

1 House BILL NO. 164
 2 INTRODUCED BY Cobb
 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
 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:

13 **Section 1.** Section 17-6-105, MCA, is amended to read:

14 "17-6-105. State treasurer as treasurer of state
 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 qualified bank, building and loan association,
 25 savings and loan association, or credit union in the city or

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
 16 payment and security of bonds or other obligations
 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



1 of coin and currency requiring deposit exceeds \$100 or total
2 collections exceed \$500. All money, credits, evidences of
3 indebtedness, and securities collected ~~shall~~ must be
4 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. Fees 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
14 provided and to grant concessions as it considers advisable,
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

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:

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,
8 or from damages collected for violations of the fish and
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.

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

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

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,
 5 wildlife, and parks in a state special revenue fund account
 6 for this purpose. Out of any fine imposed by a court for the
 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
 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
 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 a violation.

4 (6) Money received from the collection of license
 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-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

1 House BILL NO. 164
2 INTRODUCED BY Cobb
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14 **"17-6-105. State treasurer as treasurer of state**
15 **agencies -- deposits of money.** (1) The state treasurer is
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18 (2) All state agencies and institutions shall deposit
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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

1 town as designated by the state treasurer with the approval
2 of the board of investments; or

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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
16 payment and security of bonds or other obligations
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
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24 either with the state treasurer or in a depository approved
25 by the state treasurer each day when the accumulated amount



1 of coin and currency requiring deposit exceeds \$100 or total
2 collections exceed \$500. All money, credits, evidences of
3 indebtedness, and securities collected shall must be
4 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. Fees 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
14 provided and to grant concessions as it considers advisable,
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

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:

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,
8 or from damages collected for violations of the fish and
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.

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

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

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,
 5 wildlife, and parks in a state special revenue fund account
 6 for this purpose. Out of any fine imposed by a court for the
 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
 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
 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 a violation.

4 (6) Money received from the collection of license
 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
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9 NEW SECTION. Section 4. Effective date. [This act] is
 10 effective on passage and approval.

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13 **Section 1.** Section 17-6-105, MCA, is amended to read:

14 ***17-6-105. State treasurer as treasurer of state**
 15 **agencies -- deposits of money.** (1) The state treasurer is
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18 (2) All state agencies and institutions shall deposit
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21 (a) in banks, building and loan associations, savings
 22 and loan associations, or credit unions located in the city
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 24 if there is a qualified bank, building and loan association,
 25 savings and loan association, or credit union in the city or

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,
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12 (5) Nothing in this chapter shall impair or otherwise
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3 indebtedness, and securities collected shall must be
4 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. Fees 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
14 provided and to grant concessions as it considers advisable,
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

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:

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,
8 or from damages collected for violations of the fish and
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.

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

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

1 forfeited bonds, except money collected or received by a
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 3 game laws under Title 87 shall must be deposited by the
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 6 for this purpose. Out of any fine imposed by a court for the
 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
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11 (5) Money received by the department from the sale of
 12 surplus real property; exploration or development of oil,
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 18 trust fund of the state treasury. The interest derived
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1 department, then the use of this money must be limited in
 2 the manner, method, and amount to those uses that do not
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4 (6) Money received from the collection of license
 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.

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 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. Fees 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
 14 provided and to grant concessions as it considers advisable,
 15 except as provided in subsection (2). All money derived from
 16 the activities of the department ~~shall~~ must be deposited in
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