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INTRODUCED BY Raney ~~HOUSE~~ BILL NO. 575

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAW REGARDING THE ADMINISTRATION, GOALS, AND BUDGET PRIORITIZATION OF THE FISHERIES DIVISION OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; ESTABLISHING THE FISHERIES MANAGEMENT TRUST ACCOUNT; APPROPRIATING A PORTION OF GENERAL LICENSE REVENUE, CERTAIN MONEY DEDICATED UNDER THE FUTURE FISHERIES IMPROVEMENT PROGRAM, AND CERTAIN CAPITAL IMPROVEMENT FUNDS TO THE FISHERIES MANAGEMENT TRUST ACCOUNT; DIRECTING THAT THE INTEREST ON MONEY IN THE ACCOUNT BE EXPENDED FOR THE ENHANCEMENT OF MONTANA'S FISHERIES AND ALLOWING THE ACCOUNT TO BE USED AS BOND SECURITY FOR THE FUTURE FISHERIES IMPROVEMENT PROGRAM; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the Department of Fish, Wildlife, and Parks has oversight responsibility to manage some of Montana's most precious resources--fish, wildlife, and parks; and

WHEREAS, over the last 20 years both the state and federal governments have placed increasing responsibilities on the Department, causing numerous shifts in Department priorities and sometimes resulting in concentration on issues that are administrative rather than directed toward fish resources; and

WHEREAS, a reassessment of the Department's goals, budgets, and activities is appropriate and necessary to ensure that the Department is properly focused on its fish, wildlife, and parks management mission and that its priorities adequately reflect the Department's role both to manage state fisheries and to serve the people who enjoy the fish resource; and

WHEREAS, rather than maintaining large balances in certain fish and wildlife accounts, it is imperative that the Department be directed to expend those funds as originally intended for the management and maintenance of the state's fish resources; and

WHEREAS, establishment of a fisheries management trust fund would stabilize the future fisheries program and eliminate the need for license fee increases.

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

1           **NEW SECTION. Section 1. Fisheries of Montana -- goal.** The legislature finds and establishes that  
2 the goal of the fisheries division of the department of fish, wildlife, and parks is to maintain in a viable  
3 condition Montana fisheries that presently exist and to rehabilitate fisheries that are in need of enhancement  
4 or improvement in order to restore them to a viable condition.

5  
6           **NEW SECTION. Section 2. Fisheries management trust account created -- appropriation of trust**  
7 **interest -- department duties.** (1) There is a fisheries management trust account in the fiduciary fund  
8 category expendable trust fund type. The following amounts are directed to the trust account:

9           (a) \$3.5 million from the department's general license account 1994 fiscal yearend balance;

10           [(b) 10% of the minimum amount dedicated annually to the future fisheries improvement program  
11 under House Bill No. 349].

12           [(2) The amount of \$2 million of the amount dedicated to capital improvements at the Blue Water  
13 fish hatchery is appropriated to the future fisheries improvement program established in House Bill No. 349.  
14 The remaining \$500,000 is redirected to the Miles City warm water hatchery.]

15           (3) All money dedicated for a state fish laboratory at Great Falls is redirected to Montana state  
16 university at Bozeman for fish laboratory facilities. The fish laboratory must be made available to the  
17 department of fish, wildlife, and parks for routine fish testing as well as for general fish research. The  
18 department and the university are urged to seek and spend any available private funding for the symposium  
19 provided for in subsection (6). Any of the money redirected in this subsection and remaining after the  
20 establishment of the fish laboratory must be deposited in the fisheries management trust account  
21 established in subsection (1).

22           (4) Any amount remaining as a fiscal yearend balance in the account listed in subsection (1)(a) at  
23 the end of each fiscal year that is related to fishing license revenue and that is not reserved as another  
24 funding source must be placed in the fisheries management trust account.

25           (5) Interest earned on the fisheries management trust account must be deposited to the credit of  
26 the department and expended by the department for the enhancement of Montana's fisheries[, as provided  
27 in the future fisheries improvement program established in House Bill No. 349. Money in the fisheries  
28 management trust account may be used as bond security for the future fisheries improvement program  
29 established in House Bill No. 349].

30           (6) The department and Montana state university are urged to seek and spend any available private

1 funding for a fish symposium at Montana state university.

2 (7) As part of the evaluation of the state fisheries programs, the department shall:

3 (a) investigate the potential of privatization of fish hatcheries;

4 (b) investigate the possibility of purchasing fish for the state from federal or private hatcheries; and

5 (c) report to the 1997 legislature regarding the results of its investigations.

6

7 **NEW SECTION. Section 3. Coordination instruction.** If House Bill No. 349 is not passed and  
8 approved, then the bracketed language in [section 2(1)(b), (2), and (5)] is void.

9

10 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified  
11 as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to  
12 [sections 1 and 2].

13

14 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 1995.

15

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0575, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act generally revising the law regarding the administration, goals, and budget prioritization of the Fisheries Division of the Department of Fish, Wildlife and Parks (FWP); establishing the Fisheries Management Trust account; appropriating a portion of general license revenue, certain money dedicated under the Future Fisheries Improvement Program (FFIP), and certain capital improvement funds to the Future Fisheries Management Trust account; directing that the interest on money in the account be expended for the enhancement of Montana's fisheries and allowing the account to be used as bond security for the Future Fisheries Improvement Program; and providing an effective date.

ASSUMPTIONS:

1. HB349 as introduced will pass and become law.
2. The \$2.5 million for the Bluewater Hatchery and the \$230,000 for the Fish Health Lab as contained in the Long-Range Building Program (LRBP) will be redirected to accommodate the intent of this bill. \$2.0 million will be appropriated to the Future Fisheries Improvement Program (FFIP), \$500,000 will be redirected to the Miles City warm water hatchery, and \$230,000 will be redirected to Montana State University at Bozeman for fishery laboratory facilities. The fish laboratory is to be made available to the Department of Fish, Wildlife and Parks for routine fish testing as well as for general fish research.
3. The bill establishes the Fisheries Management Trust account, \$3.5 from the FWP general license account FYE94 balance and 10% of \$4,978,940, the minimum amount dedicated annually to the FFIP under HB349, are directed to be deposited in the trust account.
4. There will be no additional revenues, just a redistribution of existing revenues.

FISCAL IMPACT:


A Fisheries Management Trust account will be created with \$3.5 million from the Department of Fish, Wildlife and Parks general license account FYE94 balance and a projected \$497,894 which is 10% of the minimum amount dedicated annually to the Future Fisheries Improvement Program under HB349.

Redirecting the \$3.5 million from the general license account FYE94 balance could necessitate a license increase.

The capital project proposals will be impacted by the redirection of fishery activities.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The direction of the Montana fisheries program will change with emphasis on the Future Fisheries Improvement Program as provided for in this bill and HB349, and the Fisheries Management Trust program, which will impact the capital project budget.

  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 3/1/95  
BOB RANEY, PRIMARY SPONSOR      DATE

Fiscal Note for HB0575, as introduced

**HB 575**