

HOUSE BILL NO. 655  
INTRODUCED BY SIMON, GROSFIELD

IN THE HOUSE

FEBRUARY 24, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 22, 1993	PRINTING REPORT.
MARCH 23, 1993	SECOND READING, DO PASS.
MARCH 24, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 96; NOES, 4.
MARCH 25, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 26, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
APRIL 5, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 6, 1993	SECOND READING, CONCURRED IN AS AMENDED.
APRIL 7, 1993	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 14, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 15, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *655*  
 2 INTRODUCED BY *James Gustafson*  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT \$1  
 5 MILLION OF FEDERAL DINGELL-JOHNSON MONEY BE DEPOSITED  
 6 ANNUALLY IN THE RIVER RESTORATION ACCOUNT; AND AMENDING  
 7 SECTIONS 87-1-258 AND 87-1-601, MCA."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 87-1-258, MCA, is amended to read:

11 "87-1-258. River restoration account. (1) There is a  
 12 river restoration special revenue account administered by  
 13 the department within the state special revenue fund  
 14 established in 17-2-102.

15 (2) There must be deposited in the account:

16 (a) all proceeds earmarked for this account under  
 17 87-2-301, 87-2-302, and 87-2-711; and

18 (b) \$1 million annually of federal Dingell-Johnson  
 19 money provided to the state pursuant to 87-1-701; and

20 ~~(b)~~(c) money received by the department in the form of  
 21 gifts, grants, reimbursements, or appropriations from any  
 22 source intended to be used for the purposes of this account.

23 (3) The department may spend funds in the account only  
 24 to carry out the program provided for in 87-1-257."

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

1 "87-1-601. Use of fish and game money. (1) (a) Except  
 2 as provided in subsection (7), all money collected or  
 3 received from the sale of hunting and fishing licenses or  
 4 permits, from the sale of seized game or hides, or from  
 5 damages collected for violations of the fish and game laws  
 6 of this state, from appropriations, or received by the  
 7 department from any other state source must be turned over  
 8 to the state treasurer and placed by--him in the state  
 9 special revenue fund to the credit of the department.

10 (b) Except for \$1 million annually of federal  
 11 Dingell-Johnson money that must be deposited in the account  
 12 specified in 87-1-258, Any any money received from federal  
 13 sources must be deposited in the federal special revenue  
 14 fund to the credit of the department.

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

18 (i) the general license account;

19 (ii) the license drawing account;

20 (iii) accounts established to administer the provisions  
 21 of 87-1-246, 87-1-258, 87-1-605, 87-2-412, 87-2-722, and  
 22 87-2-724; and

23 (iv) money received from the sale of any other hunting  
 24 and fishing license.

25 (2) That money must be exclusively set apart and made

1 available for the payment of all salaries, per diem, fees,  
2 expenses, and expenditures authorized to be made by the  
3 department under the terms of this title. That money must be  
4 spent for those purposes by the department, subject to  
5 appropriation by the legislature.

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

9 (4) Except as provided in subsection (7), all money  
10 collected or received from fines and forfeited bonds, except  
11 money collected or received by a justice's court, relating  
12 to violations of state fish and game laws under Title 87  
13 must be deposited by the state treasurer and credited to the  
14 department in a state special revenue fund account for this  
15 purpose. Out of any fine imposed by a court for the  
16 violation of the fish and game laws, the costs of  
17 prosecution must be paid to the county where the trial was  
18 held in any case in which the fine is not imposed in  
19 addition to the costs of prosecution.

20 (5) Money received by the department from the sale of  
21 surplus real property; exploration or development of oil,  
22 gas, or mineral deposits from lands acquired by the  
23 department except royalties or other compensation based on  
24 production; and from leases of interests in department real  
25 property not contemplated at the time of acquisition must be

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

12 (6) Money received from the collection of license  
13 drawing applications is not subject to the deposit  
14 requirements of 17-6-105. The department shall deposit  
15 license drawing application money within a reasonable time  
16 after receipt.

17 (7) Money collected or received from fines or forfeited  
18 bonds for the violation of 77-1-801, 77-1-806, or rules  
19 adopted under 77-1-804 must be deposited as follows:

20 (a) 50% in an account for use by the department for the  
21 enforcement of 77-1-801, 77-1-806, and rules adopted under  
22 77-1-804; and

23 (b) 50% in the state lands recreational use account  
24 established by 77-1-808 for use by the department of state  
25 lands in the management of state lands."

-End-

-4-

APPROVED BY COMMITTEE  
ON APPROPRIATIONS

HOUSE BILL NO. 655

INTRODUCED BY SIMON, GROSFIELD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING--THAT--\$1  
MILLION APPROPRIATING \$200,000 OF FEDERAL DINGELL-JOHNSON  
MONEY BE DEPOSITED ANNUALLY IN FOR THE RIVER RESTORATION  
ACCOUNT;--AND--AMENDING--SECTIONS 87-1-258 AND 87-1-601;--MEA  
PROGRAM."

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

**Section 1.**--Section 87-1-258;--MEA;--is amended to read:--

"87-1-258.--River restoration account.--(1)--There is--a  
river--restoration--special--revenue account administered by  
the--department--within--the--state--special--revenue--fund  
established in 17-2-102;

(2)--There must be deposited in the account;

(a)--all--proceeds--earmarked--for--this--account--under  
87-2-301;--87-2-302;--and 87-2-711;--and

(b)--\$1--million--annually--of--federal--Dingell-Johnson  
money provided to the state pursuant to 87-1-701;--and

(b)(c)--money--received by the department in the form of  
gifts;--grants;--reimbursements;--or--appropriations--from--any  
source intended to be used for the purposes of this account;

(3)--The--department may spend funds in the account only  
to carry out the program provided for in 87-1-257;"

**Section 2.**--Section 87-1-601;--MEA;--is amended to read:--

"87-1-601.--Use of fish and game money.--(1)--(a)--Except  
as--provided--in--subsection--(7);--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 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)--Except for \$1 million annually of federal  
Dingell-Johnson money that must be deposited in the account  
specified in 87-1-258, Any any money received from federal  
sources 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  
and fishing license;

{2}--That--money--must--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--That--money--must--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--money--in--the--state--special--revenue fund--and--the--federal--special--revenue--fund;

{4}--Except--as--provided--in--subsection--(7),--all--money collected--or--received--from--fines--and--forfeited--bonds,--except money--collected--or--received--by--a--justice's--court,--relating to--violations--of--state--fish--and--game--laws--under--Title--87 must--be--deposited--by--the--state--treasurer--and--credited--to--the department--in--a--state--special--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--must--be--paid--to--the--county--where--the--trial--was held--in--any--case--in--which--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--except--royalties--or--other--compensation--based--on production,--and--from--leases--of--interests--in--department--real

property--not--contemplated--at--the--time--of--acquisition--must--be deposited--in--an--account--within--the--nonexpendable--trust--fund of--the--state--treasury--The--interest--derived--from--the--fund, 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--in--this section--would--result--in--violation--of--applicable--federal--laws or--state--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--a--violation;

{6}--Money--received--from--the--collection--of--license drawing--applications--is--not--subject--to--the--deposit requirements--of--17-6-105--The--department--shall--deposit license--drawing--application--money--within--a--reasonable--time after--receipt;

{7}--Money--collected--or--received--from--fines--or--forfeited bonds--for--the--violation--of--77-1-8017--77-1-8067--or--rules adopted--under--77-1-804--must--be--deposited--as--follows:

{a}--50%--in--an--account--for--use--by--the--department--for--the enforcement--of--77-1-8017,--77-1-8067,--and--rules--adopted--under 77-1-804;--and

{b}--50%--in--the--state--lands--recreational--use--account established--by--77-1-808--for--use--by--the--department--of--state

1 ~~lands-in-the-management-of-state-lands-\*~~

2       NEW SECTION. **SECTION 1.** APPROPRIATION.       THERE       IS  
3 APPROPRIATED FROM FEDERAL DINGELL-JOHNSON MONEY TO THE  
4 DEPARTMENT OF FISH, WILDLIFE, AND PARKS THE AMOUNT OF  
5 \$200,000 FOR THE BIENNIUM ENDING JULY 1, 1995, TO BE USED IN  
6 THE RIVER RESTORATION PROGRAM PROVIDED FOR IN 87-1-257.

-End-

## HOUSE BILL NO. 655

INTRODUCED BY SIMON, GROSFIELD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING--THAT--\$1  
MILLION APPROPRIATING \$200,000 OF FEDERAL DINGELL-JOHNSON  
MONEY BE DEPOSITED ANNUALLY IN FOR THE RIVER RESTORATION  
ACCOUNT,--AND--AMENDING--SECTIONS 87-1-258 AND 87-1-601, MCA  
PROGRAM."

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

**Section 1.**--Section 87-1-258, MCA, is amended to read:--

"87-1-258. River restoration account. (1) There is a  
river restoration special revenue account administered by  
the department within the state special revenue fund  
established in 17-2-102.

(2) There must be deposited in the account:

(a) all proceeds earmarked for this account under  
87-2-301, 87-2-302, and 87-2-711, and

(b) \$1 million annually of federal Dingell-Johnson  
money provided to the state pursuant to 87-1-701, and

(b)(c) money received by the department in the form of  
gifts, grants, reimbursements, or appropriations from any  
source intended to be used for the purposes of this account.

(3) The department may spend funds in the account only  
to carry out the program provided for in 87-1-257."

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

"87-1-601. Use of fish and game money. (1) (a) Except  
as provided in subsection (7), 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 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) Except for \$1 million annually of federal  
Dingell-Johnson money that must be deposited in the account  
specified in 87-1-258, Any any money received from federal  
sources 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  
and fishing license.



(2) That money must 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. That money must 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 money in the state special revenue fund and the federal special revenue fund.

(4) Except as provided in subsection (7), all money collected or received from fines and forfeited bonds, except money collected or received by a justice's court, relating to violations of state fish and game laws under Title 87 must be deposited by the state treasurer and credited to the department in a state special 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 must be paid to the county where the trial was held in any case in which 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 except royalties or other compensation based on production, and from leases of interests in department real

property not contemplated at the time of acquisition must be deposited in an account within the nonexpendable trust fund of the state treasury. The interest derived from the fund, 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 in this section would result in violation of applicable federal laws or state 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 a violation.

(6) Money received from the collection of license drawing applications is not subject to the deposit requirements of 17-6-105. The department shall deposit license drawing application money within a reasonable time after receipt.

(7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or rules adopted under 77-1-804 must be deposited as follows:

(a) 50% in an account for use by the department for the enforcement of 77-1-801, 77-1-806, and rules adopted under 77-1-804; and

(b) 50% in the state lands recreational use account established by 77-1-800 for use by the department of state

1 ~~lands-in-the-management-of-state-lands."~~

2 NEW SECTION. SECTION 1. APPROPRIATION. THERE IS  
3 APPROPRIATED FROM FEDERAL DINGELL-JOHNSON MONEY TO THE  
4 DEPARTMENT OF FISH, WILDLIFE, AND PARKS THE AMOUNT OF  
5 \$200,000 FOR THE BIENNIUM ENDING JULY 1, 1995, TO BE USED IN  
6 THE RIVER RESTORATION PROGRAM PROVIDED FOR IN 87-1-257.

-End-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 6, 1993 1:51 pm

Mr. Chairman: I move to amend House Bill No. 655 (third reading copy -- blue).

ADOPT

REJECT

Signed: Lorents Grosfield  
Senator Lorents Grosfield

That such amendments read:

1. Page 5, line 5.  
Following: "ENDING"  
Strike: "JULY 1"  
Insert: "June 30"

-END-

SENATE

HB 655

r771350CW Sma

M-Amd. Coord.

## HOUSE BILL NO. 655

INTRODUCED BY SIMON, GROSFIELD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING--THAT--\$1  
MILLION APPROPRIATING \$200,000 OF FEDERAL DINGELL-JOHNSON  
MONEY BE DEPOSITED ANNUALLY IN FOR THE RIVER RESTORATION  
ACCOUNT,--AND--AMENDING--SECTIONS 87-1-258-AND-87-1-601-MCA  
PROGRAM."

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

**Section 1.**--Section 87-1-258, MCA, is amended to read:--

"87-1-258. River restoration account. (1) There is a  
river restoration special revenue account administered by  
the department within the state special revenue fund  
established in 17-2-102.

(2) There must be deposited in the account:

(a) all proceeds earmarked for this account under  
87-2-301, 87-2-302, and 87-2-711; and

(b) \$1 million annually of federal Dingell-Johnson  
money provided to the state pursuant to 87-1-701; and

(b)(c) money received by the department in the form of  
gifts, grants, reimbursements, or appropriations from any  
source intended to be used for the purposes of this account.

(3) The department may spend funds in the account only  
to carry out the program provided for in 87-1-257."

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

"87-1-601. Use of fish and game money. (1) (a) Except  
as provided in subsection (7), 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 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) Except for \$1 million annually of federal  
Dingell-Johnson money that must be deposited in the account  
specified in 87-1-258, Any any money received from federal  
sources 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  
and fishing license.

1 {2}--That--money--must-be-exclusively-set-apart-and-made  
2 available-for-the-payment-of-all-salaries,per-diem,fees,  
3 expenses,--and--expenditures--authorized--to--be-made-by-the  
4 department-under-the-terms-of-this-title,--That-money-must-be  
5 spent-for-those--purposes--by--the--department,--subject--to  
6 appropriation-by-the-legislature.

7 {3}--Any--reference--to--the--fish-and-game-fund-in-this  
8 code-means-fish-and-game-money-in-the-state-special--revenue  
9 fund-and-the-federal-special-revenue-fund.

10 {4}--Except--as--provided--in--subsection-{7},all-money  
11 collected-or-received-from-fines-and-forfeited-bonds,except  
12 money-collected-or-received-by-a-justice's--court,--relating  
13 to--violations--of--state--fish-and-game-laws-under-Title-87  
14 must-be-deposited-by-the-state-treasurer-and-credited-to-the  
15 department-in-a-state-special-revenue-fund-account-for--this  
16 purpose,--Out--of--any--fine--imposed--by--a--court--for-the  
17 violation--of--the--fish--and--game--laws,--the--costs--of  
18 prosecution--must--be-paid-to-the-county-where-the-trial-was  
19 held-in-any-case--in--which--the--fine--is--not--imposed--in  
20 addition-to-the-costs-of-prosecution.

21 {5}--Money--received--by-the-department-from-the-sale-of  
22 surplus-real-property,exploration-or--development--of--oil,  
23 gas,--or--mineral--deposits--from--lands--acquired--by--the  
24 department-except-royalties-or-other-compensation--based--on  
25 production,--and-from-leases-of-interests-in-department-real

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

13 {6}--Money--received--from--the--collection--of--license  
14 drawing--applications--is--not--subject--to--the--deposit  
15 requirements--of--17-6-105,--The--department--shall--deposit  
16 license--drawing--application-money-within-a-reasonable-time  
17 after-receipt.

18 {7}--Money-collected-or-received-from-fines-or-forfeited  
19 bonds-for-the-violation--of--77-1-801,--77-1-806,--or--rules  
20 adopted-under-77-1-804-must-be-deposited-as-follows:

21 {a)--50%--in-an-account-for-use-by-the-department-for-the  
22 enforcement--of--77-1-801,77-1-806,--and-rules-adopted-under  
23 77-1-804,--and

24 {b)--50%--in-the-state--lands--recreational--use--account  
25 established--by--77-1-800-for-use-by-the-department-of-state

1 ~~lands-in-the-management-of-state-lands."~~

2       NEW SECTION. **SECTION 1.** APPROPRIATION.       THERE       IS  
3 APPROPRIATED FROM FEDERAL DINGELL-JOHNSON MONEY TO THE  
4 DEPARTMENT OF FISH, WILDLIFE, AND PARKS THE AMOUNT OF  
5 \$200,000 FOR THE BIENNIUM ENDING ~~JULY-1~~ JUNE 30, 1995, TO BE  
6 USED IN THE RIVER RESTORATION PROGRAM PROVIDED FOR IN  
7 87-1-257.

-End-