



Senate BILL NO. 83

INTRODUCED BY Gerges Timberley  
BY REQUEST OF THE DEPARTMENT OF FISH,  
WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THAT ALL INTEREST EARNED ON LICENSE MONEY RECEIVED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS BE DEPOSITED IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE DEPARTMENT; AMENDING SECTION 87-1-601, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

WHEREAS, the federal government has imposed a requirement on the Department of Fish, Wildlife, and Parks that all interest received from cash balances resulting from license sales must be used for department programs; and

WHEREAS, under present law interest earnings from money received are not credited to department programs; and

WHEREAS, unless present law is amended to conform to federal requirements, the department is in danger of losing over \$7 million in federal funds; and

WHEREAS, the Legislature finds that it is in the best interests of the state to designate that interest earned on money received by the Department from license sales be credited to the Department's special revenue account so that

the interest is available for expenditure by the Department.

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

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

"87-1-601. Use of fish and game money. (1) (a) All money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from damages collected for violations of the fish and game laws of this state, from appropriations, or received by the department from any other state source shall must be turned over to the state treasurer and placed by him in the state special revenue fund to the credit of the department.

(b) Any money received from federal sources shall must be deposited in the federal special revenue fund to the credit of the department.

(c) All interest earned on money from the following sources must be placed in the state special revenue fund to the credit of the department:

- (i) the general license account;
- (ii) the license drawing account;
- (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-412, 87-2-722, and 87-2-724; and
- (iv) money received from the sale of any other hunting

1 and fishing license.

2 (2) That money ~~shall~~ must be exclusively set apart and  
3 made available for the payment of all salaries, per diem,  
4 fees, expenses, and expenditures authorized to be made by  
5 the department under the terms of this title. That money  
6 ~~shall~~ must be spent for those purposes by the department,  
7 subject to appropriation by the legislature.

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

11 (4) All money collected or received from fines and  
12 forfeited bonds, except money collected or received by a  
13 justice's court, relating to violations of state fish and  
14 game laws under Title 87 ~~shall~~ must be deposited by the  
15 state treasurer and credited to the department of fish,  
16 wildlife, and parks in a state special revenue fund account  
17 for this purpose. Out of any fine imposed by a court for the  
18 violation of the fish and game laws, the costs of  
19 prosecution ~~shall~~ must be paid to the county where the trial  
20 was held in any case where in which the fine is not imposed  
21 in addition to the costs of prosecution.

22 (5) Money received by the department from the sale of  
23 surplus real property; exploration or development of oil,  
24 gas, or mineral deposits from lands acquired by the  
25 department except royalties or other compensation based on

1 production; and from leases of interests in department real  
2 property not contemplated at the time of acquisition ~~shall~~  
3 must be deposited in an account within the nonexpendable  
4 trust fund of the state treasury. The interest derived  
5 therefrom from the fund, but not the principal, may be used  
6 only for the purpose of operation, development, and  
7 maintenance of real property of the department, and only  
8 upon appropriation by the legislature. If the use of money  
9 as set forth herein in this section would result in  
10 violation of applicable federal laws or state statutes  
11 specifically naming the department or money received by the  
12 department, then the use of this money must be limited in  
13 the manner, method, and amount to those uses that do not  
14 result in such a violation."

15 NEW SECTION. Section 2. Effective date. [This act] is  
16 effective January 1, 1992.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0083, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill directs all interest earned on hunting and fishing license money received by the Department of Fish, Wildlife and Parks be deposited in the state special revenue fund and credited to the department.

ASSUMPTIONS:

1. The legislation is required to comply with new federal requirements.
2. The department will have to pay for support services provided by other state agencies as stated in 17-6-201(8), MCA.
3. The amount to be paid for support services is based upon a 5-year average of the Statewide Cost Allocation Plan (SWCAP) allocated to DFWP.
4. Interest earnings were determined for each affected state special revenue account by projecting anticipated cash balances on a monthly basis through the end of FY93. Historic trends of revenues and expenditures were used in determining the cash balances.
5. A STIP rate of 8% is assumed.
6. Only the net interest earnings are shown as derived from calculations based on current level revenues.
7. Approximately \$141,950 in FY92 and \$102,030 in FY93 will be lost to the state general fund and gained by the department.
8. The impacts shown below are included in the executive general fund revenue estimates due to the federal regulations.

FISCAL IMPACT:

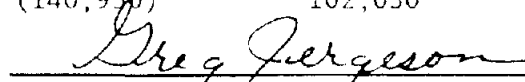
Department of Fish, Wildlife and Parks:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Net Interest Earnings:</u>						
Waterfowl Stamp (02)	0	10,132	10,132	0	7,795	7,795
Mountain Sheep (02)	0	619	619	0	113	113
Moose Auction (02)	0	456	456	0	1,315	1,315
Upland Game Bird (02)	0	12,339	12,339	0	0	0
River Restoration (02)	0	2,145	2,145	0	2,815	2,815
General License (02)	0	76,474	76,474	0	10,730	10,730
FAS Acquisition (02)	0	13,893	13,893	0	12,000	12,000
Drawing Account (02)	0	24,892	24,892	0	67,262	67,262
<b>Total</b>	<b>0</b>	<b>140,950</b>	<b>140,950</b>	<b>0</b>	<b>102,030</b>	<b>102,030</b>

Net General Fund Impact:

General Fund	140,950	0	(140,950)	102,030	0	(102,030)
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ROD SUNDSTED, BUDGET DIRECTOR      1-19-91      DATE  
 Office of Budget and Program Planning

  
GREG JERGESON, PRIMARY SPONSOR      DATE

Fiscal Note for SB0083, as introduced

**SB 83**

APPROVED BY COMM. ON  
FINANCE AND CLAIMS

*Senate* BILL NO. *83*

INTRODUCED BY *Jergesen Kimberley*  
BY REQUEST OF THE DEPARTMENT OF FISH,  
WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THAT ALL INTEREST EARNED ON LICENSE MONEY RECEIVED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS BE DEPOSITED IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE DEPARTMENT; AMENDING SECTION 87-1-601, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

WHEREAS, the federal government has imposed a requirement on the Department of Fish, Wildlife, and Parks that all interest received from cash balances resulting from license sales must be used for department programs; and

WHEREAS, under present law interest earnings from money received are not credited to department programs; and

WHEREAS, unless present law is amended to conform to federal requirements, the department is in danger of losing over \$7 million in federal funds; and

WHEREAS, the Legislature finds that it is in the best interests of the state to designate that interest earned on money received by the Department from license sales be credited to the Department's special revenue account so that

the interest is available for expenditure by the Department.

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

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

**"87-1-601. Use of fish and game money.** (1) (a) All money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from damages collected for violations of the fish and game laws of this state, from appropriations, or received by the department from any other state source shall must be turned over to the state treasurer and placed by him in the state special revenue fund to the credit of the department.

(b) Any money received from federal sources shall must be deposited in the federal special revenue fund to the credit of the department.

(c) All interest earned on money from the following sources must be placed in the state special revenue fund to the credit of the department:

- (i) the general license account;
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- (iv) money received from the sale of any other hunting



1 and fishing license.

2 (2) That money ~~shall~~ must be exclusively set apart and  
3 made available for the payment of all salaries, per diem,  
4 fees, expenses, and expenditures authorized to be made by  
5 the department under the terms of this title. That money  
6 ~~shall~~ must be spent for those purposes by the department,  
7 subject to appropriation by the legislature.

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

11 (4) All money collected or received from fines and  
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22 (5) Money received by the department from the sale of  
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15 NEW SECTION. Section 2. Effective date. [This act] is  
16 effective January 1, 1992.

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 2 INTRODUCED BY *Jergeson Kimberley*  
 3 BY REQUEST OF THE DEPARTMENT OF FISH,  
 4 WILDLIFE, AND PARKS

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 10 AMENDING SECTION 87-1-601, MCA; AND PROVIDING A DELAYED  
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