

# CHAPTER NO. 640

HOUSE BILL NO. 356

INTRODUCED BY ELLIS, RASSMUSSEN

BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

## IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Appropriations.
March 24, 1979	Committee recommend bill do pass as amended. Report adopted.
March 26, 1979	Printed and placed on Members' desks.
	Second reading, do pass.
	Considered correctly engrossed.
March 27, 1979	Third reading, passed. Transmitted to second house.

## IN THE SENATE

March 27, 1979	Introduced and referred to Committee on Finance and Claims.
April 9, 1979	Committee recommend bill be concurred in. Report adopted.
April 10, 1979	Second reading, concurred in.
April 12, 1979	Third reading, concurred in.

## IN THE HOUSE

April 13, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 356  
Ellis Rasmussen

INTRODUCED BY Ellis Rasmussen

BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE MONEY TO REMOVE THE UNFUNDED LIABILITY IN THE STATE GAME WARDENS' RETIREMENT ACCOUNT BY UTILIZING MONEY RECEIVED AS FINES FOR FISH AND GAME VIOLATIONS; AMENDING SECTION 19-8-504, R.C.M. 1972."

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

11           Section 1. Section 19-8-504, MCA, is amended to read:

12           "19-8-504. State's contribution. (1) Each month the

13 state treasurer shall pay to the account, out of the

14 department of fish and game moneys, a sum equal to 7% of the

15 total of all members' salaries and, out of the moneys

16 collected as fines and forfeited bonds under the provisions

17 of 87-1-601, a sum equal to 4% of the total of all members'

18 salaries.

19        (2) Whenever there is an unfunded liability in the  
20        account and until such liability has been extinguished and a  
21        verified statement to that effect is given by the board to  
22        the state treasurer, all of the moneys collected as fines  
23        and forfeited bonds under 87-1-601 must be paid into the  
24        account."

-End-

HB 356  
INTRODUCED BILL

## STATE OF MONTANA

REQUEST NO. 147-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, 19 79, there is hereby submitted a Fiscal Note for House Bill 356 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 356 is proposed legislation to provide money to fund the existing liability in the game warden retirement system by using money collected as fines and forfeited bonds resulting from violations of state fish and game laws. Currently, the unfunded liability is at about \$3,588,000.

Presently, the warden retirement system is funded by contributions from both the employee and the employer. Seven percent (7%) of the warden's monthly salary is deducted and deposited to his credit in the game wardens' retirement account each month. The state's share is eleven percent (11%) each month. In addition, the state provides an additional 0.3% to cover administrative costs of operating the retirement system.

House Bill 356 proposes to use all moneys collected as fines and forfeited bonds resulting from state fish and game law violations.

## REVENUE IMPACT:

	<u>FY80</u>	<u>FY81</u>
Proposed law		
Game & fish fines and bond for forfeitures	\$154,000	\$159,000
Contribution of 4% of fines under current law	57,200	58,900
Increased contribution under proposed law	<u>\$ 96,800</u>	<u>\$100,100</u>

## LONG-RANGE IMPACT:

To fully fund the current unfunded liability in the warden retirement system will take about 40 years to accomplish with the proposed legislation.

## TECHNICAL NOTE:

The current subsection (1) and the proposed subsection (2) of this MCA section may be in direct conflict with each other. Note that subsection (1) limits the use of fine money to 4% while subsection (2) proposes to use all such fines until the account is solvent.

*Richard L. Danny Jr.*  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 2/1/79

Approved by Comm.  
on Appropriations

**HOUSE BILL NO. 356**

INTRODUCED BY ELLIS, RASMUSSEN

BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

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

Section 1. Section 19-8-504, MCA, is amended to read:

"19-8-504. State's contribution. ~~¶~~ Each month the treasurer shall pay to the account, out of the Department of Fish and Game moneys, a sum equal to 7% of the total of all members' salaries and out of the moneys collected as fines and forfeited bonds under the provisions of 17-1-601, a sum equal to 4% of the total of all members' salaries. ALL SUCH COLLECTIONS UNTIL THE UNFUNDED LIABILITY OF THE ACCOUNT IS SOLVENT AND A VERIFICATION STATEMENT IN EFFECT IS GIVEN TO THE STATE TREASURER BY THE BOARD, ~~¶~~ whenever there is an unfunded liability in the account and until such liability has been extinguished and a verified statement to that effect is given by the board to the state treasurer, all of the moneys collected as fines

1 and-forfeited-bonds-under-87-1-601-must--be--paid--into--the  
2 accounts"

3 SECTION 2. SECTION 87-1-601, MCA, IS AMENDED TO READ:

4 "87-1-601. Use of fish and game moneys. (1) All moneys  
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 fines, damages collected for violations of the fish  
8 and game laws of this state, from appropriations, or  
9 received by the department from any other state source shall  
10 be turned over to the state treasurer and placed by him in  
11 the earmarked revenue fund to the credit of the department.  
12 ~~But-of-any-fine-imposed-by-a-court-for-the-violation-of--the~~  
13 ~~fish--and--game--Idwsy--the--costs--of--prosecution--shall--be--paid~~  
14 ~~to--the--county--where--the--trial--was--held--in--any--case--where--the~~  
15 ~~fine--is--not--imposed--in--addition--to--the--costs--of--prosecution~~  
16 Any moneys received from federal sources shall be deposited  
17 in the federal and private revenue fund to the credit of the  
18 department.

19 (2) Those moneys shall be exclusively set apart and  
20 made available for the payment of all salaries, per diem,  
21 fees, expenses, and expenditures authorized to be made by  
22 the department under the terms of this title. Those moneys  
23 shall be spent for those purposes by the department, subject  
24 to appropriation by the legislature.

25 (3) Any reference to the fish and game fund in this

1 code means fish and game moneys in the earmarked revenue  
2 fund and federal and private revenue fund.

3 ~~141. All money collected or received from fines and~~  
4 ~~forfeited bonds relating to violations of state fish and~~  
5 ~~game laws under title 87 shall be deposited by the state~~  
6 ~~treasurer and credited to the department of fish and game in~~  
7 ~~an earmarked revenue fund account for this purpose. Out of~~  
8 ~~any fine imposed by a court for the violation of the fish~~  
9 ~~and game laws, the costs of prosecution shall be paid to the~~  
10 ~~county where the trial was held in any case where the fine~~  
11 ~~is not imposed in addition to the costs of prosecution."~~

-End-

HOUSE BILL NO. 356

INTRODUCED BY ELLIS, RASMUSSEN

BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE MONEY TO  
6 REMOVE THE UNFUNDED LIABILITY IN THE STATE GAME WARDENS'  
7 RETIREMENT ACCOUNT BY UTILIZING MONEY RECEIVED AS FINES FOR  
8 FISH AND GAME VIOLATIONS; AMENDING SECTION SECTIONS 19-8-504  
9 AND 87-1-601, MCA."

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

Section 1. Section 19-8-504, MCA, is amended to read:

13       \*19-8-504. State's contribution. ~~tit~~ Each month the  
14       state treasurer shall pay to the account, out of the  
15       department of fish and game moneys, a sum equal to 7% of the  
16       total of all members' salaries, and out of the moneys  
17       collected as fines and forfeited bonds under the provisions  
18       of 87-1-601--~~e-sum-equal-to-4%-of-the-total-of-all-members'~~  
19       salaries. ALL SUCH COLLECTIONS UNTIL THE UNFUNDED LIABILITY  
20       IN THE ACCOUNT IS SOLVENT AND A VERIFICATION STATEMENT IS  
21       MADE EFFECT IS GIVEN TO THE STATE TREASURER BY THE BOARD.  
22               ~~tit--Whenever--there--is--an--unfunded--liability--in--the~~  
23       ~~account--and--until--such--liability--has--been--extinguished--and--a~~  
24       ~~verified--statement--to--that--effect--is--given--by--the--board--to~~  
25       ~~the--state--treasurer--all--of--the--moneys--collected--as--fines~~

1 and forfeited bonds under §7-1-691 must be paid into the  
2 accounts"

3 SECTION 2. SECTION 87-1-601, MCA, IS AMENDED TO READ:

4       \*87-1-601. Use of fish and game moneys. (1) All moneys  
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 fines\* damages collected for violations of the fish  
8       and game laws of this state, from appropriations or  
9       received by the department from any other state source shall  
10      be turned over to the state treasurer and placed by him in  
11      the earmarked revenue fund to the credit of the department.  
12      But-if-any-fine-imposed-by-a-court-for-the-violation-of--the  
13      fish--and--game--laws--the--costs--of--prosecution--shall--be--paid  
14      to--the--county--where--the--trial--was--held--in--any--case--where--the  
15      fine--is--not--imposed--in--addition--to--the--costs--of--prosecutions  
16      Any moneys received from federal sources shall be deposited  
17      in the federal and private revenue fund to the credit of the  
18      department.

19           (2) Those moneys shall be exclusively set apart and  
20    made available for the payment of all salaries, per diem,  
21    fees, expenses, and expenditures authorized to be made by  
22    the department under the terms of this title. Those moneys  
23    shall be spent for those purposes by the department, subject  
24    to appropriation by the legislature.

25 (3) Any reference to the fish and game fund in this

1 code means fish and game moneys in the earmarked revenue  
2 fund and federal and private revenue fund.

3       151. All money collected or received from fines and  
4 forfeited bonds relating to violations of state fish and  
5 game laws under Title 87 shall be deposited by the state  
6 treasurer and credited to the department of fish and game in  
7 an earmarked revenue fund account for this purpose. Out of  
8 any fine imposed by a court for the violation of the fish  
9 and game laws, the costs of prosecution shall be paid to the  
10 county where the trial was held in any case where the fine  
11 is not imposed in addition to the costs of prosecution."

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16 total of all members' salaries, and out of the moneys  
17 collected as fines and forfeited bonds under the provisions  
18 of 87-1-601--a-sum-equal-to-4%--of--the--total--of--all--members'  
19 salaries. ALL SUCH COLLECTIONS UNTIL THE UNFUNDED LIABILITY  
20 IN THE ACCOUNT IS SOLVENT AND A VERIFICATION STATEMENT IS  
21 THAT EFFECT IS GIVEN TO THE STATE TREASURER BY THE BOARD.

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23 account--and--until--such--liability--has--been--extinguished--and--a  
24 verified--statement--to--that--effect--is--given--by--the--board--to  
25 the--state--treasury--all--of--the--money--collected--as--fines

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6       licenses or permits, from the sale of seized game or hides,  
7       or from fines~~s~~ damages collected for violations of the fish  
8       and game laws of this state, from appropriations, or  
9       received by the department from any other state source shall  
10      be turned over to the state treasurer and placed by him in  
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20 made available for the payment of all salaries, per diem,  
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22 the department under the terms of this title. Those moneys  
23 shall be spent for those purposes by the department, subject  
24 to appropriation by the legislature.

25 (3) Any reference to the fish and game fund in this

1 code means fish and game moneys in the earmarked revenue  
2 fund and federal and private revenue fund.  
3 (4) All money collected or received from fines and  
4 forfeited bonds relating to violations of state fish and  
5 game laws under Title 17 shall be deposited by the state  
6 treasurer and credited to the department of fish and game in  
7 an earmarked revenue fund account for this purpose. Out of  
8 any fine imposed by a court for the violation of the fish  
9 and game laws, the costs of prosecution shall be paid to the  
10 county where the trial was held in any case where the fine  
11 is not imposed in addition to the costs of prosecution.

-End-