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INTRODUCED BY House BILL NO. 224
[Signature]

A BILL FOR AN ACT ENTITLED: "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 GRANTS; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21

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

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

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

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

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

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

4
5 **NEW SECTION. Section 5. Shooting range development grant state special revenue account**
6 **created.** (1) There is a shooting range development grant state special revenue account in the state special
7 revenue fund that must be used by the department for the purpose of making grants to qualified shooting
8 range facilities under [sections 1 through 4].

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

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

22
23 **Section 6.** Section 17-7-502, MCA, is amended to read:

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

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

- 29 (a) The law containing the statutory authority must be listed in subsection (3).
30 (b) The law or portion of the law making a statutory appropriation must specifically state that a

1 statutory appropriation is made as provided in this section.

2 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
 3 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706;
 4 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410;
 5 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201; 17-6-409;
 6 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512; 19-18-513;
 7 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403; 20-26-1503;
 8 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402;
 9 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 39-71-2504;
 10 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107; 67-3-205;
 11 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222; 80-4-416;
 12 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; section 5; 90-3-301; 90-4-215;
 13 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

14 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 15 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 16 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
 17 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
 18 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
 19 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to
 20 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
 21 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
 22 July 1, 1995.)"

23

24 **NEW SECTION. Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are
 25 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
 26 applications, the part remains in effect in all valid applications that are severable from the invalid
 27 applications.

28

29 **NEW SECTION. Section 8. Codification instruction.** [Sections 1 through 5] are intended to be
 30 codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2,

1 apply to [sections 1 through 5].

2

3 NEW SECTION. **Section 9. Effective date.** [This act] is effective July 1, 1995.

4

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0224, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act statutorily appropriating money to the Department of Fish, Wildlife and Parks (FWP) for grants for the establishment and improvement of shooting ranges; establishing shooting range development grants and criteria for the grants; and providing an effective date of July 1, 1995.

ASSUMPTIONS:

1. License sales are based upon the current license year.
2. Discounted license sales for seniors, youth, and the disabled are included in the A-3 resident deer and A-5 resident elk sales.
3. FWP will use 15% of the revenue generated to administer the program.
4. A portion of annual general license revenue will be earmarked for the shooting range development grant program. No new revenues will be generated.
5. A \$150,000 biennial appropriation for the construction and administration of shooting ranges is included in the executive's present law adjusted FY96 budget recommendation. The budget recommendation is supported with general license state special revenue funds.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Shooting Range Grants	160,225	160,225
Shooting Range Operations	<u>28,275</u>	<u>28,275</u>
Total	188,500	188,500
<u>Funding:</u>		
General License (02)	188,500	188,500

Revenue:

There will be no revenue impact except that a portion of general license revenue will be earmarked for the shooting range development grant program. The general license revenues to be earmarked for the shooting ranges are identified below:

<u>License Type</u>	<u>FY96</u>	<u>FY97</u>	<u>To</u>	<u>FY96</u>	<u>FY97</u>
	<u>Quantity</u>	<u>Quantity</u>	<u>Grants</u>	<u>Revenue</u>	<u>Revenue</u>
AAA - Sportman's	15,000	15,000	\$1.00	15,000	15,000
A-3 - Resident Deer A	127,000	127,000	\$0.50	63,500	63,500
A-4 - Resident Deer B	71,000	71,000	\$0.50	35,500	35,500
A-5 - Resident Elk tag	90,000	90,000	\$0.50	45,000	45,000
B-8 - Nonresident Deer B	19,000	19,000	\$0.50	9,500	9,500
B-10 - NR Big Game Combo	17,000	17,000	\$1.00	17,000	17,000
B-11 - NR Deer Combo	6,000	6,000	\$0.50	<u>3,000</u>	<u>3,000</u>
				188,500	188,500

(continued on page 2)

Dave Lewis 1-22-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Diana E. Wyatt 2/4/95
 DIANA E. WYATT, PRIMARY SPONSOR DATE

Net Impact:

Each fiscal year, \$188,500 of general license state special revenue will be redirected to the shooting range development program.

Technical Notes:

It is unclear if the half priced senior, youth, and disabled licenses for deer and elk included in 87-2-801, MCA, are included in the revenue earmarking in Section 5 of the bill.

The Department of Fish, Wildlife and Parks' license year begins on March 1; the sponsor may wish to change the effective date from July 1 to March 1.