

HOUSE BILL NO. 789

2/11 Introduced
2/11 Referred to Fish & Game
2/11 Fiscal Note Requested
 On Motion Rereferred to AGH
2/13 Rereferred to Agriculture, Livestock & Irrig.
2/15 Hearing
2/16 Fiscal Note Received
Died in Committee

JOINT MEETING

1 HOUSE BILL NO. 789

2 INTRODUCED BY *Sharon* *Travis* *Seby* *Stark*

3 *Justin Jabro* *Ellison* *Abile* *David M. Hanson* *Anthony*

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE COST OF *NATH*

5 A WILDLIFE CONSERVATION LICENSE FROM \$2 TO \$4; APPORTIONING *Frederick*

6 \$2 OF THE LICENSE FEE TO BE DEPOSITED IN COUNTY NOXIOUS WEED *Ernest*

7 FUNDS IN DIRECT PROPORTION TO THE AREA OF EACH COUNTY;

8 AMENDING SECTIONS 7-22-2142, 87-1-601, 87-2-202, AND

9 87-2-204, MCA; AND PROVIDING AN EFFECTIVE DATE."

10

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

12 Section 1. Section 7-22-2142, MCA, is amended to read:

13 "7-22-2142. Sources of money for noxious weed fund.

14 (1) The board of county commissioners may create the noxious

15 weed fund by either:

16 (a) appropriating money from the general fund of the

17 county; or

18 (b) at any time fixed by law for levy and assessment

19 of taxes, levying a tax not exceeding 2 mills on the dollar

20 of total taxable valuation in such county.

21 (2) The proceeds of the tax shall be used solely for

22 the purpose of promoting the control of noxious weeds or

23 extermination of weed seed in said county and shall be

24 designated to the noxious weed fund.

25 (3) Any proceeds from work or chemical sales shall

1 revert to the noxious weed fund and shall be available for

2 reuse within the fiscal year.

3 (4) Money allocated to a county governing body under

4 87-2-204(2) from the sale of conservation licenses must be

5 deposited in the noxious weed fund."

6 Section 2. Section 87-1-601, MCA, is amended to read:

7 "87-1-601. Use of fish and game money. (1) All money

8 collected or received from the sale of hunting and fishing

9 licenses or permits, from the sale of seized game or hides,

10 or from damages collected for violations of the fish and

11 game laws of this state, from appropriations, or received by

12 the department from any other state source shall be turned

13 over to the state treasurer and placed by him in the state

14 special revenue fund to the credit of the department, except

15 as provided in 87-2-204. Any money received from federal

16 sources shall be deposited in the federal special revenue

17 fund to the credit of the department.

18 (2) That money shall be exclusively set apart and made

19 available for the payment of all salaries, per diem, fees,

20 expenses, and expenditures authorized to be made by the

21 department under the terms of this title. That money shall

22 be spent for those purposes by the department, subject to

23 appropriation by the legislature.

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

25 code means fish and game money in the state special revenue



1 fund and the federal special revenue fund.

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

12 (5) Money received by the department from the sale of
13 surplus real property; exploration or development of oil,
14 gas, or mineral deposits from lands acquired by the
15 department except royalties or other compensation based on
16 production; and from leases of interests in department real
17 property not contemplated at the time of acquisition shall
18 be deposited in an account within the nonexpendable trust
19 fund of the state treasury. The interest derived therefrom,
20 but not the principal, may be used only for the purpose of
21 operation, development, and maintenance of real property of
22 the department, and only upon appropriation by the
23 legislature. If the use of money as set forth herein would
24 result in violation of applicable federal laws or state
25 statutes specifically naming the department or money

1 received by the department, then the use of this money must
2 be limited in the manner, method, and amount to those uses
3 that do not result in such violation."

4 Section 3. Section 87-2-202, MCA, is amended to read:
5 "87-2-202. Application -- stamp attachment -- fee --
6 expiration. (1) A wildlife conservation license shall be
7 sold upon written application. The application shall contain
8 the applicant's name, age, occupation, place of residence,
9 post-office address, and length of time in the state of
10 Montana; state whether the applicant is a citizen of the
11 United States or an alien; and be subscribed by the
12 applicant. The applicant shall present a driver's license or
13 other identification to substantiate the information.

14 (2) Hunting, fishing, or trapping licenses in the form
15 of tags or stamps issued to a holder of a wildlife
16 conservation license must be affixed to or recorded on the
17 wildlife conservation license according to such rules as the
18 department may prescribe.

19 (3) Resident and nonresident wildlife conservation
20 licenses may be purchased for a fee of ~~\$2~~ \$4.

21 (4) Licenses issued shall be void after the last day
22 of February next succeeding their issuance."

23 Section 4. Section 87-2-204, MCA, is amended to read:
24 "87-2-204. Disposition of wildlife conservation
25 license fees. ~~The--fees~~ (1) Two dollars from the sale of

1 each wildlife conservation license shall be delivered to the
2 state treasurer and deposited by him in the state special
3 revenue fund to the credit of the department in accordance
4 with the provisions of 87-1-601.

5 (2) Two dollars from the sale of each wildlife
6 conservation license shall be delivered to the state
7 treasurer for redistribution to county governing bodies for
8 noxious weed control; these funds must be allocated to each
9 county governing body in direct proportion to the area of
10 the county."

11 NEW SECTION. Section 5. Extension of authority. Any
12 existing authority of the department of fish, wildlife, and
13 parks to make rules on the subject of the provisions of this
14 act is extended to the provisions of this act.

15 NEW SECTION. Section 6. Effective date. This act is
16 effective July 1, 1985.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 390-85

Form BD-15

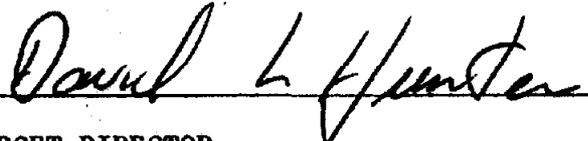
In compliance with a written request received February 11, 19 85, there is hereby submitted a Fiscal Note for House Bill 789 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

To increase the cost of a wildlife conservation license from \$2.00 to \$4.00; apportioning \$2.00 of the license fee to be deposited in county noxious weed funds in direct proportion to the area of each county.

ASSUMPTIONS:

1. The \$2.00 fee increase would be applied to the resident and nonresident conservation licenses, and the resident sportman's license and nonresident combination license.
2. The effective date of this Act is July 1, 1985.
3. The \$2.00 increase goes to the county Noxious Weed Fund.
4. The number of conservation licenses sold will increase 1.5% per year.
5. This proposal results in a "diversion of funds" as defined in Sections 87-1-701 and 87-1-708, MCA. The result would be a loss in all federal assistance under the Dingell-Johnson and Pittman-Robertson Acts.


BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 15, 1985

HB 789

FISCAL IMPACT:

	<u>FY 86</u>		<u>FY 87</u>	
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Current Law</u>	<u>Proposed Law</u>
Revenue:				
License Revenue	\$ 866,540	\$1,733,080	\$ 879,538	\$1,759,076
Federal Revenue	<u>4,300,000</u>	<u>-0-</u>	<u>4,300,000</u>	<u>-0-</u>
	\$5,166,540	\$1,733,080	\$5,179,538	\$1,759,076
Expenditures:				
Benefits & Claims	-0-	\$ 866,540	-0-	\$ 879,538
Earmarked Special Revenue	\$ 866,540	\$ 866,540	\$ 879,538	\$ 879,538
Federal & Private Special Revenue	4,300,000	-0-	4,300,000	-0-

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Increase revenue to the counties by approximately \$866,540 and \$879,538 in Fiscal Years 1986 and 1987.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

This proposal would generate approximately \$870,000 in revenue each year for the County Noxious Weed Fund and result in a loss of federal revenue to the state of \$4,300,000 per year.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

1. This proposal would necessitate a \$2.00 increase in the Sportman's license and Nonresident Combination license.
2. The effective date should be changed to 3/1/86 to coincide with the start of the next license year.
3. This proposal conflicts with the provisions of Section 87-1-701 and 87-1-708, MCA.