

## SENATE BILL NO. 90

INTRODUCED BY J. ESSMANN

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

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

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

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

NEW SECTION. SECTION 1. HUNTERS UNITED TO STOP HUNGER -- FINDINGS -- RULEMAKING. (1) THE LEGISLATURE FINDS THAT:

(A) SOME AREAS OF THE STATE ARE OVERPOPULATED WITH DEER AND ANTELOPE AS EVIDENCED BY THE SALE OF B TAG LICENSES TO MEET POPULATION MANAGEMENT OBJECTIVES ESTABLISHED BY THE COMMISSION PURSUANT TO 87-1-323;

(B) TO ENCOURAGE THE PURCHASE OF ALL AVAILABLE B TAG LICENSES AND THE TAKING OF GAME ANIMALS WITH THOSE LICENSES TO MEET POPULATION MANAGEMENT OBJECTIVES, IT IS NECESSARY TO REMOVE A BARRIER TO THE HARVEST OF ADDITIONAL ANIMALS BY ESTABLISHING THE HUNTERS UNITED TO STOP HUNGER PROGRAM, WHICH FACILITATES THE DONATION OF HARVESTED GAME ANIMALS TO CHARITABLE OR NONPROFIT ORGANIZATIONS FOR FREE DISTRIBUTION BY DEPOSITING \$3 FROM EACH DEER OR ANTELOPE B TAG LICENSE SOLD INTO THE HUNTERS UNITED TO STOP HUNGER ACCOUNT ESTABLISHED IN [SECTION 2] TO PAY FOR THE PROCESSING OF THE DONATED GAME; AND

1 (C) USE OF THIS POPULATION MANAGEMENT PROGRAM IS IN THE BEST INTEREST OF THE STATE WHEN DEER AND  
 2 ANTELOPE B TAG LICENSES ARE ISSUED FOR GAME MANAGEMENT PURPOSES.

3 (2) THE DEPARTMENT SHALL:

4 (A) TRANSFER \$3 FROM EACH DEER OR ANTELOPE B TAG LICENSE SOLD INTO THE HUNTERS UNITED TO STOP  
 5 HUNGER ACCOUNT ESTABLISHED IN [SECTION 2]. THE DEPARTMENT MAY SUSPEND THE TRANSFER UPON RECEIPT OF A  
 6 WRITTEN DETERMINATION FROM THE UNITED STATES FISH AND WILDLIFE SERVICE THAT THE PROVISIONS OF THIS SECTION  
 7 CONSTITUTE A DIVERSION OF LICENSE FEES.

8 (B) ADOPT RULES GOVERNING THE PAYMENT OF FUNDS FROM THE HUNTERS UNITED TO STOP HUNGER ACCOUNT  
 9 TO MEAT PROCESSORS FOR THE PROCESSING OF DONATED GAME ANIMALS. THE RULES MAY INCLUDE THE USE OF A  
 10 REQUEST FOR PROPOSALS PROCESS IN AREAS WHERE A COMPETITIVE MEAT PROCESSING MARKET EXISTS.

11  
 12 **NEW SECTION. Section 2. Hunters united to stop hunger account.** (1) There is an account in the  
 13 state special revenue fund established by 17-2-102 called the hunters united to stop hunger account. Funds  
 14 deposited into this account must be used by the department for the purposes of [section 1].

15 (2) Into this account must be deposited:

16 (a) ~~\$4~~ PURSUANT TO THE PROVISIONS OF [SECTION 1], \$3 from each deer or antelope ~~hunting~~ B TAG license  
 17 sold by the department;

18 (b) interest earned on the account; and

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

21 (3) (A) ~~Any~~ EXCEPT AS PROVIDED IN SUBSECTION (3)(B), ANY money in the account that is unspent or  
 22 unencumbered at the end of a fiscal year must remain in the account.

23 (B) (i) IF THE UNENCUMBERED BALANCE OF THE ACCOUNT EXCEEDS \$50,000 AT THE END OF ANY FISCAL YEAR,  
 24 THE PORTION OF THE BALANCE ABOVE \$50,000 MUST BE TRANSFERRED TO THE DEPARTMENT'S GENERAL LICENSE  
 25 ACCOUNT.

26 (ii) IF THE DEPARTMENT RECEIVES A WRITTEN DETERMINATION FROM THE UNITED STATES FISH AND WILDLIFE  
 27 SERVICE THAT THE PROVISIONS OF [SECTION 1] CONSTITUTE A DIVERSION OF LICENSE FEES, ANY UNENCUMBERED  
 28 BALANCE IN THE ACCOUNT MUST BE TRANSFERRED TO THE DEPARTMENT'S GENERAL LICENSE ACCOUNT.

29

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

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

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

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

11           (i) the general license account;

12           (ii) the license drawing account;

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

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

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

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

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

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

30           (i) the sale of surplus real property;

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

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

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

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

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

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

16 (9) (a) The department shall deposit all money received from the search and rescue surcharge in  
17 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as  
18 provided for in 10-3-801.

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

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

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

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

7           (b) Any money received from federal sources must be deposited in the federal special revenue fund to  
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15           (iv) money received from the sale of any other hunting and fishing license.

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

20           (3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special  
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29 rescue missions and to provide matching funds to reimburse counties for search and rescue training and  
30 equipment costs."

