

HOUSE BILL NO. 679

INTRODUCED BY CLARK, WEEDING, GALVIN, SIMPKINS,
BURNETT, WYATT, GRINDE, SAYLES, RYE, GAGE, T. NELSON,
SIMON, D. BROWN, HERTEL, REHBEIN, HARRINGTON, VOGEL,
SWANSON, M. HANSON, SQUIRES, DRISCOLL, HIBBARD, TVEIT,
STRIZICH, LARSON, SWIFT, JERGESON, KEATING, RYAN,
KOEHNKE, MILLS, J. RICE, ELLIS, TASH, WANZENRIED,
SPRING, PAVLOVICH, MCCAFFREE, J. JOHNSON, KNOX,
ANDERSON, MENAHAN, GILBERT, KELLER, ROSE, SMITH,
SCHYE, DAILY, GERVAIS, HAYNE, BERGMAN, DOWELL,
MCCLERNAN, REA, BRENDEN, HALLIGAN, COBB,
HANSEN, BARNETT, STANG, B. BROWN, BECK,
DEVLIN, STANFORD, PETERSON, L. NELSON,
MASON, BIRD, TOWE, STOVALL,
DEBRUYCKER, QUILICI, ENDY,
DAVIS, REAM
BY REQUEST OF THE HOUSE HIGHWAYS COMMITTEE

IN THE HOUSE

MARCH 12, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 29, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 30, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
MARCH 31, 1993	ENGROSSING REPORT.
APRIL 1, 1993	THIRD READING, PASSED. AYES, 87; NOES, 11.
	TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 2, 1993	ON MOTION, RULES SUSPENDED TO ALLOW LATE TRANSMITTAL OF BILL.
	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
APRIL 13, 1993	COMMITTEE RECOMMEND BILL BE

CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 14, 1993

SECOND READING, NOT CONCURRED
IN.

SECOND READING, INDEFINITELY
POSTPONED.

ON MOTION, PREVIOUS ACTION
RECONSIDERED.

APRIL 15, 1993

SECOND READING, CONCURRED IN AS
AMENDED.

THIRD READING, CONCURRED IN.
AYES, 44; NOES, 5.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 16, 1993

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 19, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 679 Born
 2 INTRODUCED BY Carl ending Salvino ending
 3 BY REQUEST OF THE HOUSE HIGHWAYS COMMITTEE Jim Nelson
 4 John Dave Brown Rehbein Hamm Handy Vogel
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
 6 RELATING TO OFF-HIGHWAY VEHICLE USE; ALLOWING OFF-HIGHWAY
 7 VEHICLE USE ON CERTAIN FOREST AND BUREAU OF LAND MANAGEMENT
 8 ROADS; ALLOWING OFF-HIGHWAY VEHICLES TO CROSS PUBLIC ROADS
 9 UNDER CERTAIN CONDITIONS; ESTABLISHING A STANDARD OF
 10 RESPONSIBILITY FOR OFF-HIGHWAY VEHICLE OPERATORS; PROVIDING
 11 FOR OFF-HIGHWAY VEHICLE SAFETY TRAINING AFTER 1994;
 12 APPROPRIATING FEDERAL FUNDS FOR OFF-HIGHWAY VEHICLE SAFETY
 13 TRAINING; AMENDING SECTIONS 17-7-502 AND 61-8-111, MCA; AND
 14 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1.** Section 61-8-111, MCA, is amended to read:

18 "61-8-111. State laws applicable on certain forest
 19 development roads -- enforcement -- exceptions. (1) Forest
 20 Except as provided in subsection (2), forest development
 21 roads in the state, whether or not they meet the definition
 22 of a public highway by the laws of this state, are subject
 23 to the traffic laws of this state, and the Montana highway
 24 patrol and county sheriffs of this state shall have
 25 jurisdiction thereon to investigate accidents and enforce

1 the Montana traffic laws on those roads.

2 (2) Exceptions to regulation under subsection (1) for
 3 off-highway vehicle use may be permitted at the discretion
 4 and determination of the United States forest service when
 5 the following conditions are met:

6 (a) The exception is authorized by the forest
 7 supervisor.

8 (b) The exception is properly signed.

9 (c) The off-highway vehicle has a valid registration
 10 decal.

11 (d) The off-highway vehicle and the operation of the
 12 vehicle comply with 36 CFR 261.13.

13 (e) An unlicensed off-highway vehicle operator is
 14 accompanied by a licensed, responsible adult.

15 (f) Each off-highway vehicle operator and passenger
 16 shall comply with the requirements of 61-9-417."

17 **NEW SECTION. Section 2.** State laws applicable on
 18 certain bureau of land management roads -- exceptions. (1)
 19 Exceptions to the traffic laws of this state for roads on
 20 land in this state owned by the U.S. bureau of land
 21 management may be permitted at the discretion and
 22 determination of the U.S. bureau of land management when the
 23 following conditions are met:

24 (a) The exception is authorized by the district
 25 supervisor.

(b) The exception is properly signed.

(c) The off-highway vehicle has a valid registration decal.

(d) The off-highway vehicle and the operation of the vehicle comply with 43 CFR 8340.

(e) An unlicensed off-highway vehicle operator is accompanied by a licensed, responsible adult.

(2) Each off-highway vehicle operator and passenger shall comply with the requirements of 61-9-417.

NEW SECTION. Section 3. Off-highway crossings of public roads. An off-highway vehicle may make a direct crossing of a public road when the crossing is necessary to get to another authorized area of operation. The crossing must be made at an angle of approximately 90 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The off-highway vehicle must make a complete stop before entering upon any part of the traffic way, and the operator shall yield the right-of-way to all oncoming traffic.

NEW SECTION. Section 4. Off-highway vehicle operator responsibilities. (1) An off-highway vehicle operator shall accept all legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use and shall regulate personal conduct at all times so that injury

to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.

(2) Risks inherent in the sport of off-highway operation include variations in terrain, surface or subsurface conditions, crevices, ravines, streams, poor visibility, rocks, trees, other forms of forest growth or debris, and any other natural hazard.

(3) An off-highway vehicle operator is responsible for:

(a) knowing the range of the operator's ability to navigate any slope, trail, or area for off-highway vehicle use within the limits of the operator's ability, taking into consideration the conditions;

(b) maintaining control of speed and course at all times while operating the off-highway vehicle;

(c) heeding all posted warnings; and

(d) refraining from acting in a manner that may cause or contribute to the injury of anyone.

(4) The provisions of this section do not affect a products liability cause of action based upon the design or manufacture of off-highway equipment or products or safety equipment used incidental to the operation of an off-highway vehicle.

NEW SECTION. Section 5. Off-highway vehicle safety education training program -- appropriation. (1) There is an

1 off-highway vehicle safety education training program.
2 Beginning October 1, 1994, the department of fish, wildlife,
3 and parks shall coordinate the program as funds are
4 available.

5 (2) Beginning October 1, 1994, the department of
6 justice shall transfer to the department of fish, wildlife,
7 and parks all money available for the program under 23
8 U.S.C. 402.

9 (3) There is an account in the state special revenue
10 fund in which all money received for the administration of
11 the off-highway vehicle safety education training program
12 must be deposited. The money in the account is statutorily
13 appropriated, as provided in 17-7-502, to the department of
14 fish, wildlife, and parks for the administration of the
15 program.

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

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

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

25 (a) The law containing the statutory authority must be

1 listed in subsection (3).

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

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

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

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

12 NEW SECTION. **Section 7.** Codification instruction. (1)
13 [Section 2] is intended to be codified as an integral part
14 of Title 61, chapter 8, part 1, and the provisions of Title
15 61, chapter 8, part 1, apply to [section 2].

16 (2) [Sections 3 through 5] are intended to be codified
17 as an integral part of Title 23, chapter 2, part 8, and the
18 provisions of Title 23, chapter 2, part 8, apply to
19 [sections 3 through 5].

20 NEW SECTION. **Section 8.** Effective date. [This act] is
21 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0679, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act revising the law relating to off-highway vehicle use; allowing off highway vehicle use on certain U. S. Forest Service and Bureau of Land Management roads; allowing off-highway vehicles to cross public roads under certain conditions; establishing a standard of responsibility for off-highway vehicle operators; providing for off-highway vehicle safety training after 1994 and appropriating federal funds for off-highway vehicle safety training.

ASSUMPTIONS:

1. According to the Highway Traffic Safety Division, Department of Justice, the amount of federal funds available for this program is unknown at this time.
2. The Department of Fish, Wildlife and Parks (FWP) will receive Federal Highway Administration funds through a contract with the Highway Traffic Safety Division.
3. When the federal funds become available, FWP will establish the format for the off-highway vehicle safety training program. This will be accomplished with current level department staff.

FISCAL IMPACT:

Department of Fish, Wildlife and Parks:

No fiscal impact in FY94. The program could start in FY95, but the funding amount is unknown.

Highway Safety Division, Department of Justice:

A portion of the funds transferred by the United States Code part 23, Section 402 potentially provided through Section 153 penalty provisions contained in the Intermodal Surface Transportation Efficiency Act of 1991 would be used to fund this program.

TECHNICAL NOTES:

New section 5(3) should establish a federal special revenue fund instead of a state special revenue fund, because the revenue to fund the safety program will be from the Federal Highway Administration.

David Lewis 3-17-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Robert C. Clark 03/18/93
ROBERT C. CLARK, PRIMARY SPONSOR DATE

Fiscal Note for HB0679, as introduced

HB 679

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 679

INTRODUCED BY CLARK, WEEDING, GALVIN, SIMPKINS,
BURNETT, WYATT, GRINDE, SAYLES, RYE, GAGE, T. NELSON,
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DAVIS, REAM

BY REQUEST OF THE HOUSE HIGHWAYS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
RELATING TO OFF-HIGHWAY VEHICLE USE; ALLOWING OFF-HIGHWAY
VEHICLE USE ON CERTAIN FOREST AND BUREAU OF LAND MANAGEMENT
ROADS; ALLOWING OFF-HIGHWAY VEHICLES TO CROSS PUBLIC ROADS
UNDER CERTAIN CONDITIONS; ESTABLISHING A STANDARD OF
RESPONSIBILITY FOR OFF-HIGHWAY VEHICLE OPERATORS; PROVIDING
FOR OFF-HIGHWAY VEHICLE SAFETY TRAINING AFTER 1994;

APPROPRIATING FEDERAL FUNDS FOR OFF-HIGHWAY VEHICLE SAFETY
TRAINING; AND AMENDING SECTIONS 17-7-502 AND 61-8-111, MCA,
AND-PROVIDING-AN-IMMEDIATE-EFFECTIVE-DATE."

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

Section 1. Section 61-8-111, MCA, is amended to read:

"61-8-111. State laws applicable on certain forest
development roads -- enforcement -- exceptions. (1) Forest
Except as provided in subsection (2), forest development
roads in the state THAT QUALIFY AS MAINTENANCE LEVEL 3 OR
GREATER IN THE UNITED STATES FOREST SERVICE HANDBOOK,
whether or not they meet the definition of a public highway
by the laws of this state, are subject to the traffic laws
of this state, and the Montana highway patrol and county
sheriffs of this state shall have jurisdiction thereon to
investigate accidents and enforce the Montana traffic laws
on those roads.

(2) Exceptions to regulation under subsection (1) for
off-highway vehicle use may be permitted at the discretion
and determination of the United States forest service when
the following conditions are met:

(a) The exception is authorized by the forest
supervisor.

(b) The exception is properly signed.

(c) The off-highway vehicle has a valid registration

1 decal.

2 (d) The off-highway vehicle and the operation of the
3 vehicle comply with 36 CFR 261.13.

4 {e}--An---unlicensed--off-highway--vehicle--operator--is
5 accompanied-by-a-licensed,-responsible-adult-

6 {f}(E) Each off-highway vehicle operator and passenger
7 shall comply with the requirements of 61-9-417."

8 NEW SECTION. Section 2. State laws applicable on
9 certain bureau of land management roads -- ENFORCEMENT --
10 exceptions. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), U.S.
11 BUREAU OF LAND MANAGEMENT ROADS IN THE STATE THAT QUALIFY AS
12 COLLECTOR ROADS IN THE U.S. BUREAU OF LAND MANAGEMENT
13 MANUAL, WHETHER OR NOT THEY MEET THE DEFINITION OF A PUBLIC
14 HIGHWAY BY THE LAWS OF THIS STATE, ARE SUBJECT TO THE
15 TRAFFIC LAWS OF THIS STATE, AND THE MONTANA HIGHWAY PATROL
16 AND COUNTY SHERIFFS OF THIS STATE HAVE JURISDICTION TO
17 INVESTIGATE ACCIDENTS AND ENFORCE THE MONTANA TRAFFIC LAWS
18 ON THOSE ROADS.

19 {i}(2) Exceptions to the traffic laws of this state for
20 roads on land in this state owned by the U.S. bureau of land
21 management may be permitted at the discretion and
22 determination of the U.S. bureau of land management when the
23 following conditions are met:

24 (a) The exception is authorized by the district
25 supervisor AUTHORIZED OFFICER.

1 (b) The exception is properly signed.

2 (c) The off-highway vehicle has a valid registration
3 decal.

4 (d) The off-highway vehicle and the operation of the
5 vehicle comply with 43 CFR 8340.

6 {e}--An---unlicensed--off-highway--vehicle--operator--is
7 accompanied-by-a-licensed,-responsible-adult-

8 {f}(3) Each off-highway vehicle operator and passenger
9 shall comply with the requirements of 61-9-417.

10 NEW SECTION. Section 3. Off-highway crossings of
11 public roads. (1) An EXCEPT AS PROVIDED IN SUBSECTION (2),
12 AN off-highway vehicle may make a direct crossing of a
13 public road when the crossing is necessary to get to another
14 authorized area of operation. The crossing must be made at
15 an angle of approximately 90 degrees to the direction of
16 traffic at a place where no obstruction prevents a quick and
17 safe crossing. The off-highway vehicle must make a complete
18 stop before entering upon any part of the traffic way, and
19 the operator shall yield the right-of-way to all oncoming
20 traffic.

21 (2) AN OFF-HIGHWAY VEHICLE MAY NOT BE OPERATED ON OR
22 ACROSS A HIGHWAY THAT IS PART OF THE FEDERAL-AID INTERSTATE
23 SYSTEM.

24 NEW SECTION. Section 4. Off-highway vehicle operator
25 responsibilities -- UNLICENSED OPERATORS. (1) An off-highway

1 vehicle operator shall accept all legal responsibility for
 2 injury or damage of any kind to the extent that the injury
 3 or damage results from risks inherent in the sport of
 4 off-highway vehicle use and shall regulate personal conduct
 5 at all times so that injury to self or other persons or
 6 property that results from the risks inherent in the sport
 7 of off-highway vehicle operation is avoided.

8 (2) Risks inherent in the sport of off-highway
 9 operation include variations in terrain, surface or
 10 subsurface conditions, crevices, ravines, streams, poor
 11 visibility, rocks, trees, other forms of forest growth or
 12 debris, and any other natural hazard.

13 (3) An off-highway vehicle operator is responsible for:

14 (a) knowing the range of the operator's ability to
 15 navigate any slope, trail, or area for off-highway vehicle
 16 use within the limits of the operator's ability, taking into
 17 consideration the conditions;

18 (b) maintaining control of speed and course at all
 19 times while operating the off-highway vehicle;

20 (c) heeding all posted warnings; and

21 (d) refraining from acting in a manner that may cause
 22 or contribute to the injury of anyone.

23 (4) The provisions of this section do not affect a
 24 products liability cause of action based upon the design or
 25 manufacture of off-highway equipment or products or safety

1 equipment used incidental to the operation of an off-highway
 2 vehicle.

3 (5) AN UNLICENSED OPERATOR WHO HAS SUCCESSFULLY
 4 COMPLETED THE OFF-HIGHWAY VEHICLE SAFETY EDUCATION TRAINING
 5 PROGRAM OFFERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND
 6 PARKS MAY OPERATE AN OFF-HIGHWAY VEHICLE ON A MAINTENANCE
 7 LEVEL 3 OR GREATER FOREST SERVICE ROAD UNDER THE DIRECT
 8 SUPERVISION OF A LICENSED ADULT.

9 NEW SECTION. Section 5. Off-highway vehicle safety
 10 education training program -- appropriation. (1) There is an
 11 off-highway vehicle safety education training program.
 12 Beginning October 1, 1994, the department of fish, wildlife,
 13 and parks shall coordinate the program as funds are
 14 available.

15 (2) Beginning October 1, 1994, the department of
 16 justice shall transfer to the department of fish, wildlife,
 17 and parks all money available for the program under 23
 18 U.S.C. 402.

19 (3) There is an account in the state special revenue
 20 fund in which all money received for the administration of
 21 the off-highway vehicle safety education training program
 22 must be deposited. The money in the account is statutorily
 23 appropriated, as provided in 17-7-502, to the department of
 24 fish, wildlife, and parks for the administration of the
 25 program.

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

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

(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: 2-9-202; 2-17-105; 2-18-812;
10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; [section
5]; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612;

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53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
90-4-215; 90-6-331; 90-7-220; 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. 7, Ch.
567, L. 1991, the inclusion of 19-6-709 terminates upon
death of last recipient eligible for supplemental benefit;
and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
22-3-811 terminates June 30, 1993.)"

NEW SECTION. Section 7. Codification instruction. (1)
[Section 2] is intended to be codified as an integral part
of Title 61, chapter 8, part 1, and the provisions of Title
61, chapter 8, part 1, apply to [section 2].

1 (2) [Sections 3 through 5] are intended to be codified
2 as an integral part of Title 23, chapter 2, part 8, and the
3 provisions of Title 23, chapter 2, part 8, apply to
4 [sections 3 through 5].

5 ~~NEW-SECTION:--Section 8.--Effective--date--{This-act}--is--~~
6 ~~effective-on-passage-and-approval.~~

-End-

HOUSE BILL NO. 679

INTRODUCED BY CLARK, WEEDING, GALVIN, SIMPKINS,
BURNETT, WYATT, GRINDE, SAYLES, RYE, GAGE, T. NELSON,
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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
RELATING TO OFF-HIGHWAY VEHICLE USE; ALLOWING OFF-HIGHWAY
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ROADS; ALLOWING OFF-HIGHWAY VEHICLES TO CROSS PUBLIC ROADS
UNDER CERTAIN CONDITIONS; ESTABLISHING A STANDARD OF
RESPONSIBILITY FOR OFF-HIGHWAY VEHICLE OPERATORS; PROVIDING
FOR OFF-HIGHWAY VEHICLE SAFETY TRAINING AFTER 1994;

APPROPRIATING FEDERAL FUNDS FOR OFF-HIGHWAY VEHICLE SAFETY
TRAINING; AND AMENDING SECTIONS 17-7-502 AND 61-8-111, MCA,
AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 61-8-111, MCA, is amended to read:

"61-8-111. State laws applicable on certain forest
development roads -- enforcement -- exceptions. (1) Forest
Except as provided in subsection (2), forest development
roads in the state THAT QUALIFY AS MAINTENANCE LEVEL 3 OR
GREATER IN THE UNITED STATES FOREST SERVICE HANDBOOK,
whether or not they meet the definition of a public highway
by the laws of this state, are subject to the traffic laws
of this state, and the Montana highway patrol and county
sheriffs of this state shall have jurisdiction thereon to
investigate accidents and enforce the Montana traffic laws
on those roads.

(2) Exceptions to regulation under subsection (1) for
off-highway vehicle use may be permitted at the discretion
and determination of the United States forest service when
the following conditions are met:

(a) The exception is authorized by the forest
supervisor.

(b) The exception is properly signed.

(c) The off-highway vehicle has a valid registration

1 decal.

2 (d) The off-highway vehicle and the operation of the
3 vehicle comply with 36 CFR 261.13.

4 (e)--An---unlicensed---off-highway---vehicle---operator---is
5 accompanied-by-a-licensed,-responsible-adult-

6 (f)(E) Each off-highway vehicle operator and passenger
7 shall comply with the requirements of 61-9-417."

8 NEW SECTION. Section 2. State laws applicable on
9 certain bureau of land management roads -- ENFORCEMENT --
10 exceptions. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), U.S.
11 BUREAU OF LAND MANAGEMENT ROADS IN THE STATE THAT QUALIFY AS
12 COLLECTOR ROADS IN THE U.S. BUREAU OF LAND MANAGEMENT
13 MANUAL, WHETHER OR NOT THEY MEET THE DEFINITION OF A PUBLIC
14 HIGHWAY BY THE LAWS OF THIS STATE, ARE SUBJECT TO THE
15 TRAFFIC LAWS OF THIS STATE, AND THE MONTANA HIGHWAY PATROL
16 AND COUNTY SHERIFFS OF THIS STATE HAVE JURISDICTION TO
17 INVESTIGATE ACCIDENTS AND ENFORCE THE MONTANA TRAFFIC LAWS
18 ON THOSE ROADS.

19 (1)(2) Exceptions to the traffic laws of this state for
20 roads on land in this state owned by the U.S. bureau of land
21 management may be permitted at the discretion and
22 determination of the U.S. bureau of land management when the
23 following conditions are met:

24 (a) The exception is authorized by the district
25 supervisor AUTHORIZED OFFICER.

1 (b) The exception is properly signed.

2 (c) The off-highway vehicle has a valid registration
3 decal.

4 (d) The off-highway vehicle and the operation of the
5 vehicle comply with 43 CFR 8340.

6 (e)--An---unlicensed---off-highway---vehicle---operator---is
7 accompanied-by-a-licensed,-responsible-adult-

8 (2)(3) Each off-highway vehicle operator and passenger
9 shall comply with the requirements of 61-9-417.

10 NEW SECTION. Section 3. Off-highway crossings of
11 public roads. (1) An EXCEPT AS PROVIDED IN SUBSECTION (2),
12 AN off-highway vehicle may make a direct crossing of a
13 public road when the crossing is necessary to get to another
14 authorized area of operation. The crossing must be made at
15 an angle of approximately 90 degrees to the direction of
16 traffic at a place where no obstruction prevents a quick and
17 safe crossing. The off-highway vehicle must make a complete
18 stop before entering upon any part of the traffic way, and
19 the operator shall yield the right-of-way to all oncoming
20 traffic.

21 (2) AN OFF-HIGHWAY VEHICLE MAY NOT BE OPERATED ON OR
22 ACROSS A HIGHWAY THAT IS PART OF THE FEDERAL-AID INTERSTATE
23 SYSTEM.

24 NEW SECTION. Section 4. Off-highway vehicle operator
25 responsibilities -- UNLICENSED OPERATORS. (1) An off-highway

vehicle operator shall accept all legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use and shall regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.

(2) Risks inherent in the sport of off-highway operation include variations in terrain, surface or subsurface conditions, crevices, ravines, streams, poor visibility, rocks, trees, other forms of forest growth or debris, and any other natural hazard.

(3) An off-highway vehicle operator is responsible for:

(a) knowing the range of the operator's ability to navigate any slope, trail, or area for off-highway vehicle use within the limits of the operator's ability, taking into consideration the conditions;

(b) maintaining control of speed and course at all times while operating the off-highway vehicle;

(c) heeding all posted warnings; and

(d) refraining from acting in a manner that may cause or contribute to the injury of anyone.

(4) The provisions of this section do not affect a products liability cause of action based upon the design or manufacture of off-highway equipment or products or safety

equipment used incidental to the operation of an off-highway vehicle.

(5) AN UNLICENSED OPERATOR WHO HAS SUCCESSFULLY COMPLETED THE OFF-HIGHWAY VEHICLE SAFETY EDUCATION TRAINING PROGRAM OFFERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS MAY OPERATE AN OFF-HIGHWAY VEHICLE ON A MAINTENANCE LEVEL 3 OR GREATER FOREST SERVICE ROAD UNDER THE DIRECT SUPERVISION OF A LICENSED ADULT.

NEW SECTION. Section 5. Off-highway vehicle safety education training program -- appropriation. (1) There is an off-highway vehicle safety education training program. Beginning October 1, 1994, the department of fish, wildlife, and parks shall coordinate the program as funds are available.

(2) Beginning October 1, 1994, the department of justice shall transfer to the department of fish, wildlife, and parks all money available for the program under 23 U.S.C. 402.

(3) There is an account in the state special revenue fund in which all money received for the administration of the off-highway vehicle safety education training program must be deposited. The money in the account is statutorily appropriated, as provided in 17-7-502, to the department of fish, wildlife, and parks for the administration of the program.

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

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

(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: 2-9-202; 2-17-105; 2-18-812;
10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; [section
5]; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612;

23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204;
37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150;
53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
90-4-215; 90-6-331; 90-7-220; 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. 7, Ch.
567, L. 1991, the inclusion of 19-6-709 terminates upon
death of last recipient eligible for supplemental benefit;
and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
22-3-811 terminates June 30, 1993.)"

NEW SECTION. Section 7. Codification instruction. (1)
[Section 2] is intended to be codified as an integral part
of Title 61, chapter 8, part 1, and the provisions of Title
61, chapter 8, part 1, apply to [section 2].

1 (2) [Sections 3 through 5] are intended to be codified
2 as an integral part of Title 23, chapter 2, part 8, and the
3 provisions of Title 23, chapter 2, part 8, apply to
4 [sections 3 through 5].

5 ~~NEW-SECTION. Section 8. Effective date. {This act} is~~
6 ~~effective on passage and approval.~~

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
April 13, 1993

Page 2 of 2
April 13, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 679 (third reading copy -- blue), respectfully report that House Bill No. 679 be amended as follows and as so amended be concurred in.

Signed: Betty Bruski-Maus
Senator Betty Bruski-Maus, Vice-Chair

That such amendments read:

1. Title, lines 20 through 22.
Following: "USE;" on line 20
Strike: remainder of line 20 through "ROADS;" on line 22
2. Title, page 2, line 2.
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "17-7-502"
Strike: "AND 61-8-111"
3. Page 2, line 6 through page 4, line 9.
Strike: sections 1 and 2 in their entirety
Renumber: subsequent sections
4. Page 4, line 25.
Strike: "-- UNLICENSED OPERATORS"
5. Page 6, lines 3 through 8.
Strike: subsection (5) in its entirety
6. Page 6, line 19.
Strike: "state"
Insert: "federal"
7. Page 6.
Following: line 25
Insert: "(4) Authorization for the training program provided for in subsection (1) is contingent upon the receipt of federal funding for the program."
8. Page 7, line 25.
Strike: "5"
Insert: "3"
9. Page 8, lines 22 through 25.

Strike: subsection (1) in its entirety

10. Page 9, line 1.
Strike: "(2)"
Following: "Sections"
Strike: "3"
Insert: "1"
Following: "through"
Strike: "5"
Insert: "3"

11. Page 9, line 4.
Following: "sections"
Strike: "3"
Insert: "1"
Following: "through"
Strike: "5"
Insert: "3"

-END-

AM Amd. Coord.
W Sec. of Senate

Bruski-Maus
Senator Carrying Bill

811508SC.San

SENATE
HB 679
811508SC.San

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 15, 1993 11:05 am

Mr. Chairman: I move to amend House Bill No. 679 (third reading copy -- blue).

ADOPT

REJECT

Signed: _____

Senator Cecil Weeding

That such amendments read:

Amend the Senate Committee on Highways and Transportation standing committee report on House Bill No. 679 dated April 13, 1993, as follows:

Strike amendment No. 7 in its entirety

Amend House Bill No. 679 (third reading -- blue copy) as follows:

1. Page 9.

Following: line 6

Insert: "NEW SECTION. Section 6. Contingent voidness. If on July 1, 1995, funding is not available for the training program provided for in [section 3], then the provisions of [section 3] are void."

-END-

SENATE

HB 679

r831105CW.Sma

HOUSE BILL NO. 679

INTRODUCED BY CLARK, WEEDING, GALVIN, SIMPKINS,
 BURNETT, WYATT, GRINDE, SAYLES, RYE, GAGE, T. NELSON,
 SIMON, D. BROWN, HERTEL, REHBEIN, HARRINGTON, VOGEL,
 SWANSON, M. HANSON, SQUIRES, DRISCOLL, HIBBARD, TVEIT,
 STRIZICH, LARSON, SWIFT, JERGESON, KEATING, RYAN,
 KOEHNKE, MILLS, J. RICE, ELLIS, TASH, WANZENRIED,
 SPRING, PAVLOVICH, MCCAFFREE, J. JOHNSON, KNOX,
 ANDERSON, MENAHAN, GILBERT, KELLER, ROSE, SMITH,
 SCHYE, DAILY, GERVAIS, HAYNE, BERGMAN, DOWELL,
 MCCLERNAN, REA, BRENDEN, HALLIGAN, COBB,
 HANSEN, BARNETT, STANG, B. BROWN, BECK,
 DEVLIN, STANFORD, PETERSON, L. NELSON,
 MASON, BIRD, TOWE, STOVALL,
 DEBRUYCKER, QUILICI, ENDY,
 DAVIS, REAM
 BY REQUEST OF THE HOUSE HIGHWAYS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
 RELATING TO OFF-HIGHWAY VEHICLE USE; ALLOWING OFF-HIGHWAY
 VEHICLE USE ON CERTAIN FOREST AND BUREAU OF LAND MANAGEMENT
 ROADS; ALLOWING OFF-HIGHWAY VEHICLES TO CROSS PUBLIC ROADS
 UNDER CERTAIN CONDITIONS; ESTABLISHING A STANDARD OF
 RESPONSIBILITY FOR OFF-HIGHWAY VEHICLE OPERATORS; PROVIDING
 FOR OFF-HIGHWAY VEHICLE SAFETY TRAINING AFTER 1994;

APPROPRIATING FEDERAL FUNDS FOR OFF-HIGHWAY VEHICLE SAFETY
 TRAINING; AND AMENDING SECTIONS SECTION 17-7-502 AND
 61-8-111, MCA, AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 4. ~~Section 61-8-111, MCA, is amended to read:~~

~~"61-8-111. State laws applicable on certain forest
 development roads enforcement exceptions. (1) Forest
 Except as provided in subsection (2), forest development
 roads in the state THAT QUALIFY AS MAINTENANCE LEVEL 3 OR
 GREATER IN THE UNITED STATES FOREST SERVICE HANDBOOK,
 whether or not they meet the definition of a public highway
 by the laws of this state, are subject to the traffic laws
 of this state, and the Montana highway patrol and county
 sheriffs of this state shall have jurisdiction thereon to
 investigate accidents and enforce the Montana traffic laws
 on those roads.~~

~~(2) Exceptions to regulation under subsection (1) for
 off-highway vehicle use may be permitted at the discretion
 and determination of the United States forest service when
 the following conditions are met:~~

~~(a) The exception is authorized by the forest
 supervisor;~~

~~(b) The exception is properly signed;~~

~~(c) The off-highway vehicle has a valid registration~~

1 dealt:

2 {d}--The off-highway vehicle and the operation of the
3 vehicle comply with 36-CFR-261.13:

4 {e}--An---unlicensed---off-highway---vehicle---operator---is
5 accompanied by a licensed, responsible adult:

6 {f}{8}--Each off-highway vehicle operator and passenger
7 shall comply with the requirements of 61-9-417.4

8 NEW SECTION. Section 2. State laws applicable on
9 certain bureau of land management roads--- ENFORCEMENT---
10 exceptions: {1} EXCEPT AS PROVIDED IN SUBSECTION {2}, U.S.
11 BUREAU OF LAND MANAGEMENT ROADS IN THE STATE THAT QUALIFY AS
12 COLLECTOR ROADS IN THE U.S. BUREAU OF LAND MANAGEMENT
13 MANUAL, WHETHER OR NOT THEY MEET THE DEFINITION OF A PUBLIC
14 HIGHWAY BY THE LAWS OF THIS STATE, ARE SUBJECT TO THE
15 TRAFFIC LAWS OF THIS STATE, AND THE MONTANA HIGHWAY PATROL
16 AND COUNTY SHERIFFS OF THIS STATE HAVE JURISDICTION TO
17 INVESTIGATE ACCIDENTS AND ENFORCE THE MONTANA TRAFFIC LAWS
18 ON THOSE ROADS:

19 {1}{2}--Exceptions to the traffic laws of this state for
20 roads on land in this state owned by the U.S. bureau of land
21 management---may---be---permitted---at---the---discretion---and
22 determination of the U.S. bureau of land management when the
23 following conditions are met:

24 {a}--The exception is authorized by the district
25 supervisor AUTHORIZED OFFICER:

1 {b}--The exception is properly signed:

2 {c}--The off-highway vehicle has a valid registration
3 dealt:

4 {d}--The off-highway vehicle and the operation of the
5 vehicle comply with 43-CFR-8340:

6 {e}--An---unlicensed---off-highway---vehicle---operator---is
7 accompanied by a licensed, responsible adult:

8 {2}{3}--Each off-highway vehicle operator and passenger
9 shall comply with the requirements of 61-9-417:

10 NEW SECTION. Section 1. Off-highway crossings of
11 public roads. (1) AN EXCEPT AS PROVIDED IN SUBSECTION (2),
12 AN off-highway vehicle may make a direct crossing of a
13 public road when the crossing is necessary to get to another
14 authorized area of operation. The crossing must be made at
15 an angle of approximately 90 degrees to the direction of
16 traffic at a place where no obstruction prevents a quick and
17 safe crossing. The off-highway vehicle must make a complete
18 stop before entering upon any part of the traffic way, and
19 the operator shall yield the right-of-way to all oncoming
20 traffic.

21 (2) AN OFF-HIGHWAY VEHICLE MAY NOT BE OPERATED ON OR
22 ACROSS A HIGHWAY THAT IS PART OF THE FEDERAL-AID INTERSTATE
23 SYSTEM.

24 NEW SECTION. Section 2. Off-highway vehicle operator
25 responsibilities ---UNLICENSED OPERATORS. (1) An off-highway

1 vehicle operator shall accept all legal responsibility for
 2 injury or damage of any kind to the extent that the injury
 3 or damage results from risks inherent in the sport of
 4 off-highway vehicle use and shall regulate personal conduct
 5 at all times so that injury to self or other persons or
 6 property that results from the risks inherent in the sport
 7 of off-highway vehicle operation is avoided.

8 (2) Risks inherent in the sport of off-highway
 9 operation include variations in terrain, surface or
 10 subsurface conditions, crevices, ravines, streams, poor
 11 visibility, rocks, trees, other forms of forest growth or
 12 debris, and any other natural hazard.

13 (3) An off-highway vehicle operator is responsible for:

14 (a) knowing the range of the operator's ability to
 15 navigate any slope, trail, or area for off-highway vehicle
 16 use within the limits of the operator's ability, taking into
 17 consideration the conditions;

18 (b) maintaining control of speed and course at all
 19 times while operating the off-highway vehicle;

20 (c) heeding all posted warnings; and

21 (d) refraining from acting in a manner that may cause
 22 or contribute to the injury of anyone.

23 (4) The provisions of this section do not affect a
 24 products liability cause of action based upon the design or
 25 manufacture of off-highway equipment or products or safety

1 equipment used incidental to the operation of an off-highway
 2 vehicle.

3 ~~(5) -- AN -- UNLICENSED -- OPERATOR -- WHO -- HAS -- SUCCESSFULLY~~
 4 ~~COMPLETED -- THE OFF-HIGHWAY VEHICLE SAFETY EDUCATION TRAINING~~
 5 ~~PROGRAM OFFERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND~~
 6 ~~PARKS -- MAY -- OPERATE -- AN OFF-HIGHWAY VEHICLE ON A MAINTENANCE~~
 7 ~~LEVEL 3 OR GREATER FOREST SERVICE ROAD UNDER THE DIRECT~~
 8 ~~SUPERVISION OF A LICENSED ADULT.~~

9 **NEW SECTION. Section 3. Off-highway vehicle safety**
 10 **education training program -- appropriation.** (1) There is an
 11 off-highway vehicle safety education training program.
 12 Beginning October 1, 1994, the department of fish, wildlife,
 13 and parks shall coordinate the program as funds are
 14 available.

15 (2) Beginning October 1, 1994, the department of
 16 justice shall transfer to the department of fish, wildlife,
 17 and parks all money available for the program under 23
 18 U.S.C. 402.

19 (3) There is an account in the state FEDERAL special
 20 revenue fund in which all money received for the
 21 administration of the off-highway vehicle safety education
 22 training program must be deposited. The money in the account
 23 is statutorily appropriated, as provided in 17-7-502, to the
 24 department of fish, wildlife, and parks for the
 25 administration of the program.

~~(4) -- AUTHORIZATION FOR THE TRAINING PROGRAM PROVIDED FOR
IN SUBSECTION (1) IS CONTINGENT UPON THE RECEIPT OF FEDERAL
FUNDING FOR THE PROGRAM.~~

Section 4. Section 17-7-502, MCA, is amended to read:

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

(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: 2-9-202; 2-17-105; 2-18-812;
10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;

19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; [section
5 3]; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204;
37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150;
53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
90-4-215; 90-6-331; 90-7-220; 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. 7, Ch.
567, L. 1991, the inclusion of 19-6-709 terminates upon
death of last recipient eligible for supplemental benefit;
and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
22-3-811 terminates June 30, 1993.)"

NEW SECTION. **Section 5.** Codification instruction. "(I)

1 ~~{Section-2}-is-intended-to-be-codified-as-an--integral--part~~
2 ~~of--Title-617-chapter-87-part-17-and-the-provisions-of-Title~~
3 ~~617-chapter-87-part-17-apply-to-{section-2}.~~

4 {2} [Sections 3 1 through 5 3] are intended to be
5 codified as an integral part of Title 23, chapter 2, part 8,
6 and the provisions of Title 23, chapter 2, part 8, apply to
7 [sections 3 1 through 5 3].

8 ~~NEW-SECTION. --Section-8.--Effective-date--{This-act}--is--~~
9 ~~effective-on-passage-and-approval.~~

10 NEW SECTION. SECTION 6. CONTINGENT VOIDNESS. IF ON
11 JULY 1, 1995, FUNDING IS NOT AVAILABLE FOR THE TRAINING
12 PROGRAM PROVIDED FOR IN [SECTION 3], THEN THE PROVISIONS OF
13 [SECTION 3] ARE VOID.

-End-