

SENATE BILL NO. 42

INTRODUCED BY BISHOP

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

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, UNDER CERTAIN CIRCUMSTANCES, TO CONVEY DEPARTMENT INTERESTS IN LANDS AND WATERS THROUGH DIRECT SALES RATHER THAN THROUGH A BIDDING PROCESS; ALLOWING THE DEPARTMENT TO EXCHANGE INTERESTS IN REAL PROPERTY THAT ARE NO LONGER NECESSARY FOR DEPARTMENT PROGRAMS FOR INTERESTS IN REAL PROPERTY THAT ARE SUITABLE FOR DEPARTMENT PURPOSES AND PROGRAMS; ALLOWING THE DEPARTMENT TO USE MONEY FROM THE SALE OF SURPLUS REAL PROPERTY TO ACQUIRE OTHER REAL PROPERTY SUITABLE FOR DEPARTMENT PURPOSES AND PROGRAMS, SUBJECT TO LEGISLATIVE APPROPRIATION; AND AMENDING SECTIONS 87-1-209 AND 87-1-601, MCA."

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

Section 1. Section 87-1-209, MCA, is amended to read:

"87-1-209. Acquisition, and sale, and exchange of lands or waters. (1) The department, with the consent of the commission and, in the case of land acquisition involving more than 100 acres or \$100,000 in value, the approval of the board of land commissioners, may acquire by purchase, lease, agreement, gift, or devise and may acquire easements upon lands or waters for the purposes listed in this subsection. The department may develop, operate, and maintain acquired lands or waters:

- (a) for fish hatcheries, nursery ponds, or game farms;
- (b) as lands or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection;
- (c) for public hunting, fishing, or trapping areas;
- (d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or fur-bearing animals needed for propagation or stocking purposes or to exercise control measures of undesirable species;
- (e) for state parks and outdoor recreation;

1 (f) to extend and consolidate by exchange, lands or waters suitable for these purposes.

2 (2) The department, with the consent of the commission, may acquire by condemnation lands or
3 structures for the preservation of historical or archaeological sites that are threatened with destruction or
4 alteration.

5 (3) (a) The department, with the consent of the commission, may dispose of lands and waters
6 acquired by it on those terms after public notice as required by subsection (3)(b), without regard to other
7 laws that provide for sale or disposal of state lands and with or without reservation, as it considers
8 necessary and advisable. The department, with the consent of the commission, may convey department
9 lands and waters for full market value to other governmental entities without regard to the requirements
10 of subsection (3)(b) or (3)(c) and may convey department lands and waters for full market value to other
11 persons without regard to the requirements of subsection (3)(b) or (3)(c) if the land is less than 10 acres
12 or if the full market value of the interest to be conveyed is less than \$20,000.

13 (b) Notice of sale describing the lands or waters to be disposed of must be published once a week
14 for 3 successive weeks in a newspaper with general circulation printed and published in the county where
15 the lands or waters are situated or, if ~~no~~ a newspaper is not published in that county, then in any
16 newspaper with general circulation in that county.

17 (c) The notice must advertise for cash bids to be presented to the director within 60 days from the
18 date of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an
19 amount equal to 10% of the amount bid. The highest bid must be accepted upon payment of the balance
20 due within 10 days after mailing notice by certified mail to the highest bidder. If that bidder defaults on
21 payment of the balance due, then the next highest bidders must be similarly notified in succession until a
22 sale is completed. Deposits must be returned to the unsuccessful bidders except bidders defaulting after
23 notification.

24 (d) The department shall reserve the right to reject any bids that do not equal or exceed the full
25 market value of the lands and waters as determined by the department. If the department does not receive
26 a bid that equals or exceeds fair market value, it may then sell the lands or waters at private sale. The price
27 accepted on any private sale must exceed the highest bid rejected in the bid process.

28 (4) The department shall convey ~~the~~ lands and waters without covenants of warranty by deed
29 executed by the governor or in the governor's absence or disability by the lieutenant governor, attested by
30 the secretary of state and further countersigned by the director.

1 ~~4~~(5) The department, with the consent of the commission, is authorized to utilize the installment
 2 contract method to facilitate the acquisition of wildlife management areas in which game and nongame
 3 fur-bearing animals and game and nongame birds may breed and replenish and areas that provide access
 4 to fishing sites for the public. ~~In no case may the~~ The total cost of each installment contracts may not
 5 exceed the cost of purchases authorized by the department and appropriated by the legislature.

6 ~~5~~(6) The department is authorized to enter into leases of land under its control in exchange for
 7 services to be provided by the lessee on the leased land.

8 (7) The department, with the consent of the commission, may determine that an interest in real
 9 property, however acquired by the department, is no longer necessary for the purposes and programs of
 10 the department and may then exchange the interest, either as entire or partial consideration, for any other
 11 interest in real property that is suitable for the department's purposes and programs. The department, with
 12 the consent of the commission, may establish the manner, terms, and conditions of the exchange. If the
 13 interest acquired by the department in exchange involves more than 100 acres or \$100,000 in value, the
 14 exchange must be approved by the board of land commissioners."

15
 16 **Section 2.** Section 87-1-601, MCA, is amended to read:

17 "87-1-601. **Use of fish and game money.** (1) (a) Except as provided in subsection (7), all money
 18 collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game
 19 or hides, from damages collected for violations of the fish and game laws of this state, from appropriations,
 20 or received by the department from any other state source must be turned over to the state treasurer and
 21 placed in the state special revenue fund to the credit of the department.

22 (b) Any money received from federal sources must be deposited in the federal special revenue fund
 23 to the credit of the department.

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

26 (i) the general license account;

27 (ii) the license drawing account;

28 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-412,
 29 87-2-722, and 87-2-724; and

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

1 (2) The money described in subsection (1) must be exclusively set apart and made available for
2 the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the
3 department under the terms of this title. The money described in subsection (1) must be spent for those
4 purposes by the department, subject to appropriation by the legislature.

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

7 (4) Except as provided in subsections (7) and (8), all money collected or received from fines and
8 forfeited bonds, except money collected or received by a justice's court, that relates to violations of state
9 fish and game laws under Title 87 must be deposited by the state treasurer and credited to the department
10 in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the
11 violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was
12 held in any case in which the fine is not imposed in addition to the costs of prosecution.

13 (5) ~~Money Subject to appropriation by the legislature, money~~ received by the department from the
14 sale of surplus real property; ~~may be used by the department to acquire other real property suitable for the~~
15 ~~department's purposes and programs. Money received~~ from exploration or development of oil, gas, or
16 mineral deposits from lands acquired by the department except royalties or other compensation based on
17 production; and from leases of interests in department real property not contemplated at the time of
18 acquisition must be deposited in an account within the nonexpendable trust fund of the state treasury. The
19 interest derived from the fund, but not the principal, may be used only for the purpose of operation,
20 development, and maintenance of real property of the department, and only upon appropriation by the
21 legislature. If the use of money as set forth in this section would result in violation of applicable federal
22 laws or state statutes specifically naming the department or money received by the department, then the
23 use of this money must be limited in the manner, method, and amount to those uses that do not result in
24 a violation.

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

28 (7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801,
29 77-1-806, or rules adopted under 77-1-804 must be deposited as follows:

30 (a) 50% in an account for use by the department for the enforcement of 77-1-801, 77-1-806, and

1 rules adopted under 77-1-804; and

2 (b) 50% in the state lands recreational use account established by 77-1-808 for use by the
3 department of natural resources and conservation in the management of state lands.

4 (8) ~~After July 1, 1995, the~~ The state treasurer shall deposit in the state general fund one-half of
5 the money received from the fines pursuant to 87-1-102."

6 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0042, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing the Department of Fish, Wildlife & Parks under certain circumstances to convey department interests in lands and waters through direct sales rather than through a bidding process; allowing the department to exchange interests in real property that are no longer necessary for department programs for interests in real property that are suitable for department purposes and programs; allowing the department to use money from the sale of surplus real property to acquire other real property suitable for department purposes and programs, subject to legislative appropriation.

ASSUMPTIONS:

1. There will be three sales per year (most likely to adjoining landowners to resolve boundary and access disputes) below the threshold levels established by the proposed legislation. Each sale by public auction costs \$3,500. Each sale without public auction costs \$1,500.
2. There will be one exchange of interest in real property each year, either as entire or partial consideration, for a conservation easement interest in other real property more suitable for the department purposes and programs. These exchanges will result in an undetermined reduction in operations costs for management obligations associated with fee title ownership.
3. There will be one sale per year of fee title (possibly burdened with a conservation easement) real property above the threshold level established by the proposed legislation. The proceeds for the sale could be utilized to acquire conservation easements on other lands meeting the criteria for the department purposes and programs, subject to legislative appropriation. These sales will result in an undetermined reduction in operations costs for management obligations associated with fee title ownership.

FISCAL IMPACT:

Expenditures:

Operating

FY98
Difference
6,000

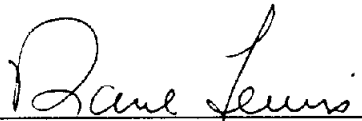
FY99
Difference
6,000


Funding:

State Special Revenue (02)

6,000

6,000

 1-7-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1-9-97
AL BISHOP, PRIMARY SPONSOR DATE

Fiscal Note for SB0042, as introduced

SB 42

APPROVED BY COM ON
STATE ADMINISTRATION

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2 INTRODUCED BY BISHOP

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6 PARKS, UNDER CERTAIN CIRCUMSTANCES, TO CONVEY DEPARTMENT INTERESTS IN LANDS AND
7 WATERS THROUGH DIRECT SALES RATHER THAN THROUGH A BIDDING PROCESS; ~~ALLOWING THE~~
8 ~~DEPARTMENT TO EXCHANGE INTERESTS IN REAL PROPERTY THAT ARE NO LONGER NECESSARY FOR~~
9 ~~DEPARTMENT PROGRAMS FOR INTERESTS IN REAL PROPERTY THAT ARE SUITABLE FOR DEPARTMENT~~
10 ~~PURPOSES AND PROGRAMS; ALLOWING THE DEPARTMENT TO USE MONEY FROM THE SALE OF~~
11 ~~SURPLUS REAL PROPERTY TO ACQUIRE OTHER REAL PROPERTY SUITABLE FOR DEPARTMENT~~
12 ~~PURPOSES AND PROGRAMS, SUBJECT TO LEGISLATIVE APPROPRIATION; AND AMENDING SECTIONS~~
13 SECTION 87-1-209 AND 87-1-604, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 **Section 1.** Section 87-1-209, MCA, is amended to read:

18 **"87-1-209. Acquisition, and AND sale, and exchange of lands or waters.** (1) The department, with
19 the consent of the commission and, in the case of land acquisition involving more than 100 acres or
20 \$100,000 in value, the approval of the board of land commissioners, may acquire by purchase, lease,
21 agreement, gift, or devise and may acquire easements upon lands or waters for the purposes listed in this
22 subsection. The department may develop, operate, and maintain acquired lands or waters:

- 23 (a) for fish hatcheries, nursery ponds, or game farms;
- 24 (b) as lands or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation,
25 or protection;
- 26 (c) for public hunting, fishing, or trapping areas;
- 27 (d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or
28 fur-bearing animals needed for propagation or stocking purposes or to exercise control measures of
29 undesirable species;
- 30 (e) for state parks and outdoor recreation;

1 (f) to extend and consolidate by exchange, lands or waters suitable for these purposes.

2 (2) The department, with the consent of the commission, may acquire by condemnation lands or
3 structures for the preservation of historical or archaeological sites that are threatened with destruction or
4 alteration.

5 (3) (a) The department, with the consent of the commission, may dispose of lands and waters
6 acquired by it on those terms after public notice as required by subsection (3)(b), without regard to other
7 laws that provide for sale or disposal of state lands and with or without reservation, as it considers
8 necessary and advisable. The department, with the consent of the commission, may convey department
9 lands and waters for full market value to other governmental entities without regard to the requirements
10 of subsection (3)(b) or (3)(c) and may convey department lands and waters for full market value to other
11 persons without regard to the requirements of subsection (3)(b) or (3)(c) if the land is less than 10 acres
12 or if the full market value of the interest to be conveyed is less than \$20,000. WHEN THE DEPARTMENT
13 CONVEYS LAND OR WATER TO ANOTHER GOVERNMENTAL ENTITY PURSUANT TO THIS SUBSECTION,
14 THE DEPARTMENT, IN ADDITION TO GIVING NOTICE PURSUANT TO SUBSECTION (3)(B), SHALL GIVE
15 NOTICE BY MAIL TO THE LANDOWNERS WHOSE PROPERTY ADJOINS THE DEPARTMENT PROPERTY
16 BEING CONVEYED.

17 (b) Notice of sale describing the lands or waters to be disposed of must be published once a week
18 for 3 successive weeks in a newspaper with general circulation printed and published in the county where
19 the lands or waters are situated or, if ~~no~~ a newspaper is not published in that county, then in any
20 newspaper with general circulation in that county.

21 (c) The notice must advertise for cash bids to be presented to the director within 60 days from the
22 date of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an
23 amount equal to 10% of the amount bid. The highest bid must be accepted upon payment of the balance
24 due within 10 days after mailing notice by certified mail to the highest bidder. If that bidder defaults on
25 payment of the balance due, then the next highest bidders must be similarly notified in succession until a
26 sale is completed. Deposits must be returned to the unsuccessful bidders except bidders defaulting after
27 notification.

28 (d) The department shall reserve the right to reject any bids that do not equal or exceed the full
29 market value of the lands and waters as determined by the department. If the department does not receive
30 a bid that equals or exceeds fair market value, it may then sell the lands or waters at private sale. The price

1 accepted on any private sale must exceed the highest bid rejected in the bid process.

2 ~~(4)~~ The department shall convey the lands and waters without covenants of warranty by deed
3 executed by the governor or in the governor's absence or disability by the lieutenant governor, attested by
4 the secretary of state and further countersigned by the director.

5 ~~(4)(5)~~ The department, with the consent of the commission, is authorized to utilize the installment
6 contract method to facilitate the acquisition of wildlife management areas in which game and nongame
7 fur-bearing animals and game and nongame birds may breed and replenish and areas that provide access
8 to fishing sites for the public. ~~In no case may the~~ The total cost of ~~such~~ installment contracts may not
9 exceed the cost of purchases authorized by the department and appropriated by the legislature.

10 ~~(5)(6)~~ The department is authorized to enter into leases of land under its control in exchange for
11 services to be provided by the lessee on the leased land.

12 ~~(7) The department, with the consent of the commission, may determine that an interest in real~~
13 ~~property, however acquired by the department, is no longer necessary for the purposes and programs of~~
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17 ~~interest acquired by the department in exchange involves more than 100 acres or \$100,000 in value, the~~
18 ~~exchange must be approved by the board of land commissioners."~~

19

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

21 ~~"87-1-601. Use of fish and game money. (1) (a) Except as provided in subsection (7), all money~~
22 ~~collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game~~
23 ~~or hides, from damages collected for violations of the fish and game laws of this state, from appropriations,~~
24 ~~or received by the department from any other state source must be turned over to the state treasurer and~~
25 ~~placed in the state special revenue fund to the credit of the department.~~

26 ~~(b) Any money received from federal sources must be deposited in the federal special revenue fund~~
27 ~~to the credit of the department.~~

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

30 ~~(i) the general license account;~~

1 ~~(ii) the license drawing account;~~

2 ~~(iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-412,~~
3 ~~87-2-722, and 87-2-724; and~~

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

5 ~~(2) The money described in subsection (1) must be exclusively set apart and made available for~~
6 ~~the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the~~
7 ~~department under the terms of this title. The money described in subsection (1) must be spent for those~~
8 ~~purposes by the department, subject to appropriation by the legislature.~~

9 ~~(3) Any reference to the fish and game fund in this code means fish and game money in the state~~
10 ~~special revenue fund and the federal special revenue fund.~~

11 ~~(4) Except as provided in subsections (7) and (8), all money collected or received from fines and~~
12 ~~forfeited bonds, except money collected or received by a justice's court, that relates to violations of state~~
13 ~~fish and game laws under Title 87 must be deposited by the state treasurer and credited to the department~~
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4 ~~(a) 50% in an account for use by the department for the enforcement of 77-1-801, 77-1-806, and~~
5 ~~rules adopted under 77-1-804; and~~

6 ~~(b) 50% in the state lands recreational use account established by 77-1-808 for use by the~~
7 ~~department of natural resources and conservation in the management of state lands.~~

8 ~~(8) After July 1, 1995, the The state treasurer shall deposit in the state general fund one half of~~
9 ~~the money received from the fines pursuant to 87-1-102."~~

10
11 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND
12 APPROVAL.

13 -END-

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**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE
REPRINTED. PLEASE REFER TO SECOND READING COPY
(YELLOW) FOR COMPLETE TEXT.**

APPROVED BY COM ON FISH,
WILDLIFE & PARKS

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13 CONVEYS LAND OR WATER TO ANOTHER GOVERNMENTAL ENTITY PURSUANT TO THIS SUBSECTION,
14 THE DEPARTMENT, IN ADDITION TO GIVING NOTICE PURSUANT TO SUBSECTION (3)(B), SHALL GIVE
15 NOTICE BY MAIL TO THE LANDOWNERS WHOSE PROPERTY ADJOINS THE DEPARTMENT PROPERTY
16 BEING CONVEYED.

17 (b) Notice of sale describing the lands or waters to be disposed of must be published once a week
18 for 3 successive weeks in a newspaper with general circulation printed and published in the county where
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21 (c) The notice must advertise for cash bids to be presented to the director within 60 days from the
22 date of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an
23 amount equal to 10% of the amount bid. The highest bid must be accepted upon payment of the balance
24 due within 10 days after mailing notice by certified mail to the highest bidder. If that bidder defaults on
25 payment of the balance due, then the next highest bidders must be similarly notified in succession until a
26 sale is completed. Deposits must be returned to the unsuccessful bidders except bidders defaulting after
27 notification.

28 (d) The department shall reserve the right to reject any bids that do not equal or exceed the full
29 market value of the lands and waters as determined by the department. If the department does not receive
30 a bid that equals or exceeds fair market value, it may then sell the lands or waters at private sale. The price

1 accepted on any private sale must exceed the highest bid rejected in the bid process.

2 ~~(4)~~ The department shall convey ~~the~~ lands and waters without covenants of warranty by deed
3 executed by the governor or in the governor's absence or disability by the lieutenant governor, attested by
4 the secretary of state and further countersigned by the director.

5 ~~(4)~~(5) The department, with the consent of the commission, is authorized to utilize the installment
6 contract method to facilitate the acquisition of wildlife management areas in which game and nongame
7 fur-bearing animals and game and nongame birds may breed and replenish and areas that provide access
8 to fishing sites for the public. ~~In no case may the~~ The total cost of ~~such~~ installment contracts may not
9 exceed the cost of purchases authorized by the department and appropriated by the legislature.

10 ~~(5)~~(6) The department is authorized to enter into leases of land under its control in exchange for
11 services to be provided by the lessee on the leased land.

12 ~~(7) The department, with the consent of the commission, may determine that an interest in real~~
13 ~~property, however acquired by the department, is no longer necessary for the purposes and programs of~~
14 ~~the department and may then exchange the interest, either as entire or partial consideration, for any other~~
15 ~~interest in real property that is suitable for the department's purposes and programs. The department, with~~
16 ~~the consent of the commission, may establish the manner, terms, and conditions of the exchange. If the~~
17 ~~interest acquired by the department in exchange involves more than 100 acres or \$100,000 in value, the~~
18 ~~exchange must be approved by the board of land commissioners."~~

19
20 ~~Section 2. Section 87-1-601, MCA, is amended to read:~~

21 ~~"87-1-601. Use of fish and game money. (1) (a) Except as provided in subsection (7), all money~~
22 ~~collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game~~
23 ~~or hides, from damages collected for violations of the fish and game laws of this state, from appropriations,~~
24 ~~or received by the department from any other state source must be turned over to the state treasurer and~~
25 ~~placed in the state special revenue fund to the credit of the department.~~

26 ~~(b) Any money received from federal sources must be deposited in the federal special revenue fund~~
27 ~~to the credit of the department.~~

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

30 ~~(i) the general license account;~~

- 1 ~~(iii) the license drawing account;~~
- 2 ~~(iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-606, 87-2-412,~~
- 3 ~~87-2-722, and 87-2-724; and~~
- 4 ~~(iv) money received from the sale of any other hunting and fishing license.~~
- 5 ~~(2) The money described in subsection (1) must be exclusively set apart and made available for~~
- 6 ~~the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the~~
- 7 ~~department under the terms of this title. The money described in subsection (1) must be spent for those~~
- 8 ~~purposes by the department, subject to appropriation by the legislature.~~
- 9 ~~(3) Any reference to the fish and game fund in this code means fish and game money in the state~~
- 10 ~~special revenue fund and the federal special revenue fund.~~
- 11 ~~(4) Except as provided in subsections (7) and (8), all money collected or received from fines and~~
- 12 ~~forfeited bonds, except money collected or received by a justice's court, that relates to violations of state~~
- 13 ~~fish and game laws under Title 87 must be deposited by the state treasurer and credited to the department~~
- 14 ~~in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the~~
- 15 ~~violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was~~
- 16 ~~held in any case in which the fine is not imposed in addition to the costs of prosecution.~~
- 17 ~~(5) Money Subject to appropriation by the legislature, money received by the department from the~~
- 18 ~~sale of surplus real property, may be used by the department to acquire other real property suitable for the~~
- 19 ~~department's purposes and programs. Money received from exploration or development of oil, gas, or~~
- 20 ~~mineral deposits from lands acquired by the department except royalties or other compensation based on~~
- 21 ~~production, and from leases of interests in department real property not contemplated at the time of~~
- 22 ~~acquisition must be deposited in an account within the nonexpendable trust fund of the state treasury. The~~
- 23 ~~interest derived from the fund, but not the principal, may be used only for the purpose of operation,~~
- 24 ~~development, and maintenance of real property of the department, and only upon appropriation by the~~
- 25 ~~legislature. If the use of money as set forth in this section would result in violation of applicable federal~~
- 26 ~~laws or state statutes specifically naming the department or money received by the department, then the~~
- 27 ~~use of this money must be limited in the manner, method, and amount to those uses that do not result in~~
- 28 ~~a violation.~~
- 29 ~~(6) Money received from the collection of license drawing applications is not subject to the deposit~~
- 30 ~~requirements of 17-6-106. The department shall deposit license drawing application money within a~~

1 ~~reasonable time after receipt.~~

2 ~~(7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801,~~
3 ~~77-1-806, or rules adopted under 77-1-804 must be deposited as follows:~~

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

6 ~~(b) 50% in the state lands recreational use account established by 77-1-808 for use by the~~
7 ~~department of natural resources and conservation in the management of state lands.~~

8 ~~(8) After July 1, 1995, the The state treasurer shall deposit in the state general fund one-half of~~
9 ~~the money received from the fines pursuant to 87-1-102."~~

10

11 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND
12 APPROVAL.

13

-END-