

HOUSE BILL 131

Introduced by Wyatt, et al.

1/09	Introduced
1/09	Referred to Appropriations
1/09	First Reading
1/11	Fiscal Note Requested
1/15	Fiscal Note Received
1/15	Fiscal Note Printed
2/10	Hearing
2/12	Tabled in Committee

1 *House* BILL NO. *131*
 2 INTRODUCED BY *Wright* / *B. Brundt* / *Endy*
 3 *Dave Brown* / *Hayer* / *Malone* / *Est*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY
 5 *Amator* / *NATHAN* / *Yellowstone* / *Yellowstone* / *Yellowstone*
 APPROPRIATING MONEY TO THE DEPARTMENT OF FISH, WILDLIFE, AND

6 PARKS FOR GRANTS FOR THE ESTABLISHMENT AND IMPROVEMENT OF
 7 SHOOTING RANGES; ESTABLISHING SHOOTING RANGE DEVELOPMENT
 8 GRANTS AND CRITERIA FOR GRANTS; AMENDING SECTION 17-7-502,
 9 MCA; AND PROVIDING AN EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

19 NEW SECTION. **Section 2.** Shooting range development
 20 grants. A private shooting club, private organization, unit
 21 of local government, or school district may seek a grant for
 22 a shooting range development project.

23 NEW SECTION. **Section 3.** Grant criteria. (1) An
 24 applicant for a grant pursuant to [section 2] shall provide
 25 matching funds in either cash or in-kind contributions. The

1 match must represent \$1 in value for each \$1 of the grant. A
 2 minimum of 25% of the match must be in cash. In-kind
 3 contributions include but are not limited to labor,
 4 materials, and real property. Existing assets and existing
 5 shooting range development may not apply to the match.

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

10 (3) A grant must be used for real property purchase,
 11 earthwork, fixed improvements to existing shooting ranges or
 12 ranges being established, or reasonable grant application
 13 expenses. A grant may not be used for any expendable
 14 supplies for a shooting range.

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

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

20 (b) may not limit the number of members; and

21 (c) may charge a membership fee not greater than the
 22 per-member share of the club's or organization's reasonable
 23 cost of provision of services, including establishment,
 24 improvement, and maintenance of shooting facilities and
 25 other membership services.

HB 131
INTRODUCED BILL



(5) A private shooting club, private organization, unit of local government, or school district that accepts a grant under [sections 1 through 5] shall provide the department with a future interest, providing that upon the discontinued use of its shooting range facility, the assets of the facility revert to the department. If a facility funded under [sections 1 through 5] is sold for a use other than a shooting range facility and the sale proceeds are not reinvested in another shooting range facility within 1 year of sale, the entity that sells the facility shall reimburse the grant program for all funds received under [sections 1 through 5].

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

(7) An entity receiving a grant shall allow use of the facility by hunter education classes for no fee.

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

NEW SECTION. Section 4. Program rules. (1) The department may not use more than 15% of the program funds

for administration.

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

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

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

(5) The department may not grant more than 30% of the eligible funds for the establishment or improvement of any single facility in any year.

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

NEW SECTION. Section 5. Shooting range development grant state special revenue account created. (1) There is a shooting range development grant state special revenue account in the state special revenue fund that must be used by the department for the purpose of making grants to

1 qualified shooting range facilities under [sections 1
2 through 4].

3 (2) The amount of money specified in this subsection
4 from the sale of each hunting license or permit listed as
5 follows is statutorily appropriated, as provided in
6 17-7-502, to the shooting range development grant state
7 special revenue account for the exclusive use by the
8 department for the purpose specified in subsection (1):

- 9 (a) Class AAA, sportman's license, \$1;
10 (b) Class A-3, deer A tag, 50 cents;
11 (c) Class A-4, deer B tag, 50 cents;
12 (d) Class A-5, elk tag, 50 cents;
13 (e) Class A-7, antlerless elk tag, 50 cents;
14 (f) Class B-7, nonresident deer A tag, 50 cents;
15 (g) Class B-8, nonresident deer B tag, 50 cents;
16 (h) Class B-10, nonresident big game combination
17 license, \$1;
18 (i) Class B-11, nonresident deer combination license,
19 50 cents.

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

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

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

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

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

9 (3) The following laws are the only laws containing
10 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
11 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
12 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
13 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
14 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
15 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
16 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
17 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
18 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
19 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
20 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
21 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206;
22 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108;
23 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310;
24 82-11-136; 82-11-161; 85-1-220; [section 5]; 90-3-301;
25 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

1 (4) There is a statutory appropriation to pay the
 2 principal, interest, premiums, and costs of issuing, paying,
 3 and securing all bonds, notes, or other obligations, as due,
 4 that have been authorized and issued pursuant to the laws of
 5 Montana. Agencies that have entered into agreements
 6 authorized by the laws of Montana to pay the state
 7 treasurer, for deposit in accordance with 17-2-101 through
 8 17-2-107, as determined by the state treasurer, an amount
 9 sufficient to pay the principal and interest as due on the
 10 bonds or notes have statutory appropriation authority for
 11 the payments. (In subsection (3): pursuant to sec. 7, Ch.
 12 567, L. 1991, the inclusion of 19-6-709 terminates upon
 13 death of last recipient eligible for supplemental benefit;
 14 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
 15 22-3-811 terminates June 30, 1993.)"

16 NEW SECTION. Section 7. Severability. If a part of
 17 [this act] is invalid, all valid parts that are severable
 18 from the invalid part remain in effect. If a part of [this
 19 act] is invalid in one or more of its applications, the part
 20 remains in effect in all valid applications that are
 21 severable from the invalid applications.

22 NEW SECTION. Section 8. Codification instruction.
 23 [Sections 1 through 5] are intended to be codified as an
 24 integral part of Title 87, chapter 1, part 2, and the
 25 provisions of Title 87, chapter 1, part 2, apply to

1 [sections 1 through 5].

2 NEW SECTION. Section 9. Effective date. [This act] is
 3 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0131, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act statutorily appropriating money to the Department of Fish, Wildlife and Parks for grants for the establishment and improvement of shooting ranges; establishing shooting range development grants and criteria for the grants; and providing for an effective date.

ASSUMPTIONS:

1. FWP has not issued any non-resident deer A licenses (B-7) since 1988, and will not issue any in FY94 or FY95.
2. The antlerless elk tag (A-7) are included in the elk tag (A-5) totals.
3. FWP will use 15% of the revenue generated to administer the program.
4. The Governor's budget recommends an \$150,000 biennial appropriation for shooting ranges funded with license dollars.

FISCAL IMPACT:

	FY94			FY95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Expenditures:						
Shooting Range Operations	14,300	43,175	28,875	14,300	43,175	28,875
Shooting Range Grants	<u>60,700</u>	<u>224,325</u>	<u>163,625</u>	<u>60,700</u>	<u>224,325</u>	<u>163,625</u>
Total	75,000	267,500	192,500	75,000	267,500	192,500
Revenue:						
General License Acct (02)	75,000	75,000	0	75,000	75,000	0
Shooting Range Acct (02)	<u>0</u>	<u>192,500</u>	<u>192,500</u>	<u>0</u>	<u>192,500</u>	<u>192,500</u>
Total	75,000	267,500	192,500	75,000	267,500	192,500

Net Impact:

\$192,500 each fiscal year of license dollars will be redirected to fund a shooting range development grant program.

TECHNICAL NOTES:

Effective date should be changed to March 1, 1994 to coincide with department's license year.

David Lewis 1-15-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

DIANA E. WYATT, PRIMARY SPONSOR DATE

Fiscal Note for HB0131, as introduced

HB 131