

1 SENATE BILL NO. 90

2 INTRODUCED BY J. ESSMANN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE HUNTERS UNITED TO STOP HUNGER
5 PROGRAM; GRANTING RULEMAKING AUTHORITY; ESTABLISHING THE HUNTERS UNITED TO STOP
6 HUNGER ACCOUNT; DEPOSITING CERTAIN HUNTING LICENSE REVENUE INTO THE ACCOUNT;
7 AMENDING SECTION 87-1-601, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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11 NEW SECTION. **Section 1. Hunters united to stop hunger -- rulemaking.** (1) To encourage the
12 taking of game animals to meet population management objectives established in accordance with 87-1-323 and
13 to encourage the donation of game animals to charitable or nonprofit organizations for free distribution to help
14 stop hunger, the department shall deposit \$1 from each deer or antelope hunting license sold into the hunters
15 united to stop hunger account established in [section 2].

16 (2) The department shall adopt rules governing the payment of funds from the hunters united to stop
17 hunger account to meat processors for the processing of donated game animals. The rules may include the use
18 of a request for proposals process in areas where a competitive meat processing market exists.

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20 NEW SECTION. **Section 2. Hunters united to stop hunger account.** (1) There is an account in the
21 state special revenue fund established by 17-2-102 called the hunters united to stop hunger account. Funds
22 deposited into this account must be used by the department for the purposes of [section 1].

23 (2) Into this account must be deposited:

24 (a) \$1 from each deer or antelope hunting license sold by the department;

25 (b) interest earned on the account; and

26 (c) money received by the department in the form of gifts or grants or from any source intended to be
27 used for the purposes of [section 1].

28 (3) Any money in the account that is unspent or unencumbered at the end of a fiscal year must remain
29 in the account.

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1 **Section 3.** Section 87-1-601, MCA, is amended to read:

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

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

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

12 (i) the general license account;

13 (ii) the license drawing account;

14 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,
15 87-2-722, and 87-2-724; and

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

17 (2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart
18 and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be
19 made by the department under the terms of this title. The money described in subsection (1) must be spent for
20 those purposes by the department, subject to appropriation by the legislature.

21 (3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special
22 revenue fund and the federal special revenue fund.

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

29 (5) (a) Except as provided in 87-1-621 and section 2(3), Chapter 560, Laws of 2005, money must be
30 deposited in an account in the permanent fund if it is received by the department from:

- 1 (i) the sale of surplus real property;
- 2 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department,
3 except royalties or other compensation based on production; and
- 4 (iii) leases of interests in department real property not contemplated at the time of acquisition.
- 5 (b) The interest derived from the account, but not the principal, may be used only for the purpose of
6 operation, development, and maintenance of real property of the department and only upon appropriation by the
7 legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or
8 state statutes specifically naming the department or money received by the department, then the use of this
9 money must be limited in the manner, method, and amount to those uses that do not result in a violation.
- 10 (6) Money received from the collection of license drawing applications is subject to the deposit
11 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit
12 schedule pursuant to 17-6-105(8).
- 13 (7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or
14 rules adopted under 77-1-804 must be deposited in the state general fund.
- 15 (8) The department of revenue shall deposit in the state general fund one-half of the money received
16 from the fines pursuant to 87-1-102.
- 17 (9) (a) The department shall deposit all money received from the search and rescue surcharge in
18 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as
19 provided for in 10-3-801.
- 20 (b) Upon certification by the department of reimbursement requests submitted by the department of
21 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the
22 department may transfer funds from the special revenue account to the search and rescue account provided for
23 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.
- 24 (c) Using funds in the department's search and rescue account that are not already committed to
25 reimbursement for search and rescue missions, the department may provide matching funds to the department
26 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion
27 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears
28 to the statewide total of search and rescue missions.
- 29 (d) Any money deposited in the special revenue account is available for reimbursement of search and
30 rescue missions and to provide matching funds to reimburse counties for search and rescue training and

1 equipment costs.

2 **87-1-601. (Effective March 1, 2011) Use of fish and game money.** (1) (a) Except as provided in
3 87-1-290, section 2, and subsections (7) and (9) of this section, all money collected or received from the sale
4 of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for
5 violations of the fish and game laws of this state, or from appropriations or received by the department from any
6 other state source must be turned over to the department of revenue and placed in the state special revenue fund
7 to the credit of the department.

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

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

12 (i) the general license account;

13 (ii) the license drawing account;

14 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,
15 87-2-722, and 87-2-724; and

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

17 (2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart
18 and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be
19 made by the department under the terms of this title. The money described in subsection (1) must be spent for
20 those purposes by the department, subject to appropriation by the legislature.

21 (3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special
22 revenue fund and the federal special revenue fund.

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

29 (5) (a) Except as provided in 87-1-621 and section 2(3), Chapter 560, Laws of 2005, money must be
30 deposited in an account in the permanent fund if it is received by the department from:

- 1 (i) the sale of surplus real property;
- 2 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department,
3 except royalties or other compensation based on production; and
- 4 (iii) leases of interests in department real property not contemplated at the time of acquisition.
- 5 (b) The interest derived from the account, but not the principal, may be used only for the purpose of
6 operation, development, and maintenance of real property of the department and only upon appropriation by the
7 legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or
8 state statutes specifically naming the department or money received by the department, then the use of this
9 money must be limited in the manner, method, and amount to those uses that do not result in a violation.
- 10 (6) Money received from the collection of license drawing applications is subject to the deposit
11 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit
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14 rules adopted under 77-1-804 must be deposited in the state general fund.
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18 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as
19 provided for in 10-3-801.
- 20 (b) Upon certification by the department of reimbursement requests submitted by the department of
21 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the
22 department may transfer funds from the special revenue account to the search and rescue account provided for
23 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.
- 24 (c) Using funds in the department's search and rescue account that are not already committed to
25 reimbursement for search and rescue missions, the department may provide matching funds to the department
26 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion
27 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears
28 to the statewide total of search and rescue missions.
- 29 (d) Any money deposited in the special revenue account is available for reimbursement of search and
30 rescue missions and to provide matching funds to reimburse counties for search and rescue training and

1 equipment costs."

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3 NEW SECTION. Section 4. Codification instruction. (1) [Section 1] is intended to be codified as an
4 integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 1].

5 (2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 1, part 6, and the
6 provisions of Title 87, chapter 1, part 6, apply to [section 2].

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8 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2011.

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