HOUSE BILL NO. 164

INTRODUCED BY COBB BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

IN THE HOUSE

JANUARY 14, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.

FIRST READING.

MARCH 8, 1991 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

MARCH 9, 1991 PRINTING REPORT.

MARCH 11, 1991 SECOND READING, DO PASS.

MARCH 12, 1991 ENGROSSING REPORT.

MARCH 14, 1991 THIRD READING, PASSED. AYES, 98; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 15, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.

FIRST READING.

MARCH 21, 1991 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 23, 1991 SECOND READING, CONCURRED IN.

MARCH 25, 1991 THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 25, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

52nd Legislature

LC 0977/01

House BILL NO. 164 1 INTRODUCED BY 2 3 BY REQUEST OF THE DEPARTMENT OF FISH. 4 WILDLIFE, AND PARKS 5 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE 7 DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM THE 8 REQUIREMENTS FOR DEPOSIT OF CERTAIN MONEY WITH THE STATE TREASURER; AMENDING SECTIONS 17-6-105, 9 23-1-105, AND 87-1-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 10 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 Section 1. Section 17-6-105, MCA, is amended to read: "17-6-105. State treasurer as treasurer of state 14 15 agencies -- deposits of money. (1) The state treasurer is 16 designated the treasurer of every state agency and 17 institution. 18 (2) All state agencies and institutions shall deposit 19 all money, credits, evidences of indebtedness, and 20 securities either: 21 (a) in banks, building and loan associations, savings 22 and loan associations, or credit unions located in the city 23 or town in which the agencies and institutions are situated. 24 if there is a gualified bank, building and loan association, 25 savings and loan association, or credit union in the city or

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1 town as designated by the state treasurer with the approval

2 of the board of investments; or

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(b) with the state treasurer.

4 (3) Such Each bank, building and loan association,
5 savings and loan association, or credit union shall pledge
6 securities sufficient to cover 50% of the deposits at all
7 times.

8 (4) The deposits shall <u>must</u> be made in the name of the
9 state treasurer, shall <u>must</u> be subject to withdrawal at his
10 option, and shall <u>must</u> draw interest as other state money,
11 in accordance with the provisions of this part.

12 (5) Nothing in this chapter shall impair or otherwise 13 affect any covenant entered into pursuant to law by any agency or institution respecting the segregation, deposit, 14 15 and investment of any revenues or funds pledged for the 16 payment and security of bonds or other obligations authorized to be issued by such the agency, and all such the 17 18 funds shall must be deposited and invested in accordance 19 with such the covenants notwithstanding any provision of this chapter. 20

(6) All Except as otherwise provided by law, all money, credits, evidences of indebtedness, and securities received by a state agency or institution shall must be deposited either with the state treasurer or in a depository approved by the state treasurer each day when the accumulated amount

> -2- INTRODUCED BILL HB 164

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of coin and currency requiring deposit exceeds \$100 or total
 collections exceed \$500. All money, credits, evidences of
 indebtedness, and securities collected shall must be
 deposited at least weekly.

5 (7) Notwithstanding any other provision of state law, 6 when it is determined to be in the best financial interest 7 of the state, the department may require any money received 8 or collected by any agency of the state to be immediately 9 deposited to the credit of the state treasurer."

Section 2. Section 23-1-105, MCA, is amended to read: 10 *23-1-105. Fees and charges. (1) The department shall 11 have power to levy and collect reasonable fees or other 12 charges for the use of privileges and conveniences as may be 13 provided and to grant concessions as it considers advisable, 14 except as provided in subsection (2). All money derived from 15 the activities of the department shall must be deposited in 16 the state treasury in a state special revenue fund to the 17 credit of the department. 18

19 (2) Overnight camping fees established by the 20 department under subsection (1) must be discounted 50% for a 21 campsite rented by a person who is a resident of Montana as 22 defined in 87-2-102 and either 62 years of age or older or 23 certified as disabled in accordance with rules adopted by 24 the department.

25 (3) Money received from the collection of fees and

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1 charges is not subject to the deposit requirements of 2 17-6-105. The department shall deposit money collected under 3 this section within a reasonable time after receipt."

4 Section 3. Section 87-1-601, MCA, is amended to read:

"87-1-601. Use of fish and game money. (1) All money 5 б collected or received from the sale of hunting and fishing 7 licenses or permits, from the sale of seized game or hides, or from damages collected for violations of the fish and 8 9 game laws of this state, from appropriations, or received by 10 the department from any other state source shall must be 11 turned over to the state treasurer and placed by him in the 12 state special revenue fund to the credit of the department. 13 Any money received from federal sources shall must be 14 deposited in the federal special revenue fund to the credit 15 of the department.

16 (2) That money shall <u>must</u> be exclusively set apart and 17 made available for the payment of all salaries, per diem, 18 fees, expenses, and expenditures authorized to be made by 19 the department under the terms of this title. That money 20 shall <u>must</u> be spent for those purposes by the department, 21 subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in this
code means fish and game money in the state special revenue
fund and the federal special revenue fund.

25 (4) All money collected or received from fines and

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1 forfeited bonds, except money collected or received by a 2 justice's court, relating to violations of state fish and game laws under Title 87 shall must be deposited by the 3 4 state treasurer and credited to the department of fish. 5 wildlife, and parks in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the 6 7 violation of the fish and game laws, the costs of 8 prosecution shall must be paid to the county where the trial 9 was held in any case where the fine is not imposed in addition to the costs of prosecution. 10

11 (5) Money received by the department from the sale of 12 surplus real property; exploration or development of oil, 13 gas, or mineral deposits from lands acquired by the 14 department except royalties or other compensation based on 15 production; and from leases of interests in department real 16 property not contemplated at the time of acquisition shall 17 must be deposited in an account within the nonexpendable 18 trust fund of the state treasury. The interest derived 19 therefrom from the fund, but not the principal, may be used 20 only for the purpose of operation, development, and 21 maintenance of real property of the department, and only 22 upon appropriation by the legislature. If the use of money 23 as set forth herein in this section would result in 24 violation of applicable federal laws or state statutes 25 specifically naming the department or money received by the 1 department, then the use of this money must be limited in 2 the manner, method, and amount to those uses that do not 3 result in such <u>a</u> violation. 4 (6) Money received from the collection of license

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- (b) Money received from the correction of freense
- 5 drawing applications is not subject to the deposit
- 6 requirements of 17-6-105. The department shall deposit
- 7 license drawing application money within a reasonable time
- 8 after receipt."
- 9 NEW SECTION. Section 4. Effective date. [This act] is

10 effective on passage and approval.

-End-

52nd Legislature

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LC 0977/01 APPROVED BY COMMITTEE ON APPROPRIATIONS ause BILL NO. 164 INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM THE REQUIREMENTS FOR DEPOSIT OF CERTAIN MONEY WITH THE STATE TREASURER: AMENDING SECTIONS 17-6-105, 23-1-105. AND 87-1-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 17-6-105, MCA, is amended to read: *17-6-105. State treasurer as treasurer of state agencies -- deposits of money. (1) The state treasurer is designated the treasurer of every state agency and institution. (2) All state agencies and institutions shall deposit all money, credits, evidences of indebtedness, and securities either: (a) in banks, building and loan associations, savings and loan associations, or credit unions located in the city or town in which the agencies and institutions are situated, if there is a gualified bank, building and loan association, savings and loan association, or credit union in the city or

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town as designated by the state treasurer with the approval 1

2 of the board of investments; or

3 (b) with the state treasurer.

(3) Such Each bank, building and loan association, 4 savings and loan association, or credit union shall pledge 5 securities sufficient to cover 50% of the deposits at all 6 times. 7

8 (4) The deposits shall must be made in the name of the 9 state treasurer, shall must be subject to withdrawal at his 10 option, and shall must draw interest as other state money, 11 in accordance with the provisions of this part.

12 (5) Nothing in this chapter shall impair or otherwise affect any covenant entered into pursuant to law by any 13 agency or institution respecting the segregation, deposit, 14 and investment of any revenues or funds pledged for the 15 payment and security of bonds or other obligations 16 17 authorized to be issued by such the agency, and all such the 18 funds shall must be deposited and invested in accordance 19 with such the covenants notwithstanding any provision of 20 this chapter.

21 (6) All Except as otherwise provided by law, all money, 22 credits, evidences of indebtedness, and securities received 23 by a state agency or institution shall must be deposited 24 either with the state treasurer or in a depository approved 25 by the state treasurer each day when the accumulated amount

> SECOND READING - 2-HB 164

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of coin and currency requiring deposit exceeds \$100 or total
 collections exceed \$500. All money, credits, evidences of
 indebtedness, and securities collected shall must be
 deposited at least weekly.

5 (7) Notwithstanding any other provision of state law, 6 when it is determined to be in the best financial interest 7 of the state, the department may require any money received 8 or collected by any agency of the state to be immediately 9 deposited to the credit of the state treasurer."

Section 2. Section 23-1-105, MCA, is amended to read: 10 *23-1-105. Fees and charges. (1) The department shall 11 12 have power to levy and collect reasonable fees or other 13 charges for the use of privileges and conveniences as may be 14 provided and to grant concessions as it considers advisable, 15 except as provided in subsection (2). All money derived from the activities of the department shall must be deposited in 16 17 the state treasury in a state special revenue fund to the credit of the department. 18

19 (2) Overnight camping fees established by the 20 department under subsection (1) must be discounted 50% for a 21 campsite rented by a person who is a resident of Montana as 22 defined in 87-2-102 and either 62 years of age or older or 23 certified as disabled in accordance with rules adopted by 24 the department.

25 (3) Money received from the collection of fees and

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charges is not subject to the deposit requirements of

- 2 17-6-105. The department shall deposit money collected under
- 3 this section within a reasonable time after receipt."
- 4 Section 3. Section 87-1-601, MCA, is amended to read:

5 "87-1-601. Use of fish and game money. (1) All money 6 collected or received from the sale of hunting and fishing 7 licenses or permits, from the sale of seized game or hides, or from damages collected for violations of the fish and 8 game laws of this state, from appropriations, or received by 9 10 the department from any other state source shall must be 11 turned over to the state treasurer and placed by him in the 12 state special revenue fund to the credit of the department. 13 Any money received from federal sources shall must be 14 deposited in the federal special revenue fund to the credit 15 of the department.

16 (2) That money shall <u>must</u> be exclusively set apart and 17 made available for the payment of all salaries, per diem, 18 fees, expenses, and expenditures authorized to be made by 19 the department under the terms of this title. That money 20 shall <u>must</u> be spent for those purposes by the department, 21 subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in this
code means fish and game money in the state special revenue
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25 (4) All money collected or received from fines and

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1 forfeited bonds, except money collected or received by a justice's court, relating to violations of state fish and 2 game laws under Title 87 shall must be deposited by the 3 4 state treasurer and credited to the department of fish, wildlife, and parks in a state special revenue fund account 5 for this purpose. Out of any fine imposed by a court for the 6 violation of the fish and game laws, the costs of 7 8 prosecution shall must be paid to the county where the trial was held in any case where the fine is not imposed in 9 addition to the costs of prosecution. 10

11 (5) Money received by the department from the sale of 12 surplus real property; exploration or development of oil, gas, or mineral deposits from lands acquired by the 13 department except royalties or other compensation based on 14 production; and from leases of interests in department real 15 property not contemplated at the time of acquisition shall 16 17 must be deposited in an account within the nonexpendable trust fund of the state treasury. The interest derived 18 19 therefrom from the fund, but not the principal, may be used 20 only for the purpose of operation, development, and maintenance of real property of the department, and only 21 upon appropriation by the legislature. If the use of money 22 23 as set forth herein in this section would result in 24 violation of applicable federal laws or state statutes 25 specifically naming the department or money received by the

department, then the use of this money must be limited in 1 the manner, method, and amount to those uses that do not 2 3 result in such a violation. (6) Money received from the collection of license 4 drawing applications is not subject to the deposit 5 requirements of 17-6-105. The department shall deposit 6 7 license drawing application money within a reasonable time 8 after receipt."

9 NEW SECTION. Section 4. Effective date. [This act] is

10 effective on passage and approval.

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Hause BILL NO. 164 1 2 INTRODUCED BY 3 BY REQUEST OF THE DEPARTMENT OF FISH. 4 WILDLIFE, AND PARKS 5 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE DEPARTMENT OF FISH, 7 WILDLIFE. AND PARKS FROM THE REQUIREMENTS FOR DEPOSIT OF CERTAIN MONEY WITH THE STATE 8 9 TREASURER; AMENDING SECTIONS 17-6-105. 23-1-105. AND 10 87-1-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 17-6-105, MCA, is amended to read: 13 *17-6-105. State treasurer as treasurer of state 14 15 agencies -- deposits of money. (1) The state treasurer is 16 designated the treasurer of every state agency and 17 institution. 18 (2) All state agencies and institutions shall deposit 19 evidences of indebtedness, and all money, credits, 20 securities either: 21 (a) in banks, building and loan associations, savings 22 and loan associations, or credit unions located in the city 23 or town in which the agencies and institutions are situated, 24 if there is a qualified bank, building and loan association, 25 savings and loan association, or credit union in the city or

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1 town as designated by the state treasurer with the approval

2 of the board of investments; or

3 (b) with the state treasurer.

4 (3) Such Each bank, building and loan association,
5 savings and loan association, or credit union shall pledge
6 securities sufficient to cover 50% of the deposits at all
7 times.

8 (4) The deposits shall must be made in the name of the
9 state treasurer, shall must be subject to withdrawal at his
10 option, and shall must draw interest as other state money,
11 in accordance with the provisions of this part.

12 (5) Nothing in this chapter shall impair or otherwise 13 affect any covenant entered into pursuant to law by any 14 agency or institution respecting the segregation, deposit, 15 and investment of any revenues or funds pledged for the payment and security of bonds or other obligations 16 17 authorized to be issued by such the agency, and all such the 18 funds shall must be deposited and invested in accordance 19 with such the covenants notwithstanding any provision of 20 this chapter.

(6) All Except as otherwise provided by law, all money, credits, evidences of indebtedness, and securities received by a state agency or institution shall must be deposited either with the state treasurer or in a depository approved by the state treasurer each day when the accumulated amount THIRD READING

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of coin and currency requiring deposit exceeds \$100 or total
 collections exceed \$500. All money, credits, evidences of
 indebtedness, and securities collected shall must be
 deposited at least weekly.

5 (7) Notwithstanding any other provision of state law, 6 when it is determined to be in the best financial interest 7 of the state, the department may require any money: received 8 or collected by, any agency of the state to be immediately 9 deposited to the credit of the state treasurer."

10 Section 2. Section 23-1-105, MCA, is amended to read: 11 *23-1-105. Pees and charges. (1) The department shall 12 have power to levy and collect reasonable fees or other 13 charges for the use of privileges and conveniences as may be provided and to grant concessions as it considers advisable, 14 15 except as provided in subsection (2). All money derived from 16 the activities of the department shall must be deposited in 17 the state treasury in a state special revenue fund to the 18 credit of the department.

19 (2) Overnight camping fees established by the 20 department under subsection (1) must be discounted 50% for a 21 campsite rented by a person who is a resident of Montana as 22 defined in 87-2-102 and either 62 years of age or older or 23 certified as disabled in accordance with rules adopted by 24 the department.

25 (3) Money received from the collection of fees and

<u>charges is not subject to the deposit requirements of</u> <u>17-6-105</u>. The department shall deposit money collected under <u>this section within a reasonable time after receipt.</u>" Section 3. Section 87-1-601. MCA, is amended to read:

5 "87-1-601. Use of fish and game money. (1) All money-6 collected or received from the sale of hunting and fishing 7 licenses or permits, from the sale of seized game or hides. or from damages collected for violations of the fish and B 9 game laws of this state, from appropriations, or received by 10 the department from any other state source shall must be 11 turned over to the state treasurer and placed by him in the 12 state special revenue fund to the credit of the department. 13 Any money received from federal sources shall must be 14 deposited in the federal special revenue fund to the credit 15 of the department.

16 (2) That money shall must be exclusively set apart and 17 made available for the payment of all salaries, per diem, 18 fees, expenses, and expenditures authorized to be made by 19 the department under the terms of this title. That money 20 shall must be spent for those purposes by the department, 21 subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in this
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fund and the federal special revenue fund.

25 (4) All money collected or received from fines and

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1 forfeited bonds, except money collected or received by a 2 justice's court, relating to violations of state fish and 3 game laws under Title 87 shall must be deposited by the 4 state treasurer and credited to the department of fish, wildlife, and parks in a state special revenue fund account 5 6 for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of 7 prosecution shall must be paid to the county where the trial 8 9 was held in any case where the fine is not imposed in 10 addition to the costs of prosecution.

11 (5) Money received by the department from the sale of 12 surplus real property; exploration or development of oil, 13 gas, or mineral deposits from lands acquired by the 14 department except royalties or other compensation based on 15 production; and from leases of interests in department real property not contemplated at the time of acquisition shall 16 17 must be deposited in an account within the nonexpendable 18 trust fund of the state treasury. The interest derived 19 therefrom from the fund, but not the principal, may be used 20 only for the purpose of operation, development, and 21 maintenance of real property of the department, and only 22 upon appropriation by the legislature. If the use of money 23 as set forth herein in this section would result in 24 violation of applicable federal laws or state statutes 25 specifically naming the department or money received by the

8	after receipt."
7	license drawing application money within a reasonable time
6	requirements of 17-6-105. The department shall deposi
5	drawing applications is not subject to the deposi
4	(6) Money received from the collection of licens
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2	the manner, method, and amount to those uses that do no
1	department, then the use of this money must be limited in

10 effective on passage and approval.

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52nd Legislature

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l	HOUSE BILL NO. 164	1	town as designated by the state treasurer with the approval
2	INTRODUCED BY COBB	2	of the board of investments; or
3	BY REQUEST OF THE DEPARTMENT OF FISH,	3	(b) with the state treasurer.
4	WILDLIFE, AND PARKS	4	(3) Such Each bank, building and loan association,
5		5	savings and loan association, or credit union shall pledge
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE	6	securities sufficient to cover 50% of the deposits at all
7	DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM THE	7	times.
8	REQUIREMENTS FOR DEPOSIT OF CERTAIN MONEY WITH THE STATE	8	(4) The deposits shall must be made in the name of the
9	TREASURER; AMENDING SECTIONS 17-6-105, 23-1-105, AND	9	state treasurer, shall must be subject to withdrawal at his
10	87-1-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	10	option, and shall must draw interest as other state money,
11		11	in accordance with the provisions of this part.
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	(5) Nothing in this chapter shall impair or otherwise
13	Section 1. Section 17-6-105, MCA, is amended to read:	13	affect any covenant entered into pursuant to law by any
14	*17-6-105. State treasurer as treasurer of state	14	agency or institution respecting the segregation, deposit,
15	agencies deposits of money. (1) The state treasurer is	15	and investment of any revenues or funds pledged for the
16	designated the treasurer of every state agency and	16	payment and security of bonds or other obligations
17	institution.	17	authorized to be issued by such the agency, and all such the
18	(2) All state agencies and institutions shall deposit	18	funds shall must be deposited and invested in accordance
19	all money, credits, evidences of indebtedness, and	19	with such the covenants notwithstanding any provision of
20	securities either:	20	this chapter.
21	(a) in banks, building and loan associations, savings	21	(6) All Except as otherwise provided by law, all money,
22	and loan associations, or credit unions located in the city	22	credits, evidences of indebtedness, and securities received
23	or town in which the agencies and institutions are situated,	23	by a state agency or institution shall must be deposited
24	if there is a qualified bank, building and loan association,	24	either with the state treasurer or in a depository approved
25	savings and loan association, or credit union in the city or	25	by the state treasurer each day when the accumulated amount



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of coin and currency requiring deposit exceeds \$100 or total
 collections exceed \$500. All money, credits, evidences of
 indebtedness, and securities collected shall must be
 deposited at least weekly.

5 (7) Notwithstanding any other provision of state law, 6 when it is determined to be in the best financial interest 7 of the state, the department may require any money received 8 or collected by any agency of the state to be immediately 9 deposited to the credit of the state treasurer."

10 Section 2. Section 23-1-105, MCA, is amended to read: "23-1-105. Fees and charges. (1) The department shall 11 12 have power to levy and collect reasonable fees or other charges for the use of privileges and conveniences as may be 13 provided and to grant concessions as it considers advisable, 14 15 except as provided in subsection (2). All money derived from the activities of the department shall must be deposited in 16 17 the state treasury in a state special revenue fund to the 18 credit of the department.

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana as defined in 87-2-102 and either 62 years of age or older or certified as disabled in accordance with rules adopted by the department.

25 (3) Money received from the collection of fees and

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charges is not subject to the deposit requirements of
 17-6-105. The department shall deposit money collected under
 this section within a reasonable time after receipt."

4 Section 3. Section 87-1-601, MCA, is amended to read:

*87-1-601. Use of fish and game money. (1) All money 5 collected or received from the sale of hunting and fishing 6 licenses or permits, from the sale of seized game or hides, 7 or from damages collected for violations of the fish and 8 game laws of this state, from appropriations, or received by 9 the department from any other state source shall must be 10 turned over to the state treasurer and placed by him in the 11 state special revenue fund to the credit of the department. 12 Any money received from federal sources shall must be 13 deposited in the federal special revenue fund to the credit 14 of the department. 15

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17 made available for the payment of all salaries, per diem,
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19 the department under the terms of this title. That money
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department, then the use of this money must be limited in 1 the manner, method, and amount to those uses that do not 2 result in such a violation. 3 (6) Money received from the collection of license 4 drawing applications is not subject to the deposit 5 requirements of 17-6-105. The department shall deposit 6 license drawing application money within a reasonable time 7 after receipt." 8 NEW SECTION. Section 4. Effective date. [This act] is 9 effective on passage and approval. 10

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