

HOUSE BILL NO. 363

INTRODUCED BY M. CUFFE, VINCENT, G. BENNETT

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE USE OF FEES COLLECTED FROM THE SALE
5 OF WOLF HUNTING LICENSES; ESTABLISHING THE WOLF MANAGEMENT ACCOUNT; AUTHORIZING THE
6 TRANSFER OF FUNDS; AMENDING SECTIONS ~~81-1-110~~; 87-1-601, 87-2-523, 87-2-524, AND 87-5-132, MCA;
7 AND PROVIDING AN EFFECTIVE DATE."

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

10
11 ~~Section 1. Section 81-1-110, MCA, is amended to read:~~
12 ~~"81-1-110. Livestock loss reduction and mitigation accounts. (1) There are livestock loss reduction~~
13 ~~and mitigation special revenue accounts administered by the department within the state special revenue fund~~
14 ~~and the federal special revenue fund established in 17-2-102.~~
15 ~~(2) (a) All state proceeds allocated or budgeted for the purposes of 2-15-3110 through 2-15-3114,~~
16 ~~81-1-110, and 81-1-111, except those appropriated to the department of livestock, must be deposited in the state~~
17 ~~special revenue account provided for in subsection (1) of this section.~~
18 ~~(b) Money received by the state in the form of gifts, grants, reimbursements, or allocations from any~~
19 ~~source intended to be used for the purposes of 2-15-3111 through 2-15-3113 must be deposited in the~~
20 ~~appropriate account provided for in subsection (1) of this section.~~
21 ~~(c) All federal funds awarded to the state for compensation for wolf depredations on livestock must be~~
22 ~~deposited in the federal special revenue account provided for in subsection (1) for the purposes of 2-15-3112.~~
23 ~~(3) The livestock loss reduction and mitigation board may spend funds;~~
24 ~~(a) in the accounts only to carry out the provisions of 2-15-3111 through 2-15-3113; and~~
25 ~~(b) received pursuant to [section 6] only for activities conducted pursuant to 2-15-3111 to reduce wolf~~
26 ~~predation."~~

27
28 **Section 1.** Section 87-1-601, MCA, is amended to read:
29 **"87-1-601. (Temporary) Use of fish and game money.** (1) (a) Except as provided in [section 6 5] and
30 subsections (7) and (9) of this section, all money collected or received from the sale of hunting and fishing

1 licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and
2 game laws of this state, or from appropriations or received by the department from any other state source must
3 be turned over to the department of revenue and placed in the state special revenue fund to the credit of the
4 department.

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

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

9 (i) the general license account;

10 (ii) the license drawing account;

11 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,
12 87-2-722, and 87-2-724; and

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

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

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

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

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

28 (i) the sale of surplus real property;

29 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department,
30 except royalties or other compensation based on production; and

- 1 (iii) leases of interests in department real property not contemplated at the time of acquisition.
- 2 (b) The interest derived from the account, but not the principal, may be used only for the purpose of
3 operation, development, and maintenance of real property of the department and only upon appropriation by the
4 legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or
5 state statutes specifically naming the department or money received by the department, then the use of this
6 money must be limited in the manner, method, and amount to those uses that do not result in a violation.
- 7 (6) Money received from the collection of license drawing applications is subject to the deposit
8 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit
9 schedule pursuant to 17-6-105(8).
- 10 (7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or
11 rules adopted under 77-1-804 must be deposited in the state general fund.
- 12 (8) The department of revenue shall deposit in the state general fund one-half of the money received
13 from the fines pursuant to 87-1-102.
- 14 (9) (a) The department shall deposit all money received from the search and rescue surcharge in
15 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as
16 provided for in 10-3-801.
- 17 (b) Upon certification by the department of reimbursement requests submitted by the department of
18 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the
19 department may transfer funds from the special revenue account to the search and rescue account provided for
20 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.
- 21 (c) Using funds in the department's search and rescue account that are not already committed to
22 reimbursement for search and rescue missions, the department may provide matching funds to the department
23 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion
24 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears
25 to the statewide total of search and rescue missions.
- 26 (d) Any money deposited in the special revenue account is available for reimbursement of search and
27 rescue missions and to provide matching funds to reimburse counties for search and rescue training and
28 equipment costs.
- 29 **87-1-601. (Effective March 1, 2011) Use of fish and game money.** (1) (a) Except as provided in
30 87-1-290, [section 6 5], and subsections (7) and (9) of this section, all money collected or received from the sale

1 of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for
2 violations of the fish and game laws of this state, or from appropriations or received by the department from any
3 other state source must be turned over to the department of revenue and placed in the state special revenue fund
4 to the credit of the department.

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

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

9 (i) the general license account;

10 (ii) the license drawing account;

11 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,
12 87-2-722, and 87-2-724; and

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

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

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

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

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

28 (i) the sale of surplus real property;

29 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department,
30 except royalties or other compensation based on production; and

1 (iii) leases of interests in department real property not contemplated at the time of acquisition.

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

7 (6) Money received from the collection of license drawing applications is subject to the deposit
8 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit
9 schedule pursuant to 17-6-105(8).

10 (7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or
11 rules adopted under 77-1-804 must be deposited in the state general fund.

12 (8) The department of revenue shall deposit in the state general fund one-half of the money received
13 from the fines pursuant to 87-1-102.

14 (9) (a) The department shall deposit all money received from the search and rescue surcharge in
15 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as
16 provided for in 10-3-801.

17 (b) Upon certification by the department of reimbursement requests submitted by the department of
18 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the
19 department may transfer funds from the special revenue account to the search and rescue account provided for
20 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

21 (c) Using funds in the department's search and rescue account that are not already committed to
22 reimbursement for search and rescue missions, the department may provide matching funds to the department
23 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion
24 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears
25 to the statewide total of search and rescue missions.

26 (d) Any money deposited in the special revenue account is available for reimbursement of search and
27 rescue missions and to provide matching funds to reimburse counties for search and rescue training and
28 equipment costs."

29

30 **Section 2.** Section 87-2-523, MCA, is amended to read:

1 **"87-2-523. Class E-1--resident wolf license.** (1) Except as otherwise provided in this chapter, a person
 2 who is a resident, as defined in 87-2-102, and who is 12 years of age or older or who will turn 12 years old before
 3 or during the season for which the license is issued, upon payment of a fee of \$19, may receive a Class E-1
 4 license that entitles a holder who is 12 years of age or older to hunt a wolf and possess the carcass of the wolf
 5 as authorized by commission rules.

6 (2) Fees collected pursuant to this section must be deposited and used in accordance with [section 6
 7 5]."

8
 9 **Section 3.** Section 87-2-524, MCA, is amended to read:

10 **"87-2-524. Class E-2--nonresident wolf license.** (1) Except as otherwise provided in this chapter, a
 11 person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years
 12 old before or during the season for which the license is issued, upon payment of a fee of \$350, may receive a
 13 Class E-2 license that entitles a holder who is 12 years of age or older to hunt a wolf and possess the carcass
 14 of the wolf as authorized by commission rules.

15 (2) Fees collected pursuant to this section must be deposited and used in accordance with [section 6
 16 5]."

17
 18 **Section 4.** Section 87-5-132, MCA, is amended to read:

19 **"87-5-132. Use of radio-tracking collars for monitoring wolf packs.** (1) As part of a wolf management
 20 plan approved by the department, a radio-tracking collar must be attached to at least one wolf in each wolf pack
 21 that is active near livestock or near a population center in areas where depredations are chronic or likely.

22 (2) The department shall expend ~~only the~~ any federal funds received for wolf management purposes and
 23 the portion of money allocated from the wolf management account established in [section 6 5] to fulfill the
 24 requirements of this section.

25 (3) The department ~~may shall~~ collaborate, and cooperate, and enter into agreements with other state
 26 and federal agencies, including the United States department of agriculture wildlife services, to fulfill the
 27 requirements of this section."

28
 29 NEW SECTION. **Section 5. Wolf management account.** (1) There is a wolf management account in
 30 the state special revenue fund established in 17-2-102. Fees collected from the sale of Class E-1 and Class E-2

1 wolf licenses and interest earned on the account must be deposited into the account. Subject to appropriation
2 by the legislature, money deposited in the account must be used exclusively for the management of wolves as
3 specified in subsection (2).

4 (2) Money deposited in accordance with subsection (1) must be equally divided and allocated for the
5 following purposes:

6 (a) wolf-collaring activities conducted pursuant to 87-5-132;

7 ~~(b) transfer to the state special revenue account established in 81-1-110 for activities conducted pursuant~~
8 ~~to 2-15-3111 to prevent wolf predation; and~~

9 ~~(c)~~(B) lethal action conducted pursuant to 87-1-217 to take problem wolves that attack livestock.

10 (3) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the
11 account.

12

13 **NEW SECTION. Section 6. Transfer of funds.** On [the effective date of this act], the department of fish,
14 wildlife, and parks shall transfer from the general license account to the wolf management account established
15 in [section 6 5] any revenue collected from the sale of Class E-1 and Class E-2 wolf licenses prior to [the effective
16 date of this act].

17

18 **NEW SECTION. Section 7. Codification instruction.** [Section 6 5] is intended to be codified as an
19 integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to [section 6 5].

20

21 **NEW SECTION. Section 8. Severability.** If a part of [this act] is invalid, all valid parts that are severable
22 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
23 remains in effect in all valid applications that are severable from the invalid applications.

24

25 **NEW SECTION. Section 9. Effective date.** [This act] is effective July 1, 2011.

26

- END -