

1 HOUSE BILL NO. 147

2 INTRODUCED BY T. FRANCE, D. LOGE

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA HUNTERS' AND ANGLERS'
 5 COMMUNITY FUND AND GRANT PROGRAM; PROVIDING LEGISLATIVE FINDINGS; ESTABLISHING A
 6 DONATION MECHANISM, A GRANT REVIEW BOARD, AND A STATE SPECIAL REVENUE ACCOUNT;
 7 AUTHORIZING A STATUTORY APPROPRIATION OF THE REVENUE IN THE ACCOUNT; PROVIDING
 8 RULEMAKING AUTHORITY; AMENDING SECTION 17-7-502, MCA; AND PROVIDING A DELAYED
 9 EFFECTIVE DATE."

10

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

12

13 NEW SECTION. **Section 1. Montana hunters' and anglers' community fund -- findings -- grants**

14 **-- board -- rulemaking.** (1) The legislature finds that resident and nonresident hunters and anglers depend on
 15 rural Montana for hunting and fishing opportunities, an array of community services, and the goodwill of private
 16 landowners and small communities. In recognition that hunters and anglers want to strengthen and support
 17 these rural communities, there is established the Montana hunters' and anglers' community fund to which
 18 persons may donate ~~\$40~~ \$1 or more above the price of a wildlife conservation license purchased pursuant to
 19 87-2-202 or the price of a combination license that includes a conservation license. ~~The department shall~~
 20 ~~provide a sticker of recognition to a person who donates that indicates the year in which the donation was~~
 21 ~~made.~~

22 (2) The Montana hunters' and anglers' community fund is administered by the department, pursuant
 23 to this section, as a grant program. The department shall provide educational materials about the fund on its
 24 website and through other avenues, as appropriate, and may solicit contributions from any source, including but
 25 not limited to individuals, partnerships, corporations, associations, and public organizations of any character.

26 (3) (A) Entities eligible to apply for a grant pursuant to this section must be from a community with a
 27 population of less than 7,500 persons according to the most recent census estimate and be a local or tribal
 28 government, school district, student club, or school group, or a community, nongovernmental, or nonprofit

1 organization seeking financing for an activity including but not limited to:

2 ~~(a)(I)~~ a community or school improvement project;

3 ~~(b)(II)~~ a community service project;

4 ~~(c)(III)~~ a community service, including but not limited to a food bank or nutrition program; or

5 ~~(d)(IV)~~ a student activity, including but not limited to sports or arts programs.

6 (B) GRANT FUNDS MAY NOT BE USED FOR COSTS RELATED TO MARKETING, ADVERTISING, ADVOCACY, OR
 7 POLITICAL ACTIVITIES.

8 (4) Grants from the money deposited each license year in the Montana hunters' and anglers'
 9 community fund account established in [section 2] may be awarded in two ways:

10 (a) large grants of up to \$20,000; and

11 (b) small grants of up to \$2,000.

12 (5) (a) When awarding grants, the department shall consider the recommendations of the Montana
 13 hunters' and anglers' community fund board, which consists of seven members of the general public who,
 14 subject to the provisions of subsection (5)(b), are appointed as follows:

15 (i) one member appointed by the speaker of the house;

16 (ii) one member appointed by the house minority leader;

17 (iii) one member appointed by the president of the senate;

18 (iv) one member appointed by the senate minority leader; and

19 (v) three members appointed by the governor.

20 (b) To be eligible to be appointed to the board, a person must be a hunter, angler, local government
 21 official, landowner, tribal member, or community advocate. The officials making the appointments shall
 22 coordinate with one another to ensure they appoint members from a variety of backgrounds and geographic
 23 areas.

24 (c) The director of the department or the director's designee shall serve as a nonvoting ex officio
 25 member of the board.

26 (6) ~~The~~ IN CONSULTATION WITH THE BOARD, THE department;

27 (A) may adopt rules to implement this section; AND

28 (B) SHALL DEVELOP A PLAN TO PROMOTE AND SOLICIT CONTRIBUTIONS TO THE MONTANA HUNTERS' AND

1 ANGLERS' COMMUNITY FUND.

2

3 NEW SECTION. Section 2. Montana hunters' and anglers' community fund account. (1) There is
4 a Montana hunters' and anglers' community fund account in the state special revenue fund established by 17-2-
5 102. The account is statutorily appropriated, as provided in 17-7-502. Funds in the account must be used by the
6 department for the purposes of [section 1].

7 (2) Money transferred from any lawful source, including but not limited to donations collected pursuant
8 to [section 1], and gifts, grants, securities, or other assets, public or private, may be deposited in the account.

9 (3) EACH YEAR, THE DEPARTMENT MAY USE UP TO 10% OF THE FUNDS IN THE ACCOUNT FOR ADMINISTRATIVE
10 COSTS.

11 ~~(3)~~ (4) At the end of each fiscal year, unreserved funds in the account, including any interest and
12 earnings, must remain in the account.

13

14 **Section 3.** Section 17-7-502, MCA, is amended to read:

15 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
16 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
17 the need for a biennial legislative appropriation or budget amendment.

18 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with
19 both of the following provisions:

20 (a) The law containing the statutory authority must be listed in subsection (3).

21 (b) The law or portion of the law making a statutory appropriation must specifically state that a
22 statutory appropriation is made as provided in this section.

23 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-
24 407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310;
25 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108;
26 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-
27 106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410;
28 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-

1 107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-
2 105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-
3 503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-
4 108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-
5 214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-
6 416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-
7 1504; 85-20-1505; [85-25-102]; 87-1-603; [section 2], 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

8 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
9 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
10 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
11 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined
12 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
13 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
14 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
15 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
16 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
17 benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion
18 of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115
19 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on
20 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
21 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates
22 December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023;
23 pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to
24 sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L.
25 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the
26 inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017,
27 the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-
28 103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates

1 September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029;
2 pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027;
3 pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5,
4 Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)"

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6 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified
7 as an integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to
8 [sections 1 and 2].

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10 **NEW SECTION. Section 5. Effective date.** [This act] is effective March 1, 2022.

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