

SENATE BILL 340

Introduced by Bianchi

2/09	Introduced
2/09	Referred to Natural Resources
2/09	Fiscal Note Requested
2/09	First Reading
2/15	Fiscal Note Received
2/16	Fiscal Note Printed
2/23	Tabled in Committee
4/10	Revised Fiscal Note Requested

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Senate BILL NO. 340

INTRODUCED BY *Branch*

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING RESIDENT AND NONRESIDENT FISHING LICENSE FEES AND EARMARKING THE REVENUE FOR ENHANCING OR MAINTAINING INSTREAM FLOWS; ESTABLISHING A POLICY FOR PURCHASES MADE WITH THESE FEES, INCLUDING THE ANALYSIS OF SOCIAL AND ECONOMIC IMPACTS; AND AMENDING SECTIONS 87-2-301, 87-2-302, AND 87-2-304, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] requires the fish and game commission to adopt by rule a policy for making purchases of lands and water to enhance or maintain instream flows for fisheries purposes. It is intended that the policy apply to each purchase over \$500 in value and consist of a comprehensive analysis of potential social and economic impacts on local governments and the state, including, at a minimum, impacts related to:

- (1) available tax revenue;
- (2) local services;
- (3) county employment opportunities;
- (4) local schools; and
- (5) private suppliers of community services.

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

NEW SECTION. **Section 1.** Fees used to maintain instream

flows. (1) Five dollars of the fee for a Class A resident fishing license, \$5 of the fee for a Class B nonresident fishing license, and \$5 of the fee for a Class B-4 nonresident 2-day fishing license must be used for the purposes set out in subsection (2).

(2) Funds collected under subsection (1) must be used to:

- (a) purchase or lease water to maintain or enhance instream flows for the benefit of fisheries;
- (b) purchase land to obtain water for instream flows;
- (c) develop offstream storage of water for use only in maintenance or enhancement of instream flows; and
- (d) improve the efficient use of water appropriated for irrigation purposes and ensure that salvaged water is returned instream to maintain or enhance flows.

(3) All purchases of lands or water under this section are subject to approval by the commission.

(4) The commission shall by rule establish a policy for making purchases under this section that includes, for purchases in excess of \$500 in value, a comprehensive analysis of any significant potential social and economic impacts to local governments and the state, including but not limited to impacts on:

1 (a) tax revenue available for the operation of the
2 taxing jurisdictions within the counties;

3 (b) services required to be provided by local
4 governments;

5 (c) employment opportunities within the counties;

6 (d) local schools; and

7 (e) private businesses supplying goods and services to
8 the community.

9 (5) Proceeds of any subsequent sale of purchases made
10 under this section may be used only for the purposes set out
11 in subsection (2).

12 (6) No more than 10% of the fees collected under
13 subsection (1) may be used for the analysis required under
14 subsection (4) and for administration of this section.

15 (7) Expenditure of fees collected under subsection (1)
16 falls within the general spending authority of the
17 department under 87-1-610 to lease existing rights to
18 maintain or enhance instream flows for fisheries and within
19 the department's authority under 87-1-209 to acquire lands
20 or water suitable for fish protection, subject to the
21 specific provisions of this section. Lands or water acquired
22 with fees collected under subsection (1) may not be used for
23 fish restoration or propagation.

24 **Section 2.** Section 87-2-301, MCA, is amended to read:

25 "87-2-301. Class A--resident fishing license. Any

1 resident, as defined by 87-2-102, upon payment of a fee of
2 \$9-50 \$14.50, shall receive a Class A license which shall
3 entitle the holder thereof to fish with hook and line or rod
4 as authorized by regulations of the department."

5 **Section 3.** Section 87-2-302, MCA, is amended to read:

6 "87-2-302. Class B--nonresident fishing license. Any
7 person not a resident, as defined in 87-2-102, upon payment
8 of the sum of \$36 \$41 to any agent of the department
9 authorized to issue fishing and hunting licenses, shall be
10 entitled to a Class B license which shall entitle the holder
11 thereof to fish with hook and line as authorized by the
12 rules and regulations of the department."

13 **Section 4.** Section 87-2-304, MCA, is amended to read:

14 "87-2-304. Class B-4--two-day nonresident fishing
15 license. Any person not a resident, as defined in 87-2-102,
16 who is a holder of a valid wildlife conservation license,
17 upon payment of the sum of \$8 \$13 to any agent of the
18 department authorized to issue fishing and hunting licenses,
19 shall be entitled to a 2-day nonresident fishing license
20 which shall authorize the holder to fish with hook and line,
21 as prescribed by rules and regulations of the department,
22 for 2 calendar days as indicated on the license."

23 NEW SECTION. **Section 5.** Codification instruction.

24 [Section 1] is intended to be codified as an integral part
25 of Title 87, chapter 1, part 6, and the provisions of Title

LC 0336/01

1 87, chapter 1, part 6, apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0340, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill increases fishing license fees and earmarks the revenue for enhancing or maintaining instream flows; and establishes a policy for purchases made with these fees and including the social and economic impact.


ASSUMPTIONS:

1. The Department of Fish, Wildlife and Parks currently sells 150,000 resident fishing licenses, 23,000 nonresident season fishing license and 142,000 nonresident 2-day fishing licenses.
2. Higher license fees will cause a reduction in licenses sold as follows: a) 10% reduction the first year and 5% the second year for the resident fishing licenses; b) 6% reduction the first year and 3% the second year for the nonresident fishing licenses; c) 15% reduction the first year and 10% the second year for the 2 day nonresident fishing license.
3. The department will perform 3 comprehensive analyses each year. Based on completed comprehensive analyses performed under HB0720 (89 Session) the average cost will be \$11,000.
4. More complicated or sensitive land or water purchases may require an EIS (larger water quantities on larger streams) which range from \$50,000-\$80,000 (Ref: DNRC fiscal note for SB0212, 1991 session). The \$50,000 cost will be used in this analysis. The department assumes it will do one EIS per biennium.
5. Future costs to lease water, purchase land for water, develop off-stream storage and to improve irrigation efficiencies are unknown at this time.

FISCAL IMPACT:

Department of Fish, Wildlife and Parks:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Operating Expenses	94,500	116,196	21,696	94,500	170,783	76,283
SB0340 Expenditures	0	1,002,324	1,002,324	0	1,188,717	1,188,717
Total	94,500	1,118,520	1,024,020	94,500	1,359,500	1,265,000
<u>Funding:</u>						
General License Acct (02)	94,500	1,118,520	1,024,020	94,500	1,359,500	1,265,000
<u>Revenue: General License Account</u>						
Resident Fishing License	1,425,000	1,957,500	532,500	1,425,000	2,066,250	641,250
Nonresident fishing license	828,000	886,420	58,420	828,000	914,710	86,710
2-Day NR Fishing License	1,136,000	1,569,100	433,100	1,136,000	1,673,100	537,100
Total	3,389,000	4,413,020	1,024,020	3,389,000	4,654,060	1,265,060


 ROD SUNDSTED, BUDGET DIRECTOR DATE 2-14-91
 Office of Budget and Program Planning


 DON BIANCHI, PRIMARY SPONSOR DATE 2/16/91

Fiscal Note for SB0340, as introduced 58 340