

Amendment - 1st Reading-white - Requested by: Jedediah Hinkle - (H) Fish, Wildlife and Parks

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

HB0383.001.001

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
EFFECTIVE 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) The Montana hunters and anglers community fund is administered by the department, pursuant
to this section, as a grant program. The department 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.

(3) (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

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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 to clarify that the entity is aware of and is in compliance with the requirements of subsection (3)(c)(i).

(4) 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; or
- (b) small grants of up to \$2,000.

(5) (a) When awarding grants, the department 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), 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
- (v) three members appointed by the governor.

(b) To be eligible to be appointed to the board, a person must be a hunter, angler, local government official, landowner, tribal member, or community advocate. The officials making the appointments

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1 shall coordinate with one another to ensure they appoint members from a variety of backgrounds and
2 geographic areas.

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

5 (6) In consultation with the board, the department:

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

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

9
10 **NEW SECTION. Section 2. Montana hunters and anglers community fund account.** (1) There is
11 a Montana hunters and anglers community fund account in the state special revenue fund established by 17-2-
12 102. The account is statutorily appropriated, as provided in 17-7-502. Money in the account must be used by
13 the department as provided in [section 1].

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

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

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

21

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

23 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
24 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
25 the need for a biennial legislative appropriation or budget amendment.

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

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

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

4 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-
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-
6 807; 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;
7 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-
8 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-
9 112; 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-
10 506; 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-
11 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-
12 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;
13 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-
14 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-
15 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-
16 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;
17 [section 2], 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

18 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
19 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
20 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
21 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined
22 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
23 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
24 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
25 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
26 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
27 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on

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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.

- END -