

## HOUSE BILL NO. 204

INTRODUCED BY A. REDFIELD

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FISHING ACCESS MAINTENANCE LAWS RELATED TO VESSELS; REQUIRING A FISHING ACCESS SITE MAINTENANCE DECAL FOR EACH VESSEL OPERATED IN MONTANA; ESTABLISHING FEES AND USES OF REVENUE; PROVIDING A STATUTORY APPROPRIATION; 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. Fishing access site maintenance decal required.** (1) A fishing access site maintenance decal must be affixed in a conspicuous place to each vessel that is operated in Montana. A person may not operate or give permission for the operation of a vessel on which a fishing access site maintenance decal is not affixed.

(2) A fishing access site maintenance decal must be purchased each calendar year for \$25 at locations prescribed by the department. The decal is not transferable between vessels.

(3) Money collected by payment of fees under this section must be deposited in an account in the state special revenue fund, which is statutorily appropriated, as provided in 17-7-502, to the department, and used as follows:

(a) 50 cents must be remitted to the vendor who sold the fishing access site maintenance decal if the vendor is not the department;

(b) \$9.50 must be used to improve and maintain fishing access sites, including but not limited to boating, pumpout, and camping facilities, latrines, and roads;

(c) \$10 must be used for the control of noxious weeds at fishing access sites. The department may contract with a district weed board for the purposes of this subsection (3)(c).

(d) \$5 must be used to prevent or control any nonnative, aquatic invasive species pursuant to Title 80, chapter 7, part 10.

(4) Money collected by payment of fees under this section may be used to match federal funds for the purposes of this section. The revenue described in subsection (3)(c) may also be used to match federal funds for the control of noxious weeds on wildlife management areas.

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 2           **Section 2.** Section 17-7-502, MCA, is amended to read:  
 3           **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
 4 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
 5 need for a biennial legislative appropriation or budget amendment.

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

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

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

11           (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;  
 12 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;  
 13 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101;  
 14 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215;  
 15 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;  
 16 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617;  
 17 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; section 1; 23-4-105; 23-5-306; 23-5-409; 23-5-612;  
 18 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101;  
 19 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415;  
 20 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222;  
 21 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603;  
 22 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

23           (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
 24 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
 25 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
 26 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
 27 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
 28 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
 29 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded  
 30 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and

1 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.  
2 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under  
3 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion  
4 of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004  
5 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30,  
6 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017;  
7 pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency;  
8 pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch.  
9 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec.  
10 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015,  
11 the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of  
12 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of  
13 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117  
14 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates  
15 September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December  
16 31, 2023.)"

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18 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
19 integral part of Title 23, chapter 2, part 5, and the provisions of Title 23, chapter 2, part 5, apply to [section 1].

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21 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2017.

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