HOUSE BILL NO. 110

INTRODUCED BY HIBBARD, SWANSON BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

IN THE HOUSE

JANUARY 6, 1993

1.0

INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.

> COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

SECOND READING, DO PASS.

FIRST READING.

PRINTING REPORT.

- JANUARY 20, 1993
- JANUARY 21, 1993
- JANUARY 22, 1993
- JANUARY 23, 1993
- JANUARY 25, 1993

THIRD READING, PASSED. AYES, 95; NOES, 2.

ENGROSSING REPORT.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 27, 1993

INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.

FIRST READING.

MARCH 5, 1993 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 6, 1993 SECOND READING, CONCURRED IN.

MARCH 8, 1993 THIRD READING, CONCURRED IN. AYES, 42; NOES, 6.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0370/01

1	House BILL NO. 110
2	INTRODUCED BY Allow Seauger
3	BY REQUEST OF THE DEPARTMENT OF FISH,
4	WILDLIFE, AND PARKS
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
7	DEPARTMENT OF FISH, WILDLIFE, AND PARKS, RATHER THAN A
8	COURT, TO HOLD THE PROCEEDS FROM THE SALE OF SEIZED WILD
9	ANIMALS, GAME BIRDS, OR FISH WHEN A PROSECUTION IS PENDING;
10	AMENDING SECTION 87-1-513, MCA; AND PROVIDING AN EFFECTIVE
11	DATE."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 87-1-513, MCA, is amended to read:
15	"87-1-513. Disposition of proceeds of sale. The money
16	obtained upon the sale of such seized property shall must be
17	paid-over-to-the-court-before-whom retained and accounted
18	for by the department when the person having the same
19	property in possession at the time of seizure is prosecuted
20	or in-which when a prosecution of the person is pending;-and
21	$\pm f$. If the person charged with violation of the law is found
22	guilty beforesaid-court of or forfeits bond for violation
23	of the fish and game laws of the state, the money received
24	for the sale of said seized property shall must be paid over
25	to the state treasurer and be deposited by-him to the credit



of the fish and game fund;-but-should-it-be-found-that. If 1 2 the party from whom the same property was taken was is not found guilty of any violation of the fish and game laws of 3 4 this state, said the money shall must be paid to the party 5 from whom said the game birds, wild animals, fish, or parts or portions thereof were taken. No An officer shall--be is 6 7 not liable for any damage on account of any search, 8 examination, seizure, or sale as-herein-provided. Where When 9 wild animals, game birds, or fish are seized as provided in 10 this part provided and the person or persons who killed or captured the same wild animals, game birds, or fish cannot 11 12 be ascertained or where when the animals sold were killed 13 pursuant to 87-1-225, then the money so received from the 14 sale of such the wild animals, game birds, or fish shall 15 must be paid direct directly to the state treasurer. The 16 cost of advertising notice of sale, as herein required by 17 87-1-511, shall must be paid from the fish and game fund." NEW SECTION. Section 2. Effective date. [This act] is 18 19 effective July 1, 1993.

-End-





LC 0370/01 APPROVED BY COMM. ON FISH AND GAME

1	House BILL NO. 110
2	INTRODUCED BY Hilling Stranger
3	BY REQUEST OF THE DEPARTMENT OF FISH,
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9	ANIMALS, GAME BIRDS, OR FISH WHEN A PROSECUTION IS PENDING;
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11	DATE."

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

14 Section 1. Section 87-1-513, MCA, is amended to read: "87-1-513. Disposition of proceeds of sale. The money 15 16 obtained upon the sale of such seized property shall must be 17 paid-over-to-the-court-before-whom retained and accounted 18 for by the department when the person having the same 19 property in possession at the time of seizure is prosecuted 20 or in-which when a prosecution of the person is pending;-and 21 if. If the person charged with violation of the law is found 22 guilty before--said-court of or forfeits bond for violation 23 of the fish and game laws of the state, the money received 24 for the sale of said seized property shall must be paid over 25 to the state treasurer and be deposited by-him to the credit

1 of the fish and game fund;-but-should-it-be-found-that. If 2 the party from whom the same property was taken was is not found guilty of any violation of the fish and game laws of 3 4 this state, said the money shall must be paid to the party 5 from whom said the game birds, wild animals, fish, or parts or portions thereof were taken. No An officer shall--be is 6 7 not liable for any damage on account of any search, examination, seizure, or sale as-herein-provided. Where When 8 9 wild animals, game birds, or fish are seized as provided in 10 this part provided and the person or persons who killed or captured the same wild animals, game birds, or fish cannot 11 be ascertained or where when the animals sold were killed 12 13 pursuant to 87-1-225, then the money so received from the 14 sale of such the wild animals, game birds, or fish shall 15 must be paid direct directly to the state treasurer. The 16 cost of advertising notice of sale, as herein required by 17 87-1-511, shall must be paid from the fish and game fund." NEW SECTION. Section 2. Effective date. [This act] is 18

19 effective July 1, 1993.

-End-

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HB 110 SECOND READING

LC 0370/01

House BILL NO. 110 1 INTRODUCED BY 17 homes 2 Drawer, BY REQUEST OF THE DEPARTMENT OF FISH. 3 WILDLIFE, AND PARKS 5 A BILL FOR AN ACT ENTITLED: 6 "AN ACT REOUTRING THE 7 DEPARTMENT OF FISH, WILDLIFE, AND PARKS, RATHER THAN A 8 COURT. TO HOLD THE PROCEEDS FROM THE SALE OF SEIZED WILD 9 ANIMALS, GAME BIRDS, OR FISH WHEN A PROSECUTION IS PENDING; 10 AMENDING SECTION 87-1-513, MCA; AND PROVIDING AN EFFECTIVE 11 DATE." 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 Section 1. Section 87-1-513, MCA, is amended to read: 15 B7-1-513. Disposition of proceeds of sale. The money 16 obtained upon the sale of such seized property shall must be 17 paid-over-to-the-court-before-whom retained and accounted 18 for by the department when the person having the same 19 property in possession at the time of seizure is prosecuted 20 or in-which when a prosecution of the person is pending;-and 21 if. If the person charged with violation of the law is found 22 guilty before--said-court of or forfeits bond for violation 23 of the fish and game laws of the state, the money received 24 for the sale of said seized property shall must be paid over 25 to the state treasurer and be deposited by-him to the credit

of the fish and game fund;-but-should-it-be-found-that. If 1 2 the party from whom the same property was taken was is not found guilty of any violation of the fish and game laws of 3 this state, said the money shall must be paid to the party 4 from whom said the game birds, wild animals, fish, or parts 5 or portions thereof were taken. No An officer shall--be is 6 7 not liable for any damage on account of any search, 8 examination, seizure, or sale as-herein-provided. Where When 9 wild animals, game birds, or fish are seized as provided in this part provided and the person or persons who killed or 10 11 captured the same wild animals, game birds, or fish cannot 12 be ascertained or where when the animals sold were killed 13 pursuant to 87-1-225, then the money so received from the 14 sale of such the wild animals, game birds, or fish shall 15 must be paid direct directly to the state treasurer. The 16 cost of advertising notice of sale, as herein required by 17 87-1-511, shall must be paid from the fish and game fund." NEW SECTION. Section 2. Effective date. [This act] is 18 19 effective July 1, 1993.

-End-

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HB 110 THIRD READING

53rd Legislature

24

25

HB 0110/02

1 HOUSE BILL NO. 110 INTRODUCED BY HIBBARD, SWANSON 2 BY REQUEST OF THE DEPARTMENT OF FISH, 3 4 WILDLIFE, AND PARKS 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE 6 DEPARTMENT OF FISH, WILDLIFE, AND PARKS, RATHER THAN A 7 COURT. TO HOLD THE PROCEEDS FROM THE SALE OF SEIZED WILD 8 9 ANIMALS, GAME BIRDS, OR FISH WHEN A PROSECUTION IS PENDING; 10 AMENDING SECTION 87-1-513, MCA; AND PROVIDING AN EFFECTIVE DATE." 11 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 Section 1. Section 87-1-513, MCA, is amended to read: 15 ***87-1-513.** Disposition of proceeds of sale. The money 16 obtained upon the sale of such seized property shall must be paid-over-to-the-court-before-whom retained and accounted 17 for by the department when the person having the same 18 19 property in possession at the time of seizure is prosecuted 20 or in-which when a prosecution of the person is pending;-and 21 if. If the person charged with violation of the law is found guilty before--said-court of or forfeits bond for violation 22 23 of the fish and game laws of the state, the money received

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Nontana Legislative Council

1 of the fish and game fund; -but-should-it-be-found-that. If 2 the party from whom the same property was taken was is not found guilty of any violation of the fish and game laws of 3 this state, said the money shall must be paid to the party 4 from whom said the game birds, wild animals, fish, or parts 5 or portions thereof were taken. No An officer shall--be is 6 7 not liable for any damage on account of any search, examination, seizure, or sale as-herein-provided. Where When 8 wild animals, game birds, or fish are seized as provided in 9 this part provided and the person or persons who killed or 10 11 captured the same wild animals, game birds, or fish cannot 12 be ascertained or where when the animals sold were killed 13 pursuant to 87-1-225, then the money so received from the sale of such the wild animals, game birds, or fish shall 14 15 must be paid direct directly to the state treasurer. The cost of advertising notice of sale, as herein required by 16 87-1-511, shall must be paid from the fish and game fund." 17

18 <u>NEW SECTION.</u> Section 2. Effective date. [This act] is 19 effective July 1, 1993.

-End-

-2-

REFERENCE BILL