b) three representatives of wildlife conservation groups or sports person organizations in Montana;  
10 (c) a livestock producer or a representative of a livestock producer organization in Montana;  
11 (d) a farmer or a representative of a farming organization in Montana;  
12 (e) a commercial applicator as defined in 80-8-102;  
13 (f) a representative of biological research and control interests;  
14 (g) a representative of the Montana weed control association; and  
15 (h) two county representatives, one each from the western and eastern parts of the state, who may  
16 include a county commissioner, district weed board member, or weed district supervisor.

17 (2) Nonvoting members of the council include:

- 18 (a) the state weed coordinator; and  
19 (b) one representative each from:  
20 (i) the United States bureau of land management;  
21 (ii) the United States forest service;  
22 (iii) the United States bureau of reclamation;  
23 (iv) the United States fish and wildlife service;  
24 (v) the Montana department of natural resources and conservation; and  
25 (vi) an Indian tribe as defined in 2-15-141.

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27 **NEW SECTION. Section 4. Wildlife habitat improvement projects -- requirements -- ranking.** (1)

28 Project proposals must:

- 29 (a) address how projects would restore, rehabilitate, improve, or manage land as wildlife habitat through  
30 noxious weed management;

- 1 (b) include a commitment to match at least 25% of a grant in cash, goods, or services; and  
 2 (c) include measurable objectives and a monitoring plan to allow the department to analyze how noxious  
 3 weed management is restoring, rehabilitating, improving, or managing land as wildlife habitat.
- 4 (2) The council shall rank wildlife habitat improvement project proposals according to rules adopted by  
 5 the department pursuant to [section 8] and make funding recommendations to the department.
- 6 (3) In ranking the proposals, the council must give preference to projects in wildlife habitat that include:  
 7 (a) access for public hunting;  
 8 (b) multiple partners and landowners; and  
 9 (c) a commitment to match at least 25% of the final grant in cash.
- 10 (4) Additional preference must be given to a project that proposes to:  
 11 (a) address the primary spread of noxious weeds to adjacent areas of wildlife habitat with native plants;  
 12 (b) include a significant portion of ecologically important wildlife habitat that is in need of restoration;  
 13 (c) include a significant portion of a watershed; or  
 14 (d) maintain native plants after project completion.

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 16 **NEW SECTION. Section 5. Account -- deposits.** (1) There is a wildlife habitat improvement account  
 17 in the federal special revenue fund established in 17-2-102. Up to \$2 million annually in federal special revenue  
 18 funds for wildlife purposes as appropriated by the legislature may be deposited in the account.

19 (2) The department may accept gifts, grants, contracts, or other funds designated for the purposes of  
 20 [sections 1 through 8]. Money received by the state in the form of gifts, grants, reimbursements, or allocations  
 21 from any source intended to be used for the purposes of [sections 1 through 8] must be deposited as appropriate  
 22 in the federal special revenue fund or in the state special revenue fund established in 17-2-102.

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 24 **NEW SECTION. Section 6. Administration and expenditure of funds -- cooperation with other**  
 25 **entities.** (1) (a) The department may expend funds deposited pursuant to [section 5] through grants or contracts  
 26 to communities, noxious weed management districts, conservation districts, nonprofit organizations exempt from  
 27 taxation under section 26 U.S.C. 501(c)(3), or other entities that it considers appropriate for wildlife habitat  
 28 noxious weed management projects.

- 29 (b) The department shall consider project recommendations from the council.  
 30 (c) The department may cooperate in and coordinate the planning and disbursement of these funds with

1 federal, state, and local agencies responsible for the management of noxious weeds.

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

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

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

6 (3) The department may expend money deposited pursuant to [section 5] to:

7 (a) restore, rehabilitate, improve, or manage areas of land as wildlife habitat by controlling noxious  
8 weeds;

9 (b) acquire goods and services that will help control noxious weeds in order to restore, rehabilitate,  
10 improve, or manage land as wildlife habitat;

11 (c) fund cost-share noxious weed management programs with local noxious weed management districts;

12 or

13 (d) provide special grants to local noxious weed management districts to eradicate or contain significant  
14 noxious weeds newly introduced into the county that affect wildlife habitat.

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

16 (a) biological or mechanical control of noxious weeds;

17 (b) purchases and application of approved herbicides; and

18 (c) seed purchases and application of seed.

19 (5) The department may expend the funds deposited pursuant to [section 5] to pay costs incurred by the  
20 department for administering [sections 1 through 8] and providing support to the council, including but not limited  
21 to 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).

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24 **NEW SECTION. Section 7. Reporting -- evaluations.** (1) A project sponsor shall:

25 (a) monitor and document the progress and results of the project;

26 (b) evaluate the overall effectiveness of the project; and

27 (c) provide project and fiscal reports as required by contract.

28 (2) The department shall:

29 (a) conduct field evaluations of projects;

30 (b) require a project sponsor to initiate corrective action if an evaluation finds inadequacies in the

1 project's progress or fiscal reporting; and

2 (c) on or before September 1 of each year preceding the convening of a regular session of the  
3 legislature, provide a report to the environmental quality council in accordance with 5-11-210. The report must  
4 include:

5 (i) an overview of the program;

6 (ii) a listing of projects funded during the reporting period;

7 (iii) an analysis of how projects funded are improving wildlife habitat; and

8 (iv) a summary of past and current funding.

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10 **NEW SECTION. Section 8. Rulemaking authority.** The department shall adopt rules to implement  
11 [sections 1 through 8], including a scoring system for ranking projects proposed to the council.

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13 **NEW SECTION. Section 9. Codification instruction.** [Sections 1 through 8] are intended to be codified  
14 as an integral part of Title 87, and the provisions of Title 87 apply to [sections 1 through 8].

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16 **NEW SECTION. Section 10. Effective date.** [This act] is effective July 1, 2017.

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18 **NEW SECTION. Section 11. Termination.** [This act] terminates June 30, 2023.

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