

HOUSE BILL NO. 209

INTRODUCED BY T. WASHBURN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE MAINTENANCE OF LANDS
5 OWNED OR ACQUIRED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; ELIMINATING THE
6 STATUTORY APPROPRIATION OF THE MAINTENANCE ACCOUNT; PRIORITIZING THE USE OF CERTAIN
7 MAINTENANCE ACCOUNT MONEY FOR WILDLIFE MANAGEMENT AREAS; REQUIRING REPORTING;
8 DEDICATING A PORTION OF NONRESIDENT WOLF AND GRIZZLY BEAR LICENSE REVENUE TO
9 WILDLIFE HABITAT FUNDING; AMENDING SECTIONS 17-7-502, 87-1-230, AND 87-1-242, MCA; AMENDING
10 SECTION 8, CHAPTER 427, LAWS OF 2009; AND PROVIDING EFFECTIVE DATES AND A TERMINATION
11 DATE."

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

14

15 **Section 1.** Section 17-7-502, MCA, is amended to read:

16 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
17 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
18 need for a biennial legislative appropriation or budget amendment.

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

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

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

24 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
25 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312;
26 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;
27 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101;
28 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
29 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306;
30 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101;

1 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870;
 2 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-10-103;
 3 82-11-161; ~~87-1-230~~; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

4 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 5 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 6 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
 7 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
 8 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
 9 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 10 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is
 11 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch.
 12 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and
 13 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.
 14 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the
 15 supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113
 16 terminates June 30, 2015; ~~pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30,~~
 17 ~~2013;~~ and pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019.)"

18
 19 **Section 2.** Section 87-1-230, MCA, is amended to read:

20 **"87-1-230. (Temporary) Maintenance account -- annual report.** (1) There is a maintenance account
 21 in the state special revenue fund. In addition to the funds set aside for maintenance of land or water acquired by
 22 the department pursuant to 87-1-209(1), the department shall also deposit into the maintenance account:

23 (a) funds dedicated for development and maintenance of real property used for wildlife habitat under
 24 87-1-242(4)(a);

25 (b) interest earned on the account; and

26 (c) any other money that the department considers appropriate or necessary for maintenance of the
 27 department's land or water.

28 (2) Funds deposited in the account ~~are statutorily appropriated, as provided in 17-7-502, to the~~
 29 ~~department and~~ may be used only for maintenance of any land or water acquired by the department. The
 30 department shall give priority to using funds deposited pursuant to subsection (1)(a) for wildlife habitat

1 maintenance and enhancement in wildlife management areas.

2 (3) ~~(a) e~~ The department shall provide an annual report regarding to the environmental quality council
 3 by September 1 following the end of each fiscal year detailing deposits into and withdrawals from the account
 4 established in subsection (1) ~~to the oversight subcommittee of the environmental quality council~~ for the purpose
 5 of demonstrating the use of funds in the account toward:

6 (a) the good neighbor policy established in 23-1-126.

7 ~~(b) The~~ This portion of the report must describe the types of maintenance completed by fish, wildlife, and
 8 parks region and maintenance plans for the subsequent fiscal year.

9 (b) wildlife habitat maintenance and enhancement in wildlife management areas. This portion of the
 10 report must describe the use of land in each wildlife management area, the types of habitat maintenance and
 11 enhancement conducted in each area, and the types of habitat maintenance and enhancement still needing to
 12 be conducted.

13 ~~(c) The report is due to the environmental quality council by September 1 following the end of each fiscal~~
 14 ~~year. (Terminates June 30, 2013 -- sec. 8, Ch. 427, L. 2009.)"~~

15

16 **Section 3.** Section 87-1-230, MCA, is amended to read:

17 **"87-1-230. (Temporary) Maintenance account -- annual report.** (1) There is a maintenance account
 18 in the state special revenue fund. ~~In addition to the funds set aside for maintenance of land or water acquired by~~
 19 ~~the department pursuant to 87-1-209(1), the~~ The department shall also deposit into the maintenance this account:

20 (a) funds dedicated for development and maintenance of real property used for wildlife habitat under
 21 87-1-242(4)~~(a)~~;

22 (b) interest earned on the account; and

23 (c) any other money that the department considers appropriate or necessary for maintenance of the
 24 department's land or water.

25 (2) Funds deposited in the account ~~are statutorily appropriated, as provided in 17-7-502, to the~~
 26 ~~department and~~ may be used only for maintenance of any land or water acquired by the department. The
 27 department shall give priority to using funds deposited pursuant to subsection (1)(a) for wildlife habitat
 28 maintenance and enhancement in wildlife management areas.

29 (3) (a) e The department shall provide an annual report regarding to the environmental quality council
 30 by September 1 following the end of each fiscal year detailing deposits into and withdrawals from the account

1 established in subsection (1) to the oversight subcommittee of the environmental quality council for the purpose
 2 of demonstrating the use of funds in the account toward the good neighbor policy as described in subsection (2).

3 ~~(b) The report must describe the types of maintenance completed by fish, wildlife, and parks region and
 4 maintenance plans for the subsequent fiscal year.~~

5 (b) The report must describe the use of land in each wildlife management area, the types of habitat
 6 maintenance and enhancement conducted in each area, and the types of habitat maintenance and enhancement
 7 still needing to be conducted.

8 ~~(c) The report is due to the environmental quality council by September 1 following the end of each fiscal
 9 year. (Terminates June 30, 2013--sec. 8, Ch. 427, L. 2009.)"~~

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11 **Section 4.** Section 87-1-242, MCA, is amended to read:

12 ~~**"87-1-242. (Temporary) Funding for wildlife habitat.** (1) The amount of money specified in this
 13 subsection from the sale of each hunting license or permit listed must be used exclusively by the commission to
 14 secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature:~~

15 ~~—— (a) Class B-10, nonresident combination, \$77;~~

16 ~~—— (b) Nonresident antelope, \$20;~~

17 ~~—— (c) Nonresident moose, \$20;~~

18 ~~—— (d) Nonresident mountain goat, \$20;~~

19 ~~—— (e) Nonresident mountain sheep, \$20;~~

20 ~~—— (f) Class D-1, nonresident mountain lion, \$20;~~

21 ~~—— (g) Nonresident black bear, \$20;~~

22 ~~—— (h) Nonresident wild turkey, \$10;~~

23 ~~—— (i) Class AAA, combination sports, \$7;~~

24 ~~—— (j) Class B-11 nonresident deer combination, \$200.~~

25 ~~—— (2) Twenty percent of any increase in the fee for the Class B-7 license or any license or permit listed in
 26 subsection (1), except outfitter-sponsored Class B-10 and Class B-11 licenses subject to variable pricing under
 27 87-1-268, must be allocated for use as provided in subsection (1).~~

28 ~~—— (3) Eighty percent of the money allocated by this section, together with the interest and income from the
 29 money, must be used to secure wildlife habitat pursuant to 87-1-209.~~

30 ~~—— (4) Twenty percent of the money allocated by this section must be used as follows:~~

1 ~~———— (a) up to 50% a year may be used for development and maintenance of real property used for wildlife~~
 2 ~~habitat; and~~

3 ~~———— (b) the remainder and any money not allocated for development and maintenance under subsection~~
 4 ~~(4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for~~
 5 ~~use in the manner prescribed for the development and maintenance of real property used for wildlife habitat.~~

6 **87-1-242. (Effective March 1, 2011) Funding for wildlife habitat.** (1) The amount of money specified
 7 in this subsection from the sale of each hunting license or permit listed must be used exclusively by the
 8 commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature:

9 (a) Class B-10, nonresident combination, \$77;

10 (b) Nonresident antelope, \$20;

11 (c) Nonresident moose, \$20;

12 (d) Nonresident mountain goat, \$20;

13 (e) Nonresident mountain sheep, \$20;

14 (f) Class D-1, nonresident mountain lion, \$20;

15 (g) Nonresident black bear, \$20;

16 (h) Nonresident wild turkey, \$10;

17 (i) Class AAA, combination sports, \$7;

18 (j) Class B-11 nonresident deer combination, \$200;

19 (k) Class E-2 nonresident wolf, \$20;

20 (l) Nonresident grizzly bear, \$20.

21 (2) Twenty percent of any increase in the fee for the Class B-7 license or any license or permit listed in
 22 subsection (1) must be allocated for use as provided in subsection (1).

23 (3) ~~Eighty~~ Fifty percent of the money allocated by this section, together with the interest and income from
 24 the money, must be used to secure wildlife habitat pursuant to 87-1-209.

25 (4) ~~Twenty~~ Fifty percent of the money allocated by this section must be deposited in the maintenance
 26 account established in 87-1-230 and used as follows:

27 ~~———— (a) up to 50% a year may be used for development and maintenance of real property used for wildlife~~
 28 ~~habitat; and~~

29 ~~———— (b) the remainder and any money not allocated for development and maintenance under subsection~~
 30 ~~(4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for~~

1 use in the manner prescribed for the development and maintenance of real property used for wildlife habitat."
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Section 5. Section 8, Chapter 427, Laws of 2009, is amended to read:

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"Section 8. Termination. ~~[This act] terminates~~ [Sections 2 through 4] terminate June 30, 2013."

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NEW SECTION. **Section 6. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2011.

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(2) [Section 3] is effective July 1, 2013.

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NEW SECTION. **Section 7. Termination.** [Section 2] terminates June 30, 2013.

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