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House BILL NO. *404*

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INTRODUCED BY *Rohrer*

Secretary *Winters* *Hester* *Johnson* *Webb* *Curtis* *Beaudry* *Boyd*

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A BILL FOR AN ACT ENTITLED: "AN ACT DEDICATING \$1 FROM THE SALE OF EACH MONTANA WILDLIFE CONSERVATION LICENSE TO BE USED FOR A PROGRAM ADMINISTERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR THE CONSERVATION OF WILDLIFE THROUGH PREDATOR CONTROL; ESTABLISHING THE PREDATOR CONTROL ACCOUNT; GRANTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS RULEMAKING AUTHORITY TO ADMINISTER THE WILDLIFE CONSERVATION PREDATOR CONTROL PROGRAM; REQUIRING THAT A NOTICE BE PLACED ON EACH CONSERVATION LICENSE STATING THAT A PORTION OF THE FEE WILL BE USED TO CONSERVE WILDLIFE THROUGH THE CONTROL OF PREDATORS; AMENDING SECTION 87-2-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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STATEMENT OF INTENT

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A statement of intent is required for this bill because [section 1] grants authority to the department of fish, wildlife, and parks to adopt rules to facilitate the efficient administration of the wildlife conservation predator control program. It is intended that the rules address, at a minimum:

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(1) establishment of a predator bounty program to repay hunters and trappers who help conserve wildlife through the taking of predators, including a schedule of predator species for which compensation will be paid, a scale of compensation, and acceptable methods of identifying predators presented for bounty claims;

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(2) a method that the department can apply to provide predator control in the field when notified by persons interested in eliminating predators for wildlife conservation;

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(3) an accounting system to track money received and expended relative to the wildlife conservation predator control program, including a record of the department's expenditures in the field control of predators, an accounting of all money paid for bounties, a record of the number of each predator species for which a bounty is paid, and a record of the department's administrative costs in implementing the program; and

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(4) any other rules that the department considers necessary for the efficient conservation and enhancement of wildlife through the control of predators.

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

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3 NEW SECTION. **Section 1. Wildlife conservation predator control program.** (1) There is a wildlife
4 conservation predator control program. The department shall administer the program for the conservation
5 and enhancement of Montana wildlife.

6 (2) The department shall expend the funds in the account established in [section 2] to establish a
7 predator bounty program, to cover department expenses for predator control in the field, and for
8 administrative expenses directly related to the wildlife conservation predator control program.

9 (3) The department shall adopt rules to facilitate the efficient administration of the wildlife
10 conservation predator control program.

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12 NEW SECTION. **Section 2. Predator control account -- funding.** (1) There is a predator control
13 special revenue account administered by the department within the state special revenue fund established
14 in 17-2-102.

15 (2) There must be deposited in the account:

16 (a) \$1 from the sale of each resident Montana wildlife conservation license sold pursuant to
17 87-2-202(3)(a); and

18 (b) \$1 from the sale of each nonresident Montana wildlife conservation license sold pursuant to
19 87-2-202(3)(b).

20 (3) The department may spend funds in the account only to carry out the program provided for in
21 [section 1].

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23 **Section 3.** Section 87-2-202, MCA, is amended to read:

24 **"87-2-202. Application -- stamp attachment -- fee -- expiration.** (1) A wildlife conservation license
25 must be sold upon written application. The application must contain the applicant's name, age, occupation,
26 place of residence, post-office address, and the qualifying length of time as a resident in the state of
27 Montana; must state whether the applicant is a citizen of the United States or an alien; and must be
28 subscribed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's
29 examiner's identification card, or other identification specified by the department to substantiate the
30 required information when applying for a wildlife conservation license. It is the applicant's burden to provide

1 documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation
2 license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an
3 applicant who fails to produce the required identification at the time of application for licensure.

4 (2) Hunting, fishing, or trapping licenses in the form of tags or stamps issued to a holder of a
5 wildlife conservation license must be affixed to or recorded on the wildlife conservation license according
6 to rules the department may prescribe.

7 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

8 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$5.

9 (4) Each wildlife conservation license must clearly indicate that a portion of the fee is dedicated
10 to the conservation of wildlife through predator control.

11 (5) Licenses issued are void after the last day of February next succeeding their issuance."
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13 NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified
14 as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to
15 [sections 1 and 2].

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17 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

18 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0404, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act dedicating \$1 from the sale of each Montana wildlife conservation license to be used for a program administered by the Department of Fish, Wildlife and Parks for the conservation of wildlife through predator control; establishing the predator control account; granting the Department of Fish, Wildlife and Parks rulemaking authority to administer the wildlife conservation predator control program; and requiring that a notice be placed on each conservation license stating that a portion of the fee will be used to conserve wildlife through the control of predators.

ASSUMPTIONS:

1. In license year 1995, the Department of Fish, Wildlife and Parks (FWP) sold 279,167 resident and 192,323 conservation licenses.
2. The FWP currently has a contract with the Department of Livestock to assist in the financing of predator control in the amount of \$110,000 annually.
3. The FWP also has received a budget of \$58,000 to study and control predators on select deer and antelope populations in north central Montana.
4. The FWP would add a predator bounty program and fund it with a portion of conservation license revenue.

FISCAL IMPACT:

Expenditures:

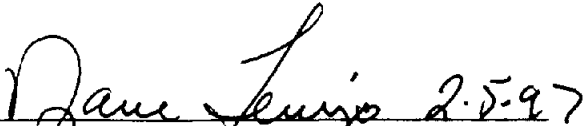
	<u>FY98</u> <u>Difference</u>	<u>FY99</u> <u>Difference</u>
Predator Bounty Program	471,490	471,490

Funding:

General License Account (02)	471,490	471,490
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Net Impact on Fund Balance: (Revenue minus expense)

General License Account (02)	(471,490)	(471,490)
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DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


WILLIAM REHBEIN, PRIMARY SPONSOR DATE

Fiscal Note for HB0404, as introduced

HB 404

DEDICATION OF REVENUE:

- a) Are there persons or entities that benefit from this dedicated revenue that do not pay? (Please explain)

This bill establishes a further dedication of a currently dedicated revenue and establishes an additional special revenue account to deposit a portion of the department's conservation license.

Hunters and anglers pay the license fees and may receive some benefits. Livestock owners would also benefit from this program.

- b) What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund?

Conservation license revenue currently is earmarked in statute by the legislature for specific purposes. In order to provide appropriate accountability to our users, a separate special revenue account is needed. However, tracking these expenditures in the department's general license account would be equally acceptable and avoid the need for an additional special revenue account.

- c) Is the source of revenue relevant to current use of the funds and adequate to fund the program/activity that is intended? Yes No (if no, explain)

- d) Does the need for this state special revenue provision still exist? Yes No (Explain)

State and federal statutes exist that prohibit the diversion of license revenue. These statutes are still in existence. Having a state special revenue fund allows the department a way of preventing any diversion of its funds. Whether the department needs an additional fund to track this limited purpose is questionable.

- e) Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please explain)

License revenue has been earmarked in statute by the legislature for specific purposes. In order to provide appropriate accountability to our users, separate special revenue funds are needed.

- f) Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please explain)

Yes

- g) How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? (Please explain. Also, if the program/activity were general funded, could you adequately account for the program/activity?)

Auditing efficiencies include a clear audit trail to support the non-diversion clause of state and federal statutes. It also provides appropriate and efficient accountability to our users. However, tracking this activity in the general license account would be equally acceptable and would avoid the need for an additional account.