

HOUSE BILL 951

Introduced by Driscoll, et al.

2/19	Introduced
2/19	Referred to Fish & Game
2/20	First Reading
2/20	Fiscal Note Requested
2/23	Fiscal Note Received
2/25	Fiscal Note Printed
3/11	Hearing
3/13	Tabled in Committee

1 *House* BILL NO. *951* *Bob Pipinick*
 2 INTRODUCED BY *Yellowtail, Clark* *Rea Hughes*
 3 *Stacy* *Smill* *Edye*

4 A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY
 5 APPROPRIATING MONEY TO THE DEPARTMENT OF FISH, WILDLIFE, AND
 6 PARKS FOR GRANTS FOR ESTABLISHMENT AND IMPROVEMENT OF
 7 SHOOTING RANGES; ESTABLISHING SHOOTING RANGE DEVELOPMENT
 8 GRANTS AND CRITERIA FOR GRANTS; INCREASING ELK AND DEER
 9 LICENSE FEES TO PROVIDE FUNDS FOR THE SHOOTING RANGE GRANTS
 10 PROGRAM; AMENDING SECTIONS 17-7-502, 87-2-501, 87-2-504,
 11 87-2-505, 87-2-510, AND 87-2-711, MCA; AND PROVIDING AN
 12 EFFECTIVE DATE."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 NEW SECTION. **Section 1.** Purpose. The purpose of
 16 [sections 1 through 5] is to create a continuing program and
 17 mechanism to provide funding under the commission and
 18 through the department to private shooting clubs, private
 19 organizations, local governments, and school districts for
 20 the establishment and improvement of a system of shooting
 21 ranges throughout Montana.

22 NEW SECTION. **Section 2.** Shooting range development
 23 grants. Any private shooting club, private organization,
 24 local government, or school district may seek a grant for a
 25 shooting range development project.

1 NEW SECTION. **Section 3.** Grant criteria. (1) An
 2 applicant for a grant pursuant to [section 2] shall provide
 3 matching funds in either cash or in-kind contributions. The
 4 match must represent \$1 in value for each \$1 of the grant. A
 5 minimum of 25% of the match must be in cash. In-kind
 6 contributions include but are not limited to labor,
 7 materials, and new property. Existing assets and existing
 8 range development may not apply to the match.

9 (2) An applicant that is a private shooting club or a
 10 private organization must be a nonprofit corporation
 11 according to Title 35, chapter 2, with an organizational
 12 structure, officers, directors, and a registered agent.

13 (3) A grant must be used for property purchase,
 14 earthwork, fixed improvements to existing shooting ranges or
 15 ranges being established, or reasonable grant application
 16 expense. A grant may not be used for any expendable supplies
 17 for a shooting range.

18 (4) To be eligible for grant assistance, a private
 19 shooting club or private organization:

20 (a) shall accept in its membership any person who holds
 21 or is eligible to hold a Montana hunting license and who
 22 pays club or organization membership fees; and

23 (b) may not limit the number of members.

24 (5) To be eligible for grant assistance, a private
 25 shooting club or private organization may not charge a



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1 membership fee greater than the per-member share of the
2 club's or organization's reasonable cost of provision of
3 services, including establishment, improvement, and
4 maintenance of shooting facilities and other membership
5 services.

6 (6) A private club or private organization, unit of
7 local government, or school district that accepts a grant
8 under [sections 1 through 5] shall provide the department
9 with a future interest providing that upon the discontinued
10 use of its shooting range facility, the assets of the
11 facility revert to the department.

12 (7) To be eligible for grant assistance, the applicant
13 facility shall allow safe shooting of hunting arms. Hunting
14 arms include shotguns, archery equipment, black powder arms,
15 rifles, and pistols.

16 (8) A facility receiving a grant shall provide space
17 for hunter education classes for no fee.

18 (9) A local government unit or a school district shall
19 compete on an equal basis with other applicants and shall
20 provide access to its facility for a reasonable fee to any
21 person holding or eligible to hold a Montana hunting
22 license.

23 NEW SECTION. Section 4. Program rules. (1) The
24 department may not use more than 15% of the appropriated
25 funds for program administration.

1 (2) The department shall develop a simple application
2 procedure and accountability system.

3 (3) The department shall make every effort to expend or
4 obligate available funding to fund shooting range
5 improvements with grants no later than 1 year after funds
6 accrue.

7 (4) The department shall prioritize grant applications
8 according to those that provide facilities for the greatest
9 number of shooters and that accommodate the use of a
10 combination of hunting arms.

11 (5) The department may not grant more than 20% of the
12 eligible funds for the establishment or improvement of any
13 single facility in any year.

14 (6) The department shall promote the use of publicly
15 owned land for shooting range facilities. The department may
16 negotiate with federal, state, and local agencies to
17 encourage land trades, shared or specific use designations,
18 and other mechanisms to provide land for shooting range
19 facilities.

20 NEW SECTION. Section 5. Shooting range development
21 grant state special revenue account created. (1) There is a
22 shooting range development grant state special revenue
23 account in the state special revenue fund that must be used
24 by the department of fish, wildlife, and parks for the
25 purpose of making grants to qualified shooting range

1 facilities under [sections 1 through 4].

2 (2) The amount of money specified in this subsection
3 from the sale of each hunting license or permit listed is
4 statutorily appropriated to the shooting range development
5 grant state special revenue account for the exclusive use by
6 the department of fish, wildlife, and parks for the purpose
7 specified in subsection (1):

- 8 (a) Class AAA, sportman's license, \$1;
9 (b) Class A-3, deer A tag, 50 cents;
10 (c) Class A-4, deer B tag, 50 cents;
11 (d) Class A-5, elk tag, 50 cents;
12 (e) Class A-7, antlerless elk tag, 50 cents;
13 (f) Class B-7, nonresident deer A tag, 50 cents;
14 (g) Class B-8, nonresident deer B tag, 50 cents;
15 (h) Class B-10, nonresident big game combination
16 license, \$1;
17 (i) Class B-11, nonresident deer combination license,
18 50 cents.

19 **Section 6.** Section 17-7-502, MCA, is amended to read:

20 "17-7-502. Statutory appropriations -- definition --
21 requisites for validity. (1) A statutory appropriation is an
22 appropriation made by permanent law that authorizes spending
23 by a state agency without the need for a biennial
24 legislative appropriation or budget amendment.

25 (2) Except as provided in subsection (4), to be

1 effective, a statutory appropriation must comply with both
2 of the following provisions:

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

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

8 (3) The following laws are the only laws containing
9 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
10 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
11 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
12 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
13 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;
14 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
15 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;
16 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;
17 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;
18 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101;
19 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;
20 82-11-161; [section 5]; 90-3-301; 90-4-215; 90-4-613;
21 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
22 of 1985.

23 (4) There is a statutory appropriation to pay the
24 principal, interest, premiums, and costs of issuing, paying,
25 and securing all bonds, notes, or other obligations, as due,

1 that have been authorized and issued pursuant to the laws of
 2 Montana. Agencies that have entered into agreements
 3 authorized by the laws of Montana to pay the state
 4 treasurer, for deposit in accordance with 17-2-101 through
 5 17-2-107, as determined by the state treasurer, an amount
 6 sufficient to pay the principal and interest as due on the
 7 bonds or notes have statutory appropriation authority for
 8 such payments. (In subsection (3), pursuant to sec. 10, Ch.
 9 664, L. 1987, the inclusion of 39-71-2504 terminates June
 10 30, 1991.)"

11 **Section 7.** Section 87-2-501, MCA, is amended to read:

12 "87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident
 13 deer, elk, and bear licenses -- special Class A-7 resident
 14 and nonresident license requirements and preference. (1)
 15 Except as otherwise provided in this chapter, a resident, as
 16 defined by 87-2-102, or a nonresident who wishes to purchase
 17 a Class A-7 elk license only, who will be 12 years of age or
 18 older prior to September 15 of the season for which the
 19 license is issued may, upon payment of the proper fee or
 20 fees, be entitled to purchase one each of the following
 21 licenses at the prescribed cost which will entitle the
 22 holder to pursue, hunt, shoot, and kill the game animal or
 23 animals authorized by the license held and to possess the
 24 carcasses of those game animals as authorized by department
 25 rules:

- 1 (a) Class A-3, deer A tag, \$9 \$9.50;
 2 (b) Class A-4, deer B tag, \$6 \$6.50;
 3 (c) Class A-5, elk tag, ~~\$10~~ \$10.50;
 4 (d) Class A-6, black or brown bear tag, \$8;
 5 (e) Class A-7, antlerless elk tag, ~~\$10~~ \$10.50.
 6 (2) (a) The holder of a Class A-7 antlerless elk
 7 license is entitled to take antlerless elk in areas
 8 designated by the commission and at such times and upon such
 9 terms as set forth by the commission.
 10 (b) No person may take more than one elk during any
 11 license year, and a person holding a Class A-7 antlerless
 12 elk tag may not take an elk during the same license year
 13 with a Class A-5 license or nonresident elk tag. The use of
 14 Class A-7 antlerless elk licenses does not preclude the
 15 department's use of special elk permits.
 16 (c) A nonresident shall hold a nonresident Class B-10
 17 license as a prerequisite to application for a Class A-7
 18 license.
 19 (3) Subject to the limitation of subsection (5), a
 20 person who holds fee title to 640 acres or more of
 21 contiguous land, at least some of which is used by elk, in a
 22 hunting district where Class A-7 licenses are awarded under
 23 this section shall be issued, upon application, a Class A-7
 24 license.
 25 (4) An applicant who receives a Class A-7 license under

1 subsection (3) may designate that the license be issued to
 2 an immediate family member or a person employed by the
 3 landowner. A corporation owning qualifying land under
 4 subsection (3) may designate one of its shareholders to
 5 receive the license.

6 (5) Fifteen percent of the Class A-7 licenses available
 7 each year under this section in a hunting district must be
 8 available to landowners under subsection (3)."

9 **Section 8.** Section 87-2-504, MCA, is amended to read:

10 "87-2-504. (Temporary) Class B-7 and B-8--nonresident
 11 deer licenses. Except as otherwise provided in this chapter,
 12 a person not a resident, as defined in 87-2-102, but who
 13 will be 12 years of age or older prior to September 15 of
 14 the season for which the license is issued and is a holder
 15 of a nonresident conservation license may, upon payment of
 16 the proper fee or fees and subject to the limitations
 17 prescribed by law and department regulation, be entitled to
 18 apply to the fish and game office, Helena, Montana, to
 19 purchase one each of the following licenses: Class B-7, deer
 20 A tag, ~~\$150~~ \$150.50; Class B-8, deer B tag, ~~\$50~~ \$50.50; and
 21 will entitle the holder to pursue, hunt, shoot, and kill the
 22 game animal or animals authorized by the license held and to
 23 possess the carcasses of those animals as authorized by
 24 department rules. Unless purchased as part of a B-10 or B-11
 25 license, a Class B-7 license must be assigned for use in a

1 specific administrative region or portion thereof. If
 2 purchased as part of a Class B-11 license, the Class B-7
 3 license is valid throughout the state. Not more than 5,000
 4 Class B-7 licenses may be sold in any license year. Money
 5 received from the sale of Class B-7 licenses in excess of
 6 1,700 must be used as provided in 87-1-242(1). (Terminates
 7 March 1, 1994--sec. 12, Ch. 598, L. 1987.)

8 **87-2-504. (Effective March 1, 1994) Class B-7 and**
 9 **B-8--nonresident deer licenses.** Except as otherwise provided
 10 in this chapter, a person not a resident, as defined in
 11 87-2-102, but who will be 12 years of age or older prior to
 12 September 15 of the season for which the license is issued
 13 and is a holder of a nonresident conservation license may,
 14 upon payment of the proper fee or fees and subject to the
 15 limitations prescribed by law and department regulation, be
 16 entitled to apply to the fish and game office, Helena,
 17 Montana, to purchase one each of the following licenses:
 18 Class B-7, deer A tag, ~~\$100~~ \$100.50; Class B-8, deer B tag,
 19 ~~\$50~~ \$50.50; and will entitle the holder to pursue, hunt,
 20 shoot, and kill the game animal or animals authorized by the
 21 license held and to possess the carcasses of those animals
 22 as authorized by department rules. Unless purchased as part
 23 of a B-10 or B-11 license, a Class B-7 license must be
 24 assigned for use in a specific administrative region or
 25 portion thereof. If purchased as part of a Class B-11

1 license, the Class B-7 license is valid throughout the
2 state."

3 **Section 9.** Section 87-2-505, MCA, is amended to read:

4 **"87-2-505. (Temporary) Class B-10--nonresident big game**
5 **combination license.** Except as otherwise provided in this
6 chapter, a person not a resident, as defined in 87-2-102,
7 but who will be 12 years of age or older prior to September
8 15 of the season for which the license is issued may, upon
9 payment of the fee of ~~\$450~~ \$451 and subject to the
10 limitations prescribed by law and department regulation,
11 apply to the fish and game office, Helena, Montana, to
12 purchase a B-10 nonresident big game combination license
13 which shall entitle the holder to all the privileges of
14 Class B, Class B-1, Class B-7, and black bear licenses, and
15 an elk tag. This license includes the nonresident
16 conservation license as prescribed in 87-2-202. Not more
17 than 17,000 Class B-10 licenses may be sold in any one
18 license year. (Terminates March 1, 1994--sec. 12, Ch. 598,
19 L. 1987.)

20 **87-2-505. (Effective March 1, 1994) Class**
21 **B-10--nonresident big game combination license.** Except as
22 otherwise provided in this chapter, a person not a resident,
23 as defined in 87-2-102, but who will be 12 years of age or
24 older prior to September 15 of the season for which the
25 license is issued may, upon payment of the fee of ~~\$373~~ \$374

1 and subject to the limitations prescribed by law and
2 department regulation, apply to the fish and game office,
3 Helena, Montana, to purchase a B-10 nonresident big game
4 combination license which shall entitle the holder to all
5 the privileges of Class B, Class B-1, Class B-7, and black
6 bear licenses, and an elk tag. This license includes the
7 nonresident conservation license as prescribed in 87-2-202.
8 Not more than 17,000 Class B-10 licenses may be sold in any
9 one license year."

10 **Section 10.** Section 87-2-510, MCA, is amended to read:

11 **"87-2-510. (Temporary) Class B-11--nonresident deer**
12 **combination license.** (1) Except as otherwise provided in
13 this chapter, a person not a resident, as defined in
14 87-2-102, but who will be 12 years of age or older prior to
15 September 15 of the season for which the license is issued
16 may, upon payment of a fee of ~~\$200~~ \$200.50 and subject to
17 the limitations prescribed by law and department regulation,
18 apply to the fish and game office, Helena, Montana, to
19 purchase a Class B-11 nonresident deer combination license
20 that entitles the holder to all the privileges of the Class
21 B, Class B-1, and Class B-7 licenses. This license includes
22 the nonresident wildlife conservation license as prescribed
23 in 87-2-202.

24 (2) Six thousand Class B-11 licenses are authorized for
25 sale each license year.

1 **87-2-510. (Effective March 1, 1994) Class**
 2 **B-11--nonresident deer combination license.** (1) Except as
 3 otherwise provided in this chapter, a person not a resident,
 4 as defined in 87-2-102, but who will be 12 years of age or
 5 older prior to September 15 of the season for which the
 6 license is issued may, upon payment of a fee of ~~\$175~~ \$175.50
 7 and subject to the limitations prescribed by law and
 8 department regulation, apply to the fish and game office,
 9 Helena, Montana, to purchase a Class B-11 nonresident deer
 10 combination license that entitles the holder to all the
 11 privileges of the Class B, Class B-1, and Class B-7
 12 licenses. This license includes the nonresident wildlife
 13 conservation license as prescribed in 87-2-202.

14 (2) Six thousand Class B-11 licenses are authorized for
 15 sale each license year."

16 **Section 11.** Section 87-2-711, MCA, is amended to read:

17 ***87-2-711. (Temporary) Class AAA--sportsman's license.**
 18 Any resident, as defined by 87-2-102, who will be 12 years
 19 of age or older prior to September 15 of the season for
 20 which the license is issued, upon payment of the sum of
 21 ~~\$45.50~~ \$46.50, shall be entitled to a sportsman's license
 22 which shall permit the holder to exercise all rights granted
 23 to holders of Class A, A-1, A-3, A-5, A-6, and resident
 24 conservation licenses as prescribed in 87-2-202. The
 25 department shall furnish each holder of a sportsman's

1 license an appropriate decal. (Terminates March 1,
 2 1994--sec. 12, Ch. 598, L. 1987.)

3 **87-2-711. (Effective March 1, 1994) Class**
 4 **AAA--sportsman's license.** Any resident, as defined by
 5 87-2-102, who will be 12 years of age or older prior to
 6 September 15 of the season for which the license is issued,
 7 upon payment of the sum of ~~\$38.50~~ \$39.50, shall be entitled
 8 to a sportsman's license which shall permit the holder to
 9 exercise all rights granted to holders of Class A, A-1, A-3,
 10 A-5, A-6, and resident conservation licenses as prescribed
 11 in 87-2-202. The department shall furnish each holder of a
 12 sportsman's license an appropriate decal."

13 **NEW SECTION. Section 12. Severability.** If a part of
 14 [this act] is invalid, all valid parts that are severable
 15 from the invalid part remain in effect. If a part of [this
 16 act] is invalid in one or more of its applications, the part
 17 remains in effect in all valid applications that are
 18 severable from the invalid applications.

19 **NEW SECTION. Section 13. Codification instruction.**
 20 [Sections 1 through 5] are intended to be codified as an
 21 integral part of Title 87, chapter 1, part 2, and the
 22 provisions of Title 87, chapter 1, part 2, apply to
 23 [sections 1 through 5].

24 **NEW SECTION. Section 14. Effective date.** [This act] is
 25 effective July 1, 1991.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0951, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill increases certain hunting licenses and statutorily appropriates the increase for grants establishing and improving shooting ranges.

ASSUMPTIONS:


1. The following table details the current license fees and the proposed fees:

<u>License Name</u>	<u>Current</u>	<u>Proposed</u>
	<u>Fee</u>	<u>Fee</u>
Resident Deer A	9.00	9.50
Resident Deer B	6.00	6.50
Resident Elk	10.00	10.50
Resident Sportsman	45.50	46.50
Nonresident Deer A tag	150.00	150.50
Nonresident Deer B tag	50.00	50.50
Nonresident Deer Combo	200.00	200.50
Nonresident Elk Combo	450.00	451.00

- There will be no buyer resistance.
- The department has not issued any non-resident deer A licenses (B-7) since 1988, and will not issue any in FY92 or FY93.
- The A-7 antlerless elk are counted with the A-5 elk.
- The effective date will be changed to March 1, 1992, to eliminate the cost and confusion of changing prices in mid-license year.
- The department will use 15% of the revenue generated to administer the program.

FISCAL IMPACT:

see next page


 ROD SUNDSTED, BUDGET DIRECTOR
 Office of Budget and Program Planning

DATE

JERRY L. DRISCOLL, PRIMARY SPONSOR

DATE

Fiscal Note for HB0951, as introduced

2/25/91
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FISCAL IMPACT:
Department of Fish, Wildlife and Parks:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Shooting Range Operating	18,875	28,550	9,675	18,875	46,475	27,600
Shooting Range Grants	<u>56,125</u>	<u>110,950</u>	<u>54,825</u>	<u>56,125</u>	<u>212,525</u>	<u>156,400</u>
Total	75,000	139,500	64,500	75,000	259,000	184,000
<u>Funding:</u>						
General License Act. (02)	75,000	75,000	0	75,000	75,000	0
Shooting Range Act. (02)	<u>0</u>	<u>64,500</u>	<u>64,500</u>	<u>0</u>	<u>184,000</u>	<u>184,000</u>
Total	75,000	139,500	64,500	75,000	259,000	184,000
<u>Revenues:</u>						
Shooting Range Act (02)	0	64,500	64,500	0	184,000	184,000

TECHNICAL NOTES:

1. Effective date should be changed to March 1, 1992. July 1, 1991, is the middle of a license year.
2. There is currently in the recommended 1993 biennium executive budget a \$150,000 biennial appropriation for shooting ranges funded with license dollars.

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