



AN ACT RESTORING LANGUAGE ASSENTING TO THE DINGELL-JOHNSON ACT FOR THE MANAGEMENT AND RESTORATION OF FISH; AMENDING SECTION 87-1-701, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

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

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

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

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0142, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2013.

President of the Senate

Signed this _____ day
of _____, 2013.

HOUSE BILL NO. 142

INTRODUCED BY P. CONNELL

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

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