

HOUSE BILL NO. 151

INTRODUCED BY N. BALLANCE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO SHOOTING RANGE GRANT FUNDS; CREATING A SHOOTING RANGE GRANT ACCOUNT; REQUIRING THE EXPENDITURE OR OBLIGATION OF FUNDS WITHIN THE YEAR THEY ARE APPROPRIATED; PROVIDING PENALTIES; PROVIDING A TRANSFER OF FUNDS AND AN APPROPRIATION; AMENDING SECTION 87-1-279, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Shooting range grant account.** (1) There is a shooting range grant account in the state special revenue fund established in 17-2-102. Subject to appropriation by the legislature, money deposited in this account must be distributed by the department pursuant to 87-1-276 through 87-1-279.

(2) The following funds must be deposited in the account:

(a) excluding federal funds, money received by the department from any source in the form of gifts, grants, reimbursements, or appropriations intended to be used for the purposes of the account; and

(b) any interest or income earned on the account.

(3) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account.

Section 2. Section 87-1-279, MCA, is amended to read:

"87-1-279. Program rules -- expenditure or obligation of funds required -- definition. (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~~ Except as provided in subsection (8), the department shall ~~make every effort to~~ expend or obligate funds for shooting range improvement grants within the year for which they are appropriated.

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

(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.

(7) A person who makes a decision not to expend or obligate funds in accordance with this section or who expends funds appropriated for the purposes of 87-1-276 through 87-1-279 for a different purpose commits the offense of official misconduct as provided in 45-7-401.

(8) The department may not expend state funds appropriated for shooting range grants for any other purpose, except that if the department declares that an emergency exists, the department may expend the funds to respond to the emergency if the department reports the details of the emergency and the department's justification for diverting the funds to the environmental quality council during a meeting of the council at least 60 days in advance of the diversion.

(9) (a) As used in this section, "emergency" means:

(i) a natural disaster such as a severe tornado, windstorm, snowstorm, high water, flooding, earthquake, or wildfire that significantly impacts a wildlife resource;

(ii) a state of emergency or disaster declared by the governor pursuant to 10-3-302 or 10-3-303;

(iii) a biological emergency demonstrated to affect wildlife in four or more of the department's administrative regions; or

(iv) an unforeseen event for which a program to address the event is not funded in the department's current budget.

(b) The term does not include:

(i) reserving appropriated funds for budget savings or to offset future spending;

(ii) general activities conducted by or general responsibilities of the department or any of its divisions;

(iii) funding an increase in pay or salary for personnel; or

(iv) funding for a new position within the department that is not included in the department's current budget."

NEW SECTION. Section 3. Transfer of funds. In each year of the biennium beginning July 1, 2017, \$350,000 is transferred from the general license account to the shooting range grant account.

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NEW SECTION. **Section 4. Appropriation.** In each year of the biennium beginning July 1, 2017, there is appropriated \$350,000 from the shooting range grant account to the department of fish, wildlife, and parks for shooting range grants distributed pursuant to 87-1-276 through 87-1-279.

NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to [section 1].

NEW SECTION. **Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2017.

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