SENATE FISH AND GAME
EXHIBIT NO. 6
DATE 1/19/11
BILL NO. SB 84

SENATE BILL 84

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTAIN MONEY COLLECTED FROM VIOLATORS OF STATE FISH AND GAME LAWS TO BE DEPOSITED IN THE STATE GENERAL FUND; AMENDING SECTIONS 23-1-106, 23-2-410, 23-2-507, 23-2-519, 87-1-114, 87-1-120, 87-1-201, 87-1-513, 87-1-601, 87-3-109, 87-3-116, 87-4-808, 87-5-509, AND 87-5-721, MCA; AND PROVIDING AN EFFECTIVE DATE."

TO THE SENATE FISH AND GAME COMMITTEE MEMBERS:

At a general membership meeting of the Headwaters Fish & Game Association on Jan. 11, 2011 it was unanimously voted by those members present to strongly oppose Senate Bill 84 for the following reasons:

1. The fine monies collected come from a direct act against the wildlife and wildlife laws of the State of Montana. These monies should be used to increase the enforcement of the wildlife laws for the benefit of wildlife and the people of the State of Montana.

2. Per the attached Fiscal Note, the estimated direct costs to the FWP would be between $223,200 and $293,200 over the next four years. The Sponsor offered no rebuttal to the Fiscal Note

3. It is our understanding that a large portion of these fine monies are used to pay for investigations and investigators pertaining to violations by out of state individuals. A loss of these funds could curtail such investigations and cost the FWP and the State additional fine revenue. This could also lead to an increase in violations due to a lack of enforcement/prosecution capability.

4. The restitution collected allows for additional prosecution and not only pay for themselves but also provide an increase in potential fine money. The State and individual Counties already receive a portion of the fine monies.

5. The wildlife of Montana deserves the protection provided under current wildlife laws and we owe it to the people of Montana to protect our wildlife resources.

6. The FWP is already financially challenged due to being forced to manage many non-game species with no additional funds being allocated for those management duties. Any further reduction in FWP funds will have a severe impact are their ability to function properly and will have dire consequences for the sportspeople of Montana.

WE RESPECTFULLY REQUEST THAT SB 84 BE TABLED AND NOT BE BROUGHT FORWARD AGAIN.

Sincerely,

Vito R. Quatraro, President
Headwaters Fish & Game Association
5205 Eclipse Drive, Bozeman, MT. 59715
580-1130; vrq@montana.com

GOVERNOR'S OFFICE OF BUDGET AND PROGRAM PLANNING

Fiscal Note 2013 Biennium

Bill #	SB0084	**Title:**	Revise deposit of fish and wildlife fines, restitution, damages
Primary Sponsor:	Brenden, John	**Status:**	As Introduced

- ☐ Significant Local Gov Impact
- ☐ Needs to be included in HB 2
- ☑ Technical Concerns
- ☐ Included in the Executive Budget
- ☐ Significant Long-Term Impacts
- ☐ Dedicated Revenue Form Attached

FISCAL SUMMARY

	FY 2012 Difference	FY 2013 Difference	FY 2014 Difference	FY 2015 Difference
Expenditures:				
General Fund	$0	$0	$0	$0
State Special Revenue	$0	$0	$0	$0
Revenue:				
General Fund	$223,200	$293,200	$234,172	$234,172
State Special Revenue	($223,200)	($293,200)	($234,172)	($234,172)
Net Impact-General Fund Balance:	$223,200	$293,200	$234,172	$234,172

Description of fiscal impact: The bill requires monies collected from violators of state parks and state fish and game laws to be deposited in the state general fund resulting in a loss of revenue to Fish, Wildlife and Parks' state special revenue accounts.

FISCAL ANALYSIS

Assumptions:

1. In FY 2010, FWP collected $209,000 from fish and game restitution, $550 from decoy restitution, $900 from the sale of antlers, and $2,300 in property restitution.
2. For FY 2012, FWP estimates a 5% increase in collections from fish and game restitution and the same amounts for decoy restitution, non-trophy antler sales, and property restitution. [($209,000 x 1.05) + $550 + $900 + $2,300 = $223,200]
3. For FY 2013, FWP assumes the same amount of revenue as FY 2012 from fish and game restitution, decoy, non-trophy antler sales, and property restitution. Additionally, FWP assumes a trophy auction will be

conducted in FY 2013 which is estimated to generate an additional $70,000 in revenue. Total revenue for FY 2013 is estimated at $293,200. [$223,200 + $70,000]

4. For FY 2014 and 2015, FWP estimates a 5% increase in fish and game restitution from FY 2013 estimates and the same amounts for decoy, non-trophy antler sales, and property restitution. [($219,450 x 1.05) + $550 + $900 + $2,300= $234,172]
5. It is assumed that expenditures are not decreased to offset the decrease in revenue and therefore the general license state special revenue account will be depleted at a quicker rate.

	FY 2012 Difference	FY 2013 Difference	FY 2014 Difference	FY 2015 Difference
Fiscal Impact:				
Expenditures:				
TOTAL Expenditures	$0	$0	$0	$0
Funding of Expenditures:				
General Fund (01)	$0	$0	$0	$0
State Special Revenue (02)	$0	$0	$0	$0
TOTAL Funding of Exp.	$0	$0	$0	$0
Revenues:				
General Fund (01)	$223,200	$293,200	$234,172	$234,172
State Special Revenue (02) 02409	($223,200)	($293,200)	($234,172)	($234,172)
TOTAL Revenues	$0	$0	$0	$0
Net Impact to Fund Balance (Revenue minus Funding of Expenditures):				
General Fund (01)	$223,200	$293,200	$234,172	$234,172
State Special Revenue (02)	($223,200)	($293,200)	($234,172)	($234,172)

Effect on County or Other Local Revenues or Expenditures:

1. Under current law, fines, restitution, penalties, and damages issued by the Department of Fish, Wildlife, and Parks are paid to the Clerk of Court. The Clerk of Court then gives these collections to the County Treasurer. The County Treasure transmits these funds to the Department of Revenue as part of the county collection report. The Department of Revenue then deposits the funds in the state general fund or state special revenue funds as provided by statute. This bill removes the Department of Revenue from this chain of transactions, and changes the deposit in some cases from state special revenue to the state general fund. The Clerk of Courts have no apparatus in place to transmit funds directly to the state general fund. It is unclear how the Clerk of Courts should transmit the funds to the state.

Technical Notes:

1. As indicated above, the bill removes the Department of Revenue from the role of depositing these funds; but the bill does not clearly state the channel through which these funds should be deposited.
2. Section 13 of the bill amends 87-4-808, MCA, and states that fines, bonds, penalties, and fees must be disposed of in accordance with the provisions of 87-1-601(4), MCA. 87-1-601, MCA, is amended in section 9 of this bill in a way that leads to a contradiction within section 13. In a reference to the onus of depositing fines, bonds, penalties, and fees, 87-1-601(4), MCA, is amended by striking "by the department

of revenue" and replacing it with "in the general fund." Section 9 of this bill appears to remove the responsibility of depositing these funds from the Department of Revenue. However, 87-4-808, MCA, states that "fees obtained under this part must be deposited with the department of revenue..." It appears that 87-4-808, MCA, places the responsibility to deposit these funds to the required accounts on the Department of Revenue, while 87-1-601, MCA, is amended to remove this responsibility from the Department of Revenue. The legislation's intent is unclear.

3. In order to clarify the legislation's intent, preservation of the language that asserts DOR's role in receiving these payments for deposit to the state general fund is advisable. If another system to deposit these payments to the state general fund is intended, that system should be stated.

Sponsor's Initials	*Date*	*Budget Director's Initials*	*Date*