

HOUSE BILL NO. 383

INTRODUCED BY T. FRANCE, S. GUNDERSON, J. WINDY BOY, M. MARLER, D. LOGE, R. FITZGERALD,  
G. PARRY, M. YAKAWICH, S. WEBBER, P. FLOWERS, J. WELBORN, P. GREEN, G. KMETZ, L. DEMING,  
D. BAUM

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

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

**NEW SECTION. Section 1. Montana hunters and anglers community fund -- findings -- grants --  
board -- rulemaking.** (1) The legislature finds that resident and nonresident hunters and anglers depend on  
rural Montana for hunting and fishing opportunities, an array of community services, and the goodwill of private  
landowners and small communities. In recognition that hunters and anglers want to strengthen and support  
these rural communities, there is established the Montana hunters and anglers community fund, to which  
persons may donate \$1 or more above the price of a wildlife conservation license purchased pursuant to 87-2-  
202 or the price of a combination license that includes a conservation license.

~~(2)~~ By September 1 and March 1 of each year, the department of fish, wildlife, and parks shall  
transfer all funds collected pursuant to subsection (1) into the account established in [section 2].

~~(2)(3)~~ The Montana hunters and anglers community fund is administered by the department of  
commerce, pursuant to this section, as a grant program. The department of commerce shall provide  
educational materials about the fund on its website and through other avenues, as appropriate, and may solicit  
contributions from any source, including but not limited to individuals, partnerships, corporations, associations,  
and public organizations of any character.

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- 2023

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Drafter: Julie Johnson, 406-444-4024

HB0383.002.001

(3)(4) (a) Entities eligible to apply for a grant pursuant to this section must be from a community with a population of fewer than 7,500 persons according to the most recent census estimate and be a local or tribal government, school district, student club, or school group, or a community, nongovernmental, religious, or nonprofit organization seeking financing for an activity, including but not limited to:

- (i) a community or school improvement project;
- (ii) a community service project;
- (iii) a community service program, including but not limited to a food bank or nutrition program; and
- (iv) a student activity, including but not limited to sports or arts programs.

(b) Grant funds may not be used for costs related to marketing, advertising, advocacy, or political activities.

(C) (I) GRANT FUNDS MAY NOT BE AWARDED TO AN ENTITY THAT HAS FILED A LAWSUIT REGARDING ANY LEGAL MATTER IN A COURT OF LAW IN THE STATE. IF AN ENTITY FILES A LAWSUIT REGARDING ANY LEGAL MATTER IN A COURT OF LAW IN THE STATE AFTER RECEIVING GRANT FUNDS PURSUANT TO THIS SECTION, ALL GRANT FUNDS PREVIOUSLY AWARDED MUST BE RETURNED.

(II) TO RECEIVE FUNDS UNDER THIS SECTION, AN ENTITY SHALL SIGN A FORM DESIGNATED BY THE DEPARTMENT OF COMMERCE TO CLARIFY THAT THE ENTITY IS AWARE OF AND IS IN COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (3)(C)(4)(C)(I).

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

- (a) large grants of up to \$20,000 THAT MAY BE EXPENDED OVER MULTIPLE YEARS; or
- (b) small grants of up to \$2,000.

(5)(6) (a) When awarding grants, the department of commerce shall consider the recommendations of the Montana hunters and anglers community fund board, which consists of seven members of the general public who, subject to the provisions of subsection (5)(b)(6)(b), are appointed as follows:

- (i) one member appointed by the speaker of the house;
- (ii) one member appointed by the house minority leader;
- (iii) one member appointed by the president of the senate;
- (iv) one member appointed by the senate minority leader; and

1 (v) three members appointed by the governor.

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

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

8 ~~(6)(7)~~ In consultation with the board, the department of commerce:

9 (a) may adopt rules to implement this section; and

10 (b) shall develop a plan to promote and solicit contributions to the Montana hunters and anglers  
11 community fund.

12

13 **NEW SECTION. Section 2. Montana hunters and anglers community fund account.** (1) There is  
14 a Montana hunters and anglers community fund account in the state special revenue fund established by 17-2-  
15 102. The account is statutorily appropriated, as provided in 17-7-502 to the department of commerce. Money in  
16 the account must be used by the department of commerce as provided in [section 1].

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

20 (3) Each year, the department of commerce may use up to 10% of the money in the account for  
21 administrative costs.

22 (4) At the end of each fiscal year, any unreserved money in the account, including any interest and  
23 earnings, must remain in the account.

24

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

26 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
27 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without  
28 the need for a biennial legislative appropriation or budget amendment.

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 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; 17-3-106; 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; 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; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 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; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 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; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; [section 2], 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental

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benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

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

**NEW SECTION. Section 5. Effective date.** [This act] is effective ~~March 1, 2024~~ July 1, 2023.

**NEW SECTION. Section 6. Termination.** [This act] terminates June 30, 2027.

- END -