HOUSE BILL NO. 102

INTRODUCED BY MANUEL

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

IN THE HOUSE

January 7, 1981	Introduced and referred to Committee on Fish and Game.
January 9, 1981	Fiscal note requested.
January 14, 1981	Fiscal note returned.
January 21, 1981	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
January 23, 1981	Second reading, do pass.
January 24, 1981	Correctly engrossed.
	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 26, 1981	Introduced and referred to Committee on State Administration.
March 25, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 27, 1981	Second reading, concurred in.
March 30, 1981	Third reading, concurred in as amended. Ayes, 49; Noes, 0.

IN THE HOUSE

March 31, 1981	Returned from Senate with amendments.
April 8, 1981	Second reading, amendments concurred in.
April 9, 1981	Third reading, amendments concurred in. Ayes, 92; Noes, 5. Sent to enrolling.
	Reported correctly enrolled.

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE STATUTORY AUTHORITY TO ESTABLISH A TRUST ACCOUNT FOR THE OPERATION, DEVELOPMENT, AND MAINTENANCE OF LANDS OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTION 87-1-601, MCA."

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 moneys. (1) All moneys 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 be turned over to the state treasurer and placed by him in the earmarked revenue fund to the credit of the department. Any moneys received from federal sources shall be deposited in the federal and private revenue fund to the credit of the department.

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

(3) Any reference to the fish and game fund in this code means fish and game moneys in the earmarked revenue fund and federal and private revenue fund.

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

(5) Money received by the department from the sale of surplus real property; exploration or development of oil, gas, or mineral deposits from lands acquired by the department; and from leases of interests in department real property not contemplated at the time of acquisition shall be deposited in the trust and legacy fund of the state treasury. This money and the interest derived therefrom may be used only for the purpose of operation, development, and

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maintenance of real property of the department. If the use of money as set forth herein would result in violation of applicable federal or state statues, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in such violation."

-End-

STATE OF MONTANA

REQUEST NO. 63-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 9, 19 81, there is hereby submitted a Fiscal Note for House Bill 102 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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:

An act to provide statutory authority to establish a trust account for the operation, development and maintenance of lands owned by the Department of Fish, Wildlife & Parks.

Assumptions:

Establishing and managing the trust and legacy account required in the proposed legislation could be absorbed without additional funds. The proposed legislation would not increase or decrease revenue or expenditures for the Department of Fish Wildlife & Parks. It would simply require the deposit of monies from the sale of surplus real property, leases and exploration and development fees into a trust legacy account rather than the hunting and fishing license earmarked revenue account. These monies would then be used only for operation, development, or maintenance of real property.

Fiscal Impact:

Exact future revenues to such a trust and legacy account are unknown. However, the Department of Fish, Wildlife & Parks currently has surplus lands of considerable value which may be sold during the next several years. Timber royalties as well as gas, oil and mineral leasing income may be available. Values of such surplus lands and mineral interests could range from $100,000 to $500,000 over the next several years, depending on the proceeds from the sale of such lands or mineral interests. Interest received would depend on current short-term interest rates available in the money markets.

Local Impact:

By providing a long-term source of funding for the operation, maintenance and development of department lands, the annual payments to counties "in lieu of taxes" on department owned lands would be assured.

Technical or Mechanical Defects or Conflicts with Existing Legislation:

The utilization of moneys from this account must be appropriated by the Legislature. Suggest such wording be included in the legislation.

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _____

Comments

It appears that the amendment will create an earmarked revenue account instead of a trust and legacy account. The amendment will allow the department to remove principle and interest for the purpose specified in the act.

Approved by Comm.
on Fish and Game

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operation, development, and maintenance of real property of the department, AND ONLY UPON APPROPRIATION BY THE LEGISLATURE. If the use of money as set forth herein would result in violation of applicable federal or state statues, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in such violation."

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THIRD READING

operations, development, and maintenance of real property of the department, AND ONLY UPON APPROPRIATION BY THE LEGISLATURE. If the use of money as set forth herein would result in violation of applicable federal or state statues, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in such violation."

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(5) Money received by the department from the sale of surplus real property; exploration or development of oil, gas, or mineral deposits from lands acquired by the department EXCEPT ROYALTIES OR OTHER COMPENSATION BASED ON PRODUCTION; and from leases of interests in department real property not contemplated at the time of acquisition shall be deposited in AN ACCOUNT WITHIN the trust and legacy fund of the state treasury. ~~This--money--and-the~~ THE interest

REFERENCE BILL

derived therefrom, BUT NOT THE PRINCIPAL, may be used only for the purpose of operation, development, and maintenance of real property of the department, AND ONLY UPON APPROPRIATION BY THE LEGISLATURE. If the use of money as set forth herein would result in violation of applicable federal LAWS or state ~~statues~~ STATUTES SPECIFICALLY NAMING THE DEPARTMENT OR MONEY RECEIVED BY THE DEPARTMENT, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in such violation."

-End-

March 25, 1981

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 102 be amended as follows:

1. Page 2, line 21
Following: "department" (the first on the line)
Insert: "except royalties or other compensation based on production"

2. Page 2, line 23.
Following: "in"
Insert: "an account within"

3. Page 3, line 4.
Following: "federal"
Insert: "laws"
Following: "state"
Strike: "statues"
Insert: "statutes specifically naming the department or money received by the department"