



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2019 Biennium

<b>Bill #</b>	HB0151	<b>Title:</b>	Appropriation for shooting range development program
---------------	--------	---------------	--

<b>Primary Sponsor:</b>	Ballance, Nancy	<b>Status:</b>	As Introduced
-------------------------	-----------------	----------------	---------------

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input checked="" type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input checked="" type="checkbox"/> Dedicated Revenue Form Attached |

	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>	<u>FY 2020 Difference</u>	<u>FY 2021 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue (Gen Lic.)	\$350,000	\$350,000	\$0	\$0
State Special Revenue (Grant Acct)	\$350,000	\$350,000	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue (Gen Lic.)	\$0	\$0	\$0	\$0
State Special Revenue (Grant Acct)	\$350,000	\$350,000	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Description of fiscal impact:** This bill creates a shooting range state special revenue account and specifies the use of any funds in the account. The bill transfers \$700,000 from the general license account to the grant account. The bill also appropriates \$700,000 for the 2019 biennium from the newly created account for expenses related to shooting ranges and requires that those funds be expended or obligated. Non-compliance with conditions of the federal Pittman-Robertson Wildlife Restoration grant would result in a reduction of federal funding in the amount of at least \$20 million dollars a year.

## FISCAL ANALYSIS

### Assumptions:

#### Department of Fish, Wildlife & Parks

1. The bill establishes a new state special revenue fund for shooting ranges.
2. Section 3 of the bill transfers \$350,000 per year for the 2019 biennium from the general license account into the shooting range grant account.
3. Section 4 of the bill appropriates the \$350,000 each year for the 2019 biennium from the shooting range grant account.

	<b><u>FY 2018</u></b> <b><u>Difference</u></b>	<b><u>FY 2019</u></b> <b><u>Difference</u></b>	<b><u>FY 2020</u></b> <b><u>Difference</u></b>	<b><u>FY 2021</u></b> <b><u>Difference</u></b>
<b><u>Fiscal Impact:</u></b>				
FTE	0.00	0.00	0.00	0.00
<b><u>Expenditures:</u></b>				
Transfer	\$350,000	\$350,000	\$0	\$0
Grants	\$350,000	\$350,000	\$0	\$0
<b>TOTAL Expenditures</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Funding of Expenditures:</u></b>				
State Special Revenue Gen Lic.	\$350,000	\$350,000	\$0	\$0
State Special Revenue Grant Acct	\$350,000	\$350,000	\$0	\$0
<b>TOTAL Funding of Exp.</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Revenues:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue Gen Lic.	\$0	\$0	\$0	\$0
State Special Revenue Grant Acct	\$350,000	\$350,000	\$0	\$0
<b>TOTAL Revenues</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
State Special Revenue Gen Lic.	(\$350,000)	(\$350,000)	\$0	\$0
State Special Revenue Grant Acct	\$0	\$0	\$0	\$0

**Technical Notes:**

1. HB 151 requires the mandatory expenditure of Montana's hunting and fishing license revenues for the specific use of a shooting range grant program. Once license funds are expended in the manner specified by the proposed legislation, a "loss-of-control" condition as defined in 50 CFR 80.10 will be declared by the USFWS, rendering MFWP ineligible for participation in the federal Pittman-Robertson Wildlife Restoration grant program. The resulting loss of revenue available to the agency based on USFWS projections for 2018 would be in excess of \$20 million. A state becomes ineligible to receive the benefits of the Acts if it: (a) Fails materially to comply with any law, regulation, or term of a grant as it relates to acceptance and use of funds under the Acts; (b) Does not have legislation required at § 80.10 or passes legislation contrary to the Acts; or (c) Diverts hunting and fishing license revenue from: (1) The control of the State fish and wildlife agency; or (2) Purposes other than the agency's administration.
2. Section 1 of the bill specifies that any unused balance in the shooting range grant account will remain in the account for appropriation by a future legislature. However, amendments in Section 2 of the bill (87-1-279, MCA) require FWP to expend or obligate all funds appropriated for shooting range grants in the year they are appropriated. These two sections conflict.
3. Further, failure to expend shooting grant funds results in official misconduct as defined in 45-7-401, MCA, which is punishable by a fine not to exceed \$500, imprisonment not to exceed 6 months, or both. The bill does not identify which public servant in the chain of command is responsible.

4. If project applications do not meet eligibility requirements or do not reach the amount of funding available, a “public official” will be charged with official misconduct, punishable by a fine not to exceed \$500, 6 months in jail, or both. FWP would include a penalty clause in all shooting range grant agreements to provide full disclosure of the consequences if the grantee has over-estimated the grant costs and cannot spend the entire amount within the fiscal year.

---

*Sponsor's Initials*

---

*Date*

---

*Budget Director's Initials*

---

*Date*