

House Bill 277
April 7, 2005
Presented by Doug Monger
Senate Finance and Claims Committee

Mr. Chairman and committee members, for the record I am Doug Monger, Parks Division Administrator for Montana Department of Fish, Wildlife & Parks (FWP).

HB 277 is a bill to appropriate \$45,000 of state park revenues directly to the Glen Lake Irrigation District to improve an irrigation ditch in northwestern Montana under the guise of protecting bull trout. There are several problems with this bill.

1. The constitutionality of a bill is questionable because it directly appropriates state funds to a named entity that is not a state agency.
2. HB 277 requires no accountability by the irrigation district; in fact, the bill is specific that the state shall not attach any conditions to the use of the money, and the district will not have to apply to receive the money. Regardless of the funding source, FWP questions whether this is good state financial policy.
3. If this project can really be accomplished for \$45,000, after all of the state Renewable Resource Grants previously used by the district, then it seems a small price to pay for the 100 irrigators along the ditch to contribute \$450 each to improve water flow for their property and to keep the state out of it.
4. The project has dubious connections to bull trout. There is no guarantee the water conserved under this project will stay in-stream and, in fact, the project appears to mainly improve water distribution for irrigators on the lower end of the ditch. The bill specifically mandates that the project cannot require scheduling or fish screens that might actually help bull trout. If the project does work, then, the water saved along the ditch will likely be used by irrigators on the lower end of the ditch. It is unlikely that bull trout will ever see any of this water. There is no connection between this project, its funding source and the protection of bull trout.
5. The funding for this appropriation comes ostensibly from the optional fee paid on vehicle registration by those who use state parks. People who pay those optional fees are doing so thinking those funds are going to support the state parks system. The funding creating the optional fee on license plates is specifically dedicated by statute for use on state parks with a small percentage going to fishing access sites and Virginia City. Directing these funds to a non-state park facility appears to conflict with existing statute.

Revenue generated and available today from the vehicle license surcharge is about \$2.6 million. While that may seem like a lot of money, and like a potential source of funding for projects like this one, \$750,000 of this money is needed each year to offset lost day-use fees and general fund revenue as a result of legislative action last session. An additional \$200,000 per year is transferred to Virginia City. The balance of the funding is needed to sustain the current parks operating budget through the remainder of FY 05 as well as the anticipated operations, maintenance and capital improvement budgets in HB 2

and HB 5 for FY 06 and 07. The only anticipated cash balances in the account at the close of next biennium are those necessary to meet minimum cash balance requirements.

These funds are being used for essential state park operations and maintenance: weed spraying, road grading, toilet cleaning and other basic needs. Funding requests within HB 5 are for maintenance projects such as building stabilization at Bannack; irrigation system repairs at Giant Springs and Frenchtown Pond; preserving the pictographs at Pictograph Cave and rewiring Lewis and Clark Caverns and other major maintenance needs. Appropriating funds from this account to the ditch project will have a direct impact on maintenance at existing state parks.

FWP asks that you resist HB 277 and allow state parks funding to stay within state parks to continue to help provide for the maintenance and operation of state parks.