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INTRODUCED BY Groff <sup>Sensley</sup> BILL NO. 292  
McCann Thompson Strom Tash

A BILL FOR AN ACT ENTITLED: "AN ACT ADDRESSING BUDGETING PRIORITIES OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO PROVIDE THAT THE DEPARTMENT INVESTIGATE THE POTENTIAL OF USING FISH AND GAME LICENSE MONEY TO FUND ANY DEPARTMENT PROGRAMS OR PORTIONS OF PROGRAMS AND ANY PROGRAMS OR PORTIONS OF PROGRAMS RELATED TO FISH AND WILDLIFE THAT ARE ADMINISTERED BY OTHER AGENCIES AND ENTITIES THAT ARE PRESENTLY FUNDED BY OTHER STATE FUNDING SOURCES AND TO REPRIORITIZE DEPARTMENTAL BUDGETING TO FUND THOSE PROGRAMS OR PORTIONS OF PROGRAMS WITH LICENSE FEES WHENEVER THE USE OF LICENSE FEES WILL NOT JEOPARDIZE FEDERAL FUNDS ACCRUING TO THE DEPARTMENT; REQUIRING A REPORT TO THE 56TH LEGISLATURE REGARDING THE BUDGET REPRIORITIZATION PROCESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, federal law precludes the use of state fish and game license fees to fund state programs under certain circumstances; and

WHEREAS, there may be programs or portions of programs related to fish and wildlife that are administered by the Department of Fish, Wildlife, and Parks that could be funded using state fish and game license fees rather than other state funding sources without jeopardizing federal funds; and

WHEREAS, there may be programs or portions of programs related to fish and wildlife that are administered by the Department of Natural Resources and Conservation, the Department of Environmental Quality, the Department of Transportation, the Department of Livestock, local conservation districts, local water quality districts, and local watershed planning efforts that, with some restructuring if necessary, could be administered in a manner whereby they could be funded using state fish and game license fees rather than other state or local funding sources without jeopardizing federal funds, including but not limited to programs in Title 23, chapter 1, part 1; Title 75, chapter 5, part 1; Title 75, chapter 7, part 1; Title 81, chapter 7, parts 1, 3, 5, and 6; Title 85, chapter 1, parts 1 and 6; and Title 85, chapter 2, parts 1 and 2; and

WHEREAS, identification of those programs or portions of programs and reprioritizing the department budget to fund those programs with license fees would free state funds for use in other state



1 programs.

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

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5 **NEW SECTION. Section 1. Identification of programs that may be funded with license fee money**

6 -- reprioritization of department budget -- report to legislature. (1) Prior to December 1, 1998, the  
7 department shall identify all programs and portions of programs related to fish and wildlife that are  
8 administered by the department, the department of natural resources and conservation, the department of  
9 environmental quality, the department of transportation, the department of livestock, local conservation  
10 districts, local water quality districts, and local watershed planning efforts that use state funding sources  
11 or funding sources other than state fish and game license fees and determine whether those programs or  
12 portions of programs, with some restructuring if necessary, can be funded through Montana fish and game  
13 license fees without jeopardizing federal funds that accrue to the department.

14 (2) After a program is identified under subsection (1) and a determination is made that federal  
15 funding will not be jeopardized, the department shall reprioritize budget spending within its present authority  
16 as necessary to substitute fish and game license fees as the program funding source.

17 (3) Prior to December 1, 1998, the department shall report to the 56th legislature regarding:

18 (a) the progress of program identification pursuant to subsection (1);

19 (b) budget adjustments that have been made within present departmental budgeting authority to  
20 substitute license fees as a funding source rather than other state funding sources and an accounting of  
21 state funds that have been replaced by license fees; and

22 (c) any statutory changes necessary to accomplish the funding reprioritization in subsection (2).

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24 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
25 integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to  
26 [section 1].

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28 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0292, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill addressing budgeting priorities of the Department of Fish, Wildlife and Parks to provide that the department investigate the potential of using fish and game license money to fund any department programs or portion of programs and any programs or portions of programs related to fish and wildlife that are administered by other agencies and entities that are presently funded by other state funding sources and to reprioritize departmental budgeting to fund those programs or portions of programs with license fees whenever the use of licensee fees will not jeopardize federal funds accruing to the department and requiring a report to the 56th Legislature regarding the budget reprioritization process.

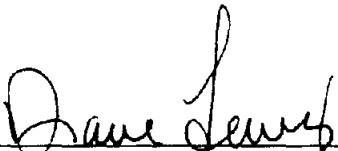
ASSUMPTIONS:

1. To compile, review and report the information required by this bill, it is anticipated that an administrative officer (grade 16) will be needed. In addition, \$4,000 a year in operating costs will be needed for the new FTE. The position will be eliminated after the 1999 biennium.
2. To maintain a presence of objectivity in the review process, the Department of Fish, Wildlife and Parks (FWP) may secure an independent contractor to perform the needed work. No costs are included for this contingency, but assume the cost would be equal to and replace the FTE.
3. The FWP is unable to estimate if the review will identify any programs that could be funded with hunting and fishing license revenue, and not jeopardize federal funds.
4. The Montana Department of Transportation (MDT) has submitted some programs that will be reviewed if the bill is passed. They include, but are not limited to, removal and disposal of road kill, snow removal at snowmobile parking sites, and maintaining some roadways in state parks.
5. If one or more of the MDT programs meet all criteria of SB 292, and are accepted by FWP, the net fiscal impact would be a funding switch (some state special funds would be replaced by federal funds) and replacement, and MDT would potentially have additional funds for highway construction. Existing FWP services would be reduced by a like amount.

FISCAL IMPACT:

Fish, Wildlife and Parks:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	1.00	1.00
Personal services	37,400	37,400
Operating expense	<u>4,000</u>	<u>4,000</u>
Total	41,400	41,400
<u>Funding</u>		
State special (02)	\$41,400	\$41,400



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

LORENTS GROSFIELD, PRIMARY SPONSOR DATE

Fiscal Note for SB0292, as introduced

**SB 292**