

## 1 HOUSE BILL NO. 142

2 INTRODUCED BY P. CONNELL

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

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5 A BILL FOR AN ACT ENTITLED: "AN ACT RESTORING LANGUAGE ASSENTING TO THE  
6 DINGELL-JOHNSON ACT FOR THE MANAGEMENT AND RESTORATION OF FISH; AMENDING SECTION  
7 87-1-701, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 87-1-701, MCA, is amended to read:

12 **"87-1-701. Assent to Dingell-Johnson bill Act.** The congress of the United States passed an act that  
13 was approved on August 9, 1950, known as the Dingell-Johnson Act, Public Law 681, 81st congress, chapter  
14 658, 2nd session, which provides, among other things, that "No money apportioned under this Act to any State,  
15 except as hereinafter provided, shall be expended therein until its legislature, or other State agency authorized  
16 by the State constitution to make laws governing the conservation of fish, shall have assented to the provisions  
17 of this Act and shall have passed laws for the conservation of fish, which shall include a prohibition against the  
18 diversion of license fees paid by fishermen for any other purpose than the administration of said State fish and  
19 game department, except that, until the final adjournment of the first regular session of the legislature held after  
20 passage of this Act, the assent of the governor of the State shall be sufficient." The money referred to in the  
21 Dingell-Johnson Act is collected in part from the anglers of the state of Montana and will not be returned to the  
22 state unless the state assents to the Dingell-Johnson Act. ~~The~~ Therefore, the state of Montana assents to the  
23 ~~provisions of Public Law 681, 81st congress, chapter 658, 2nd session, which is commonly known as the~~  
24 Dingell-Johnson bill Act, but the assent is with the express reservations enumerated in 87-1-701 through  
25 87-1-703. The state of Montana does not, by the passage of 87-1-701 through 87-1-703 or by the consent given  
26 in this section, surrender to the congress of the United States or any department of the government of the United  
27 States any of those rights that are retained by the people of the state of Montana or the state of Montana and that  
28 are guaranteed to them by the 9th and 10th amendments to the constitution of the United States, and 87-1-701  
29 through 87-1-703 may not in any manner or at all be construed or held to be the state of Montana's consent to  
30 amending the constitution of the United States in any manner or at all relative to its rights. The title to all lands

1 acquired under the provisions of 87-1-701 through 87-1-703 for fish restoration and management projects and  
2 projects constructed on those lands is and remains in the state."

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4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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