



MARCH 18, 1991

CONCURRED IN.

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 304  
 2 INTRODUCED BY Claud Stepples Thomas  
 3 BY REQUEST OF THE DEPARTMENT OF FISH, Water  
 4 WILDLIFE, AND PARKS

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
 7 OF FISH, WILDLIFE, AND PARKS TO DISPOSE OF CERTAIN OBSOLETE  
 8 EQUIPMENT AND DEPARTMENT PROPERTY; AND AMENDING SECTIONS  
 9 18-4-226 AND 18-6-101, MCA."

10  
 11 STATEMENT OF INTENT  
 12 A statement of intent is required for this bill because  
 13 [section 1] grants to the department of fish, wildlife, and  
 14 parks the authority to adopt rules regarding the disposal of  
 15 obsolete and personal department property. It is intended  
 16 that the rules address, at a minimum:

- 17 (1) the process for determining what department
- 18 property is available for disposal;
- 19 (2) the manner of disposal, whether by destruction,
- 20 sale, or other appropriate means; and
- 21 (3) the proper crediting of any proceeds derived from
- 22 the disposal of department property.

23  
 24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 25 NEW SECTION. **Section 1.** Authority to dispose of

1 certain equipment and property -- accounting. (1) The  
 2 department may destroy, sell, or dispose of obsolete  
 3 equipment or other personal property owned by the  
 4 department.

5 (2) All money received under subsection (1) must be  
 6 credited to the account from which the property was  
 7 purchased.

8 (3) The department may adopt rules to implement this  
 9 section.

10 **Section 2.** Section 18-6-101, MCA, is amended to read:  
 11 "18-6-101. Power to sell state property -- proceeds  
 12 credited to general fund. (1) The Except as otherwise  
 13 provided by law, the department has exclusive power, subject  
 14 to the approval of the governor, to sell or otherwise  
 15 dispose of or to authorize the sale or other disposition of  
 16 all materials and supplies, service equipment, or other  
 17 personal property of every kind owned by the state but not  
 18 needed or used by any state institution or by any department  
 19 of state government.

20 (2) Unless otherwise provided by law, the department  
 21 shall credit the general fund with all money received.

22 (3) Whenever the personal property was accounted for in  
 23 an enterprise or internal service fund or designated subfund  
 24 account, the proceeds of the sale shall be credited to the  
 25 appropriate enterprise or internal service fund or



-2- INTRODUCED BILL  
 HB 304

1 designated subfund account."

2 **Section 3.** Section 18-4-226, MCA, is amended to read:

3 "18-4-226. Surplus supply -- rules. (1) As used in this  
4 section, the following definitions apply:

5 (a) "Supplies" means supplies owned by the state but  
6 does not include equipment and property described in  
7 [section 1].

8 (b) "Surplus supplies" means any supplies having a  
9 remaining useful life but that are no longer required by the  
10 using agency in possession of them. This includes obsolete  
11 supplies, scrap materials, and supplies that have completed  
12 their useful life cycle.

13 (2) The department shall adopt rules governing:

14 (a) the management of supplies during their entire life  
15 cycle;

16 (b) the sale, lease, or disposal of surplus supplies by  
17 public auction, competitive sealed bidding, or other  
18 appropriate method designated by rule;

19 (c) transfer of surplus supplies.

20 (3) No employee of the owning or disposing agency  
21 directly involved with the disposal may purchase supplies  
22 sold by his agency.

23 (4) Proceeds from the sale, lease, or disposal of  
24 surplus supplies must be allocated as provided by 18-6-101,  
25 less a reasonable handling fee."

1 NEW SECTION. **Section 4.** Codification instruction.  
2 [Section 1] is intended to be codified as an integral part  
3 of Title 87, chapter 1, part 2, and the provisions of Title  
4 87, chapter 1, part 2, apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0304, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill allows the Department of Fish, Wildlife, and Parks to dispose of certain obsolete equipment and department property.


ASSUMPTIONS:

1. The Department of Fish, Wildlife, and Parks would only use the provisions of this bill to sell 127 warden handguns.
2. The handguns which are to be sold were purchased with general license funds and when the guns are sold the proceeds will be deposited into the general license account.
3. A professional appraiser estimated the value of the handguns at \$280 per gun for a total value of 127 guns at \$35,575.
4. An auctioneer would be paid 6% of gross sales to perform the public auction.

FISCAL IMPACT:

Department of Fish, Wildlife, and Parks:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Costs	0	2,134	2,134	0	0	0
<u>Funding:</u>						
General License (02)	0	2,134	2,134	0	0	0
<u>Revenues:</u>						
General License (02)	0	35,575	35,575	0	0	0
<u>Net Effect</u>						
General License (02)	0	33,441	33,441	0	0	0

  
ROD SUNDSTED, BUDGET DIRECTOR      1-25-91      DATE  
 Office of Budget and Program Planning

  
ROBERT C. CLARK, PRIMARY SPONSOR      1-26-91      DATE

Fiscal Note for HB0304, as introduced

**HB 304**

APPROVED BY COMM.  
ON FISH AND GAME

1 HOUSE BILL NO. 304  
2 INTRODUCED BY CLARK, STEPLER, THOMAS,  
3 TOOLE, STANG, FOSTER  
4 BY REQUEST OF THE DEPARTMENT OF FISH,  
5 WILDLIFE, AND PARKS  
6

7 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
8 OF FISH, WILDLIFE, AND PARKS TO DISPOSE OF CERTAIN--OBSOLETE  
9 EQUIPMENT--AND--DEPARTMENT--PROPERTY SURPLUS HANDGUNS; AND  
10 AMENDING SECTIONS 18-4-226 AND 18-6-101, MCA; AND PROVIDING  
11 A TERMINATION DATE."  
12

13 STATEMENT OF INTENT

14 A statement of intent is required for this bill because  
15 [section 1] grants to the department of fish, wildlife, and  
16 parks the authority to adopt rules regarding the disposal of  
17 obsolete--and-personal-department-property SURPLUS HANDGUNS.

18 It is intended that the rules address, at a minimum:

19 (1) the process for determining what department  
20 property-is-available-for-disposal HANDGUNS ARE SURPLUS;

21 (2) the manner of disposal, whether by destruction,  
22 sale, or other appropriate means; and

23 (3) the proper crediting of any proceeds derived from  
24 the disposal of department-property SURPLUS HANDGUNS; AND

25 (4) A PROCEDURE TO ALLOW A PREFERENCE TO A WARDEN FOR

1 THE PURCHASE OF A HANDGUN PREVIOUSLY USED BY THAT WARDEN,  
2 PROVIDED THAT THE PURCHASE PRICE IS ESTABLISHED BY BID OR  
3 EQUAL TO THE APPRAISED VALUE OF THE HANDGUN.  
4

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

6 NEW SECTION. Section 1. Authority to dispose of  
7 certain---equipment---and---property SURPLUS HANDGUNS --  
8 accounting. (1) The department may destroy, sell, or dispose  
9 of obsolete-equipment-or---other---personal--property SURPLUS  
10 HANDGUNS owned by the department.

11 (2) All money received under subsection (1) must be  
12 credited to the account from which the property-was HANDGUNS  
13 WERE purchased.

14 (3) The department may adopt rules to implement this  
15 section.

16 **Section 2.** Section 18-6-101, MCA, is amended to read:

17 "18-6-101. Power to sell state property -- proceeds  
18 credited to general fund. (1) The Except as otherwise  
19 provided by law, the department has exclusive power, subject  
20 to the approval of the governor, to sell or otherwise  
21 dispose of or to authorize the sale or other disposition of  
22 all materials and supplies, service equipment, or other  
23 personal property of every kind owned by the state but not  
24 needed or used by any state institution or by any department  
25 of state government.

SECOND READING



1 (2) Unless otherwise provided by law, the department  
2 shall credit the general fund with all money received.

3 (3) Whenever the personal property was accounted for in  
4 an enterprise or internal service fund or designated subfund  
5 account, the proceeds of the sale shall be credited to the  
6 appropriate enterprise or internal service fund or  
7 designated subfund account."

8 **Section 3.** Section 18-4-226, MCA, is amended to read:

9 "18-4-226. Surplus supply -- rules. (1) As used in this  
10 section, the following definitions apply:

11 (a) "Supplies" means supplies owned by the state but  
12 does not include equipment--and-property SURPLUS HANDGUNS  
13 described in [section 1].

14 (b) "Surplus supplies" means any supplies having a  
15 remaining useful life but that are no longer required by the  
16 using agency in possession of them. This includes obsolete  
17 supplies, scrap materials, and supplies that have completed  
18 their useful life cycle.

19 (2) The department shall adopt rules governing:

20 (a) the management of supplies during their entire life  
21 cycle;

22 (b) the sale, lease, or disposal of surplus supplies by  
23 public auction, competitive sealed bidding, or other  
24 appropriate method designated by rule;

25 (c) transfer of surplus supplies.

1 (3) No employee of the owning or disposing agency  
2 directly involved with the disposal may purchase supplies  
3 sold by his agency.

4 (4) Proceeds from the sale, lease, or disposal of  
5 surplus supplies must be allocated as provided by 18-6-101,  
6 less a reasonable handling fee."

7 NEW SECTION. Section 4. Codification instruction.

8 [Section 1] is intended to be codified as an integral part  
9 of Title 87, chapter 1, part 2, and the provisions of Title  
10 87, chapter 1, part 2, apply to [section 1].

11 NEW SECTION. SECTION 5. TERMINATION. [THIS ACT]  
12 TERMINATES OCTOBER 1, 1993.

-End-

1 HOUSE BILL NO. 304  
 2 INTRODUCED BY CLARK, STEPLER, THOMAS,  
 3 TOOLE, STANG, FOSTER  
 4 BY REQUEST OF THE DEPARTMENT OF FISH,  
 5 WILDLIFE, AND PARKS

6  
 7 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
 8 OF FISH, WILDLIFE, AND PARKS TO DISPOSE OF CERTAIN--OBSOLETE  
 9 EQUIPMENT--AND--DEPARTMENT--PROPERTY SURPLUS HANDGUNS; AND  
 10 AMENDING SECTIONS 18-4-226 AND 18-6-101, MCA; AND PROVIDING  
 11 A TERMINATION DATE."

12 STATEMENT OF INTENT

13 A statement of intent is required for this bill because  
 14 [section 1] grants to the department of fish, wildlife, and  
 15 parks the authority to adopt rules regarding the disposal of  
 16 ~~obsolete--and--personal--department--property~~ SURPLUS HANDGUNS.

17 It is intended that the rules address, at a minimum:

18 (1) the process for determining what department  
 19 ~~property-is-available-for-disposal~~ HANDGUNS ARE SURPLUS;

20 (2) the manner of disposal, whether by destruction,  
 21 sale, or other appropriate means; and

22 (3) the proper crediting of any proceeds derived from  
 23 the disposal of ~~department--property~~ SURPLUS HANDGUNS; AND

24 (4) A PROCEDURE TO ALLOW A PREFERENCE TO A WARDEN FOR  
 25

1 THE PURCHASE OF A HANDGUN PREVIOUSLY USED BY THAT WARDEN,  
 2 PROVIDED THAT THE PURCHASE PRICE IS ESTABLISHED BY BID OR  
 3 EQUAL TO THE APPRAISED VALUE OF THE HANDGUN.  
 4

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

6 NEW SECTION. Section 1. Authority to dispose of  
 7 certain---equipment---and---property SURPLUS HANDGUNS --  
 8 accounting. (1) The department may destroy, sell, or dispose  
 9 of obsolete-equipment-or--other--personal--property SURPLUS  
 10 HANDGUNS owned by the department.

11 (2) All money received under subsection (1) must be  
 12 credited to the account from which the ~~property-was~~ HANDGUNS  
 13 WERE purchased.

14 (3) The department may adopt rules to implement this  
 15 section.

16 Section 2. Section 18-6-101, MCA, is amended to read:

17 "18-6-101. Power to sell state property -- proceeds  
 18 credited to general fund. (1) The Except as otherwise  
 19 provided by law, the department has exclusive power, subject  
 20 to the approval of the governor, to sell or otherwise  
 21 dispose of or to authorize the sale or other disposition of  
 22 all materials and supplies, service equipment, or other  
 23 personal property of every kind owned by the state but not  
 24 needed or used by any state institution or by any department  
 25 of state government.

THIRD READING





1 (2) Unless otherwise provided by law, the department  
2 shall credit the general fund with all money received.

3 (3) Whenever the personal property was accounted for in  
4 an enterprise or internal service fund or designated subfund  
5 account, the proceeds of the sale shall be credited to the  
6 appropriate enterprise or internal service fund or  
7 designated subfund account."

8 **Section 3.** Section 18-4-226, MCA, is amended to read:

9 "18-4-226. Surplus supply -- rules. (1) As used in this  
10 section, the following definitions apply:

11 (a) "Supplies" means supplies owned by the state but  
12 does not include equipment--and-property SURPLUS HANDGUNS  
13 described in [section 1].

14 (b) "Surplus supplies" means any supplies having a  
15 remaining useful life but that are no longer required by the  
16 using agency in possession of them. This includes obsolete  
17 supplies, scrap materials, and supplies that have completed  
18 their useful life cycle.

19 (2) The department shall adopt rules governing:

20 (a) the management of supplies during their entire life  
21 cycle;

22 (b) the sale, lease, or disposal of surplus supplies by  
23 public auction, competitive sealed bidding, or other  
24 appropriate method designated by rule;

25 (c) transfer of surplus supplies.

1 (3) No employee of the owning or disposing agency  
2 directly involved with the disposal may purchase supplies  
3 sold by his agency.

4 (4) Proceeds from the sale, lease, or disposal of  
5 surplus supplies must be allocated as provided by 18-6-101,  
6 less a reasonable handling fee."

7 NEW SECTION. Section 4. Codification instruction.

8 [Section 1] is intended to be codified as an integral part  
9 of Title 87, chapter 1, part 2, and the provisions of Title  
10 87, chapter 1, part 2, apply to [section 1].

11 NEW SECTION. SECTION 5. TERMINATION. [THIS ACT]  
12 TERMINATES OCTOBER 1, 1993.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 8, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 304 (third reading copy -- blue), respectfully report that House Bill No. 304 be amended and as so amended be concurred in:

1. Title, line 8.  
Following: "PARKS"  
Insert: "AND THE DEPARTMENT OF LIVESTOCK"
2. Page 1, line 15.  
Strike: "[section 1] grants"  
Insert: "[sections 1 and 4] grant"
3. Page 1, line 16.  
Following: "parks"  
Insert: "and the department of livestock"
4. Page 1, line 25.  
Following: "WARDEN"  
Insert: "and to a department of livestock state inspector or detective"
5. Page 2, line 1.  
Strike: "WARDEN"  
Insert: "person"
6. Page 3, line 13.  
Strike: "section"  
Insert: "sections"  
Following: "1"  
Insert: "and 4"
7. Page 4.  
Following: line 6  
Insert: "  
NEW SECTION. Section 4. Authority to dispose of surplus handguns. (1) The department may destroy, sell, or dispose of surplus handguns owned by the department.  
(2) All money received under subsection (1) must be credited to the account from which the handguns were purchased.  
(3) The department may adopt rules to implement this section."  
Renumber: subsequent sections.

8. Page 4.  
Following: line 7  
Insert: "(1)"

9. Page 4.  
Following: line 10  
Insert: "(2) [Section 4] is intended to be codified as an integral part of Title 81, and the provisions of Title 81, apply to [section 4]."

Signed: \_\_\_\_\_

*Bob Williams*  
Bob Williams, Chairman

*LB 3/8/91*  
Amd. Coord.

*SB 3/8 1:20*  
Sec. of Senate

## 1 HOUSE BILL NO. 304

2 INTRODUCED BY CLARK, STEPLER, THOMAS,

3 TOOLE, STANG, FOSTER

4 BY REQUEST OF THE DEPARTMENT OF FISH,

5 WILDLIFE, AND PARKS

6  
7 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
8 OF FISH, WILDLIFE, AND PARKS AND THE DEPARTMENT OF LIVESTOCK  
9 TO DISPOSE OF ~~CERTAIN--OBSOLETE--EQUIPMENT--AND--DEPARTMENT~~  
10 PROPERTY SURPLUS HANDGUNS; AND AMENDING SECTIONS 18-4-226  
11 AND 18-6-101, MCA; AND PROVIDING A TERMINATION DATE."  
12

## 13 STATEMENT OF INTENT

14 A statement of intent is required for this bill because  
15 ~~{section---1}--grants~~ [SECTIONS 1 AND 4] GRANT to the  
16 department of fish, wildlife, and parks AND THE DEPARTMENT  
17 OF LIVESTOCK the authority to adopt rules regarding the  
18 disposal of ~~obsolete--and--personal--department---property~~  
19 SURPLUS HANDGUNS. It is intended that the rules address, at  
20 a minimum:

21 (1) the process for determining what department  
22 ~~property-is-available-for-disposal~~ HANDGUNS ARE SURPLUS;

23 (2) the manner of disposal, whether by destruction,  
24 sale, or other appropriate means; and

25 (3) the proper crediting of any proceeds derived from

1 the disposal of ~~department-property~~ SURPLUS HANDGUNS; AND  
2 (4) A PROCEDURE TO ALLOW A PREFERENCE TO A WARDEN AND  
3 TO A DEPARTMENT OF LIVESTOCK STATE INSPECTOR OR DETECTIVE  
4 FOR THE PURCHASE OF A HANDGUN PREVIOUSLY USED BY THAT WARDEN  
5 PERSON, PROVIDED THAT THE PURCHASE PRICE IS ESTABLISHED BY  
6 BID OR EQUAL TO THE APPRAISED VALUE OF THE HANDGUN.

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

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10 certain---equipment---and---property SURPLUS HANDGUNS --  
11 accounting. (1) The department may destroy, sell, or dispose  
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15 credited to the account from which the ~~property-was~~ HANDGUNS  
16 WERE purchased.

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18 section.

19 Section 2. Section 18-6-101, MCA, is amended to read:

20 "18-6-101. Power to sell state property -- proceeds  
21 credited to general fund. (1) The Except as otherwise  
22 provided by law, the department has exclusive power, subject  
23 to the approval of the governor, to sell or otherwise  
24 dispose of or to authorize the sale or other disposition of  
25 all materials and supplies, service equipment, or other

1 personal property of every kind owned by the state but not  
 2 needed or used by any state institution or by any department  
 3 of state government.

4 (2) Unless otherwise provided by law, the department  
 5 shall credit the general fund with all money received.

6 (3) Whenever the personal property was accounted for in  
 7 an enterprise or internal service fund or designated subfund  
 8 account, the proceeds of the sale shall be credited to the  
 9 appropriate enterprise or internal service fund or  
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11 **Section 3.** Section 18-4-226, MCA, is amended to read:

12 **"18-4-226. Surplus supply -- rules.** (1) As used in this  
 13 section, the following definitions apply:

14 (a) "Supplies" means supplies owned by the state but  
 15 does not include equipment--and-property SURPLUS HANDGUNS  
 16 described in [section SECTIONS 1 AND 4].

17 (b) "Surplus supplies" means any supplies having a  
 18 remaining useful life but that are no longer required by the  
 19 using agency in possession of them. This includes obsolete  
 20 supplies, scrap materials, and supplies that have completed  
 21 their useful life cycle.

22 (2) The department shall adopt rules governing:

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 24 cycle;

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 2 appropriate method designated by rule;

3 (c) transfer of surplus supplies.

4 (3) No employee of the owning or disposing agency  
 5 directly involved with the disposal may purchase supplies  
 6 sold by his agency.

7 (4) Proceeds from the sale, lease, or disposal of  
 8 surplus supplies must be allocated as provided by 18-6-101,  
 9 less a reasonable handling fee."

10 NEW SECTION. SECTION 4. AUTHORITY TO DISPOSE OF  
 11 SURPLUS HANDGUNS. (1) THE DEPARTMENT MAY DESTROY, SELL, OR  
 12 DISPOSE OF SURPLUS HANDGUNS OWNED BY THE DEPARTMENT.

13 (2) ALL MONEY RECEIVED UNDER SUBSECTION (1) MUST BE  
 14 CREDITED TO THE ACCOUNT FROM WHICH THE HANDGUNS WERE  
 15 PURCHASED.

16 (3) THE DEPARTMENT MAY ADOPT RULES TO IMPLEMENT THIS  
 17 SECTION.

18 NEW SECTION. Section 5. Codification instruction. (1)  
 19 [Section 1] is intended to be codified as an integral part  
 20 of Title 87, chapter 1, part 2, and the provisions of Title  
 21 87, chapter 1, part 2, apply to [section 1].

22 (2) [SECTION 4] IS INTENDED TO BE CODIFIED AS AN  
 23 INTEGRAL PART OF TITLE 81, AND THE PROVISIONS OF TITLE 81  
 24 APPLY TO [SECTION 4].

25 NEW SECTION. SECTION 6. TERMINATION. [THIS ACT]

HB 0304/03

1 TERMINATES OCTOBER 1, 1993.

-End-