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February 22, 2012

To: EQC Members
Fr: Hope Stockwell, Research Analyst
Re: HJR 32 study

In January, the EQC asked for additional information related to the HJR 32 study of state parks, outdoor recreation, and heritage resource programs. Attached are several documents staff has compiled in response.

| | |
|-------------|---|
| Appendix A: | Current revenue and expenditures for the Parks Division |
| Appendix B: | Current revenue and expenditures for the Montana Heritage Commission |
| Appendix C: | Current terms of concessionaire and rental contracts at Virginia and Nevada Cities and Reeder's Alley |
| Appendix D: | Current user fees collected by the Parks Division |
| Appendix E: | Legislative options for increasing revenue for the Parks Division |
| Appendix F: | Estimated cost of reassigning the administration of the Parks Division to the Department of Natural Resources and Conservation, the Department of Commerce, or the Montana Historical Society |
| Appendix G: | Estimated costs to DFWP and the Parks Division under administrative alternatives |
| Appendix H: | Estimated cost of a State Parks Commission |
| Appendix I: | Comparing combined fish, wildlife, and parks commissions in MT, TX, NE, SD, and KS |
| Appendix J: | State Parks Acquisition Data |
| Appendix K: | HB 628 (2011) Fiscal Note |

As you review this information and participate in the meeting discussion, please consider how the EQC would like to proceed. Any administrative alternative (from creation of a State Parks Commission to reassignment of the Parks Division to another agency) will require legislation. If

the EQC would like to move forward with a proposal, it will need to decide at the March meeting whether to ask staff to draft legislation for review and consideration at the May EQC meeting.

Please feel free to contact me anytime with questions -- 444-9280 or hstockwell@mt.gov

CI2244 2048hsxa.

Department of Fish, Wildlife and Parks -- Parks Division*

| Expenditures | FY 2010 Actuals | FY 2011 Actuals | FY 2012 Approp. |
|--|---------------------|---------------------|---------------------|
| FTE | 120.26 | 120.26 | 84.01 |
| Personal Services | | | |
| Salaries | \$ 4,266,420 | \$ 4,323,649 | \$ 3,126,597 |
| Benefits | 1,424,226 | 1,466,944 | 1,134,561 |
| Total Personal Services | \$ 5,690,646 | \$ 5,790,593 | \$ 4,261,158 |
| Operating Costs | | | |
| Other Services | \$ 678,078 | \$ 572,841 | \$ 741,882 |
| Supplies & Materials | 410,202 | 416,815 | 312,920 |
| Communications | 131,829 | 130,928 | 125,254 |
| Travel | 577,556 | 490,618 | 314,176 |
| Rent | 83,692 | 45,914 | 50,554 |
| Utilities | 187,205 | 200,185 | 202,514 |
| Repairs & Maintenance | 681,191 | 351,416 | 441,357 |
| Other Expenses | 75,178 | 112,197 | 141,539 |
| Goods for Resale | 213 | 3,683 | - |
| Total Operating Costs | \$ 2,825,143 | \$ 2,324,597 | \$ 2,330,196 |
| Equipment & Intangible Assets | \$ 323,127 | \$ 194,123 | \$ 461,748 |
| Grants | \$ 421,437 | \$ 453,112 | \$ 445,318 |
| Total Expenditures | \$ 9,260,353 | \$ 8,762,425 | \$ 7,498,420 |
| Funding Source | | | |
| Off Highway Vehicle Gas Tax | \$ 60,028 | \$ 57,034 | \$ 106,094 |
| Parks Safety/Ed OHV Dealer Reg | 5,001 | 4,046 | 4,476 |
| Off Hwy Vehicle Acct (Parks) | 15,613 | 15,105 | 11,000 |
| Motorboat Fees | - | 90,846 | 50,000 |
| Parks OHV Fuel Safety/Educ | 12,333 | 12,427 | 11,499 |
| Parks Snomo Fuel Tax Sfty/Educ | 46,258 | 44,785 | 41,479 |
| Motorboat Certification-Parks | 17,851 | 17,767 | 18,163 |
| Snowmobile Registration-Parks | 232,879 | 254,300 | 224,995 |
| Fishing Access Site Maint | 341,860 | 368,936 | - |
| Snowmobile Fuel Tax | 516,918 | 419,403 | 790,254 |
| Coal Tax Trust Account | 912,783 | 881,830 | 814,737 |
| General License† | 2,210,107 | 2,156,768 | 172,500 |
| State Parks Miscellaneous** | 3,464,478 | 3,250,162 | 4,016,805 |
| Light Vehicle Registration Fee | 2,806,294 | 2,627,298 | 3,147,225± |
| Motorboat Fuel Tax | 1,084,346 | 846,324 | 1,108,300 |
| FAS - Vehicle Registration | 55,607 | 57,224 | - |
| Fedl Fish(W/B) Wildlife(P/R)‡ | 284,292 | 285,467 | 128,118 |
| Parks Funding Total | \$ 9,260,355 | \$ 8,762,425 | \$ 7,498,420 |

*Figures are for HB 2 and HB 13. They do not include statutorily-appropriated revenue collected via the accommodations tax for state park facility maintenance from which the Parks Division received \$1,046,000 in FY 2010 and \$942,000 in FY 2011.

**Includes user fees and the light vehicle registration fee.

±estimated FY 2012 revenue, DFWP

†General license money set aside in HB 2 for Fishing Access Site (FAS) management in state parks. FAS are now administered by the Fisheries Bureau. As such, the Parks Division may not spend this appropriation.

‡Federal revenue for motorboat-related activities in state parks.

Department of Commerce -- Montana Heritage Commission

| Description | Actual FY 2010 | Actual FY 2011 | Revenues to date FY 2012 |
|---|---------------------|---------------------|---|
| Beginning Fund Balance | \$3,957 | \$45,133 | \$39,765 |
| Revenues | | | |
| Taxes | | | |
| Accommodations Tax | \$ 400,000 | \$ 400,000 | \$ 400,000 |
| Light Vehicle Registration | 201,575 | 187,507 | 93,010 |
| Charges for Services | 19,926 | 12,944 | 9,248 |
| VC/NC Railroad | 111,913 | 59,521 | 0 |
| Nevada City Gate Fees | 60,008 | 63,930 | 56,246 |
| BOI Investment Earnings | 2,277 | 2,199 | 2 |
| Sales of Documents/Mdse/Prop | 58,755 | 45,763 | 25,926 |
| Rentals/Lease/Royalties | | | |
| Building Rentals | 74,118 | 57,103 | 11,640 |
| Concessionaire Reeder's Alley | 0 | 6,400 | 44,241 |
| Concessionaire Virginia and Nevada Cities | 98,510 | 92,194 | 81,118 |
| Contributions/Premiums | 7,620 | 220 | 0 |
| Grants/Transfers/Misc | 34,755 | 12,931 | 6,795 |
| Transfer In from Dept of Commerce* | 0 | 100,000 | 0 |
| Revenues that must be collected to meet projections | 0 | 0 | 269,652 |
| Total Revenues | \$ 1,069,457 | \$ 1,040,711 | \$ 997,878 |
| Expenditures | | | |
| | Actual | Actual | Budgeted as Revised 2/3/2012 |
| FTE | 18.25 | 18.25 | 11.00 |
| Personal Services | | | |
| Salaries | \$ 421,979 | \$ 407,582 | \$ 363,333 |
| Benefits | 135,855 | 132,774 | 152,724 |
| Budgeted Vacancy Savings | 0 | 0 | (20,313) |
| Total Personal Services | \$ 557,834 | \$ 540,356 | \$ 495,744 |
| Operating Costs | | | |
| Other Services | \$ 112,969 | \$ 148,926 | \$ 124,809 |
| Supplies & Materials | 53,110 | 35,444 | 49,123 |
| Communications | 42,133 | 41,788 | 37,945 |
| Travel | 24,781 | 29,802 | 24,473 |
| Rent | 7,476 | 21,557 | 2,476 |
| Utilities | 97,501 | 92,070 | 98,819 |
| Repairs & Maintenance | 23,890 | 29,166 | 19,412 |
| Other Expenses | 97,133 | 92,209 | 91,366 |
| Goods for Resale | 10,517 | 14,295 | 9,961 |
| Signs | 0 | 465 | 0 |
| Total Operating Costs | \$ 469,511 | \$ 505,723 | \$ 458,384 |
| Equipment | \$ - | \$ - | \$ 6,000 |
| Total Expenditures | \$ 1,027,345 | \$ 1,046,079 | \$ 960,128 |
| Adjustments | \$ 935 | \$ - | \$ - |
| Ending Fund Balance | <u>\$ 45,133</u> | <u>\$ 39,765</u> | <u>\$ 77,515</u> |

*Funds transferred for grant of ARRA funding for historical preservation

Appendix C

Virginia City & Nevada City Concessionaires

Totaling \$96,259.64 in revenue in 2011

| Payment Info | Term Date |
|--|--------------|
| Alder Gulch Accommodations - John & Linda Hamilton | 12/31/2012 |
| Annual rent of \$22,666 to be paid in 3 installments of 7,555.33 on or before the 15th of July, Aug & Sept with 1% increase over previous year added to Sept payment (1%=\$222.20 in 2011) | |
| Aunt Julia's - Duxbury | 12/31/2012 |
| Annual rent of \$3,000 to be paid in 5 monthly installments of \$600 due before the 1st day of June, July, August, Sept, October thru 10/31/12 | |
| Bale of Hay - Gay & Kay Rossow | 12/31/2017 |
| Annual rent of 11,044.07 to be paid in 4 monthly installments due by 1st of June, July, Aug & Sept | |
| Bob's Place - Kirk Belding | 12/31/2023 |
| Annual rent of \$4,637 with 2,318.50 due by 15th of July & Sept | |
| Brewery Follies - Verdon Ventures (Mike & Jill Verdon) | 12/30/2015 |
| Annual base rent - \$4,450; Annual liquor license lease - \$2,000; \$1,290. due 15th of June, July, August September & October | |
| 10% of 1st \$75,000 gross revenue; 5% of next \$50,000; 2% of gross revenue over \$125,000 Paid \$12,178 gross revenue | |
| City Bakery - | 10/31/2012 |
| Annual rent of \$500 to be paid on or before the 1st of July of 2011 and 2012 ea | |
| Montana Picture Gallery - Tim & Stacey Gordon | 12/31/2013 |
| Annual rent of \$5,000 to be paid in 4 installments of \$1250 on or before the 1st of June, July, Aug & Sept | |
| Opera House - Rocky Mountain College | 10/15/2011 |
| Annual base rent - \$7500, \$1875 due 1st of June, July, Aug, Sept. | Expired |
| 5% of gross revenue over \$50,000 (5%=\$537 in 2011) | Not renewing |
| Overland Stage & Horseback Rides - BJ & Lisa Morgan | 12/13/2015 |
| Annual rent of \$1,725.00 to be paid on or before the 1st day of July, August and September. If operating from October-April, \$15.00 per day (No off-season rent paid in 2011.) | |
| River of Gold - John & Carma Sinerius | 10/31/2011 |
| Paid \$2,800 for the year in rent. (No vendors currently in place. MHC considering whether to take over operations for revenue stream.) | Expired |
| Ruby Chang's - Jennifer McGuire | 10/31/2014 |
| \$1,000 annual, \$200 due 15th of May, June, July, August, September | |
| Star Bakery - Nevada City Star, Mike & Heather Hale | 10/31/2011 |
| \$3,295 total; \$1098.33 due 15th of July, August & September | New mgmt |
| Tent Village - Duxbury (Aunt Julia's) | 12/31/2012 |
| Annual rent of \$750.00 to be paid in two installments of \$375.00 due on or before the 1st of June and July | |
| Virginia City Trading Co. - Randy Van Dyke | 12/31/2011 |
| Rent 15% of gross revenues for prev. month, due 15th June, July, Aug, Sept, Oct. (Pays Bale of Hay for electrical charges) Paid \$4955.37 total for year | |
| Wells Fargo Coffee House - Patrick McKay | 12/31/2012 |
| Annual rent of \$6,000 & liquore license fee of \$2,000 to be paid in 3 payments on or before 15th of July, Aug, Sept | |

Appendix C

REEDER'S ALLEY - Tenant Rent and Utilities Budget Billing

Revenue from rent totaling \$71,808 in 2011

| | Utilities | Rent | Total | Due date |
|-----------------------------------|------------------|-------------|--------------|-----------------|
| Papa Tony's - 139 & SH Kitchen | 217 | 293 | 510 | 1st |
| Shreiner - 105 | 84 | 650 | 734 | 1st |
| Dundee's Barber Shop - 107 | 110 | 321 | 431 | 1st |
| VACANT - 111 | 47 | 190 | 237 | 1st |
| VACANT - 113 | 57 | 190 | 247 | 1st |
| MHC - 115 & 117 | | | | 1st |
| Theresa Boyar - 119 | 42 | 135 | 177 | 1st |
| Ted Mazzaresse - 121 | 133 | 450 | 583 | 1st |
| Marca Gibson - 123 & 125 | 71 | 275 | 346 | 1st |
| SOS - 127 & 129 | 92 | 315 | 407 | 1st |
| WELC - 131 & 133 | 90 | 450 | 540 | 15th |
| VACANT - 135 | 53 | 175 | 228 | 1st |
| Clay Scott - 137 | 53 | 175 | 228 | 1st |
| Mt Preservation Alliance - 120 #2 | 135 | 750 | 885 | 1st |
| CASA - 120 #1 | 136 | 765 | 901 | 1st |
| Caretakers Cabin | 0 | 500 | 500 | 1st |
| Total Monthly | 1,411 | 5984 | 7,395 | |



Montana Fish, Wildlife & Parks

Parks Division

Biennial Fee Rule

Fees and Rules for the
State Park System and Fishing Access Sites

Adopted by FWP Commission on November 18, 2010

Note: Appreciating public concern over the current economy, the FWP Commission directed the Parks Division to delay implementing state park camping fee increases for residents of Montana, and Lewis and Clark Caverns cave tour fee increases for a minimum of one year and until such time that the economy has improved.



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FEE RULE TABLES: STATE PARKS AND FISHING ACCESS SITES**State Park Entrance Fees**

| Item | Fees |
|--|---|
| Daily Entrance Fee (vehicle) | \$0 Resident \$5 Nonresident (\$3 Disabled) |
| Daily Entrance Fee (pedestrian, bicycle, non-commercial passenger bus) | \$0 Resident \$3 Nonresident |
| Nonresident State Park Annual Pass | \$25 (1 st vehicle) \$20 (additional vehicle) |

State Park Camping Fees

| Item | Current Fees Peak Season | Current Fees Off-Season | Future Fees ¹ Peak Season | Future Fees Off-Season |
|---|--|--|---|--|
| Campsite | \$15 Resident (\$7.50 Resident Senior/Disabled) \$23 Nonresident (\$18 Nonresident with Park Pass) | \$15 Resident (\$7.50 Resident Senior/Disabled) \$20 Nonresident (\$15 Nonresident with Park Pass) | \$18 Resident (\$9 Resident Senior/Disabled) \$23 Nonresident (\$18 Nonresident with Park Pass) | \$15 Resident (\$7.50 Resident Senior/Disabled) \$20 Nonresident (\$15 Nonresident with Park Pass) |
| Campsite with Electricity | \$20 Resident (\$12.50 Resident Senior/Disabled) \$28 Nonresident (\$23 Nonresident with Park Pass) | \$20 Resident (\$12.50 Resident Senior/Disabled) \$25 Nonresident (\$20 Nonresident with Park Pass) | \$23 Resident (\$14 Resident Senior/Disabled) \$28 Nonresident (\$23 Nonresident with Park Pass) | \$20 Resident (\$12.50 Resident Senior/Disabled) \$25 Nonresident (\$20 Nonresident with Park Pass) |
| Cabin | \$45 Resident \$55 Nonresident | \$45 Resident \$50 Nonresident | \$50 Resident \$55 Nonresident | \$45 Resident \$50 Nonresident |
| Regular Yurt | \$45 Resident \$55 Nonresident | \$45 Resident \$50 Nonresident | \$50 Resident \$55 Nonresident | \$45 Resident \$50 Nonresident |
| Large Yurt | \$45 Resident \$60 Nonresident | \$45 Resident \$55 Nonresident | \$55 Resident \$60 Nonresident | \$45 Resident \$55 Nonresident |
| Tipi | \$25 Resident \$35 Nonresident | \$25 Resident \$30 Nonresident | \$30 Resident \$35 Nonresident | \$25 Resident \$30 Nonresident |
| Backcountry Camping (walk-in / bike-in) | \$7 Resident (\$3.50 Resident Senior/Disabled) \$15 Nonresident | \$7 Resident (\$3.50 Resident Senior/Disabled) \$12 Nonresident | \$10 Resident (\$5 Resident Senior/Disabled) \$15 Nonresident | \$7 Resident (\$3.50 Resident Senior/Disabled) \$12 Nonresident |
| Showers | \$2 | \$2 | \$2 | \$2 |

State Park Campsite Reservation Fees

| Item | Fees |
|---|---|
| Reservation Fee: Individual campsite or facility (campsite/cabin/yurt/tipi) | \$10 |
| Reservation Fee: Group campsite or facility | \$25 |
| Reservation Modification Fee | \$10 |
| Reservation Cancellation Fee: Individual campsite or facility | \$15 or 1 st night camping, whichever is greater |
| Reservation Cancellation Fee: Group campsite or facility | \$50 if 21 or more days prior to scheduled arrival If less than 21 days, forfeit 1 st night camping fee |
| Reservation No Show | No refund (reservation, camping fee) |

¹ See Note on cover page of this fee rule for explanation on future fees.

Fishing Access Site Camping Fees

| Item | Fees |
|--------------|---|
| FAS Campsite | \$7 for fishing license holders \$12 for non-license holders |

Facility Rental Fees

| Item | Fees |
|----------------------------------|---|
| Shelter or Pavilion Reservation: | \$75 rental fee (\$100 deposit) |
| Meeting Room Reservation | \$50 per half day \$75 per full day \$100 deposit |

Special Use and Group Use Fees

| Item | Fees |
|--|--|
| Special Use, Group Use, Special Events | \$3 per person or \$5 per vehicle \$100 deposit |

Other State Park and FAS Fees

| Item | Current Fees | Future Fees ² |
|--|--|---|
| Guided Cave Tours (Lewis & Clark Caverns) | \$10 per adult (age 12 and above) \$5 per child (age 6 to 11) <u>Educational Group:</u> \$8 per adult (age 12 and above) \$4 per child (age 6 to 11) <u>Candle Tours:</u> \$15 per adult (age 12 and above) \$8 per child (age 6 to 11) | \$12 per adult (age 13 and above) \$6 per child (age 6 to 12) <u>Educational Group:</u> \$10 per adult (age 13 and above) \$5 per child (age 6 to 12) <u>Candle Tours:</u> \$16 per adult (age 13 and above) \$8 per child (age 6 to 12) |
| Guided Tours, Special Interpretive/Training Programs | \$2 per person or as posted | \$2 per person or as posted |
| Firewood Cutting Permit | \$20/cord | \$20/cord |
| Boat Mooring Buoy | \$5 per day (\$12 if camping on boat) | \$5 per day (\$12 if camping on boat) |
| Boat Slip Rental | \$5 per day (\$12 if camping on boat) | \$5 per day (\$12 if camping on boat) |

Alberton Gorge Commercial Use Fees

| Item | Fees |
|----------------|--------------------------------|
| Commercial Use | 3% of unadjusted gross revenue |

Blackfoot and Madison River Use Fees

| Item | Fees |
|--------------------|--|
| Commercial Use | 3% of unadjusted gross revenue |
| Competitive Events | \$3 per person per day, or \$95, whichever amount is greater |
| Organized Groups | \$3 per person per day |

² See Note on cover page of this fee rule for explanation on future fees.

Parks Division Biennial Fee Rule

Adopted by the FWP Commission on November 18, 2010

I. INTRODUCTION AND APPLICABILITY OF RULES

- A. The biennial fee rule applies to non-commercial use of state parks and fishing access sites, organized groups and competitive events on the Blackfoot and Madison rivers, and commercial use of the Alberton Gorge (all other commercial use of state parks and fishing access sites are governed by 12.14.101 through 12.14.170, ARM).
- B. This biennial fee rule is in effect for the two calendar years following the date of adoption. The Fish, Wildlife and Parks Commission may amend the fee rule at any time during this time period.
- C. Per 12.8.213 (3), ARM, regulations relating to establishment of fees for recreation use of lands and waters owned and controlled by the state of Montana, acting by and through the Fish, Wildlife and Parks Commission, will be adopted on an annual and seasonal basis and therefore will not be considered or processed as subject to the Montana Administrative Procedures Act.
- D. The Fish, Wildlife and Parks Commission has the authority to adopt these rules as annual or biennial rules not subject to the specific requirements of the Montana Administrative Procedures Act per section 2-4-102(11)(b)(iv), MCA.
- E. The parks division may reduce or waive fees established by this biennial fee rule to increase utilization of a park, promote special events, in response to camping conditions or other factors contributing to visitor dissatisfaction, or for a park or fishing access site with a lower level of services or amenities. Such fee reductions must be approved by the parks division administrator or his or her designee.

II. LEGAL AUTHORITY

- A. Sections 23-1-105, 23-1-106, 23-1-118, 61-3-321, 87-1-303, MCA, and 12.8.213, ARM, authorize the collection of fees and charges for use of Montana state parks and fishing access sites, and rulemaking for the sites' use, occupancy, and protection.

III. DEFINITIONS

- A. "Camp" means to occupy a campsite overnight at a state park or fishing access site.
- B. "Camping unit" means one sleeping device or shelter, including but not limited to a tent, motor home, camping bus, truck mounted camping shell, pull-type camper, or other device designed and commonly used for sleeping.
- C. "Commercial use" is defined as per ARM 12.14.101(3).
- D. "Commission" means Fish, Wildlife and Parks Commission.
- E. "Competitive event" means any organized, sanctioned, or structured use, event, or activity on lands owned or managed by the department or related waters in which two or more contestants compete, the participants register, enter, or complete an application for the event, and/or a predetermined course or area is designated.
- F. "Department" means Department of Fish, Wildlife and Parks.
- G. "Dispersed camping" means camping that occurs in areas that are not individually signed or numbered.
- H. "Educational group" means an organized group that is officially recognized as an educational or scientific institution by a federal, state, or local government entity. Documentation of this recognition must be on institutional letterhead and include a signature by the head of the institution/department and documentation of official educational or scientific tax exemption as granted by the Internal Revenue Service. The definition of an education group includes home schooling per 25-5-111, MCA.

- I. "Motor vehicle" means any passenger car, truck, van, or motor home, and does not include vehicles engaged in commercial use.
- J. "Nonresident" means a person who does not meet the definition of a resident as defined in 87-2-102, MCA.
- K. "Nonresident daily entrance fee" is the fee for gaining access to a unit of the state park system, either by an annual pass or daily entrance permit.
- L. "Nonresident state park annual pass" is a non-transferable, non-refundable pass that grants a non-commercial nonresident vehicle and up to eight occupants free access to state parks for a one-year time period beginning March 1 through the last day of February.
- M. "Nonresident vehicle" shall be defined as a vehicle bearing license plates from a state or province other than Montana.
- N. "Off season" means the time period beginning the day after Labor Day up to and including the Thursday before Memorial Day when visitation is typically lower, fewer amenities are available, and/or the state park system operation expenses are lower.
- O. "Organized group" means a structured, ordered, consolidated, or scheduled event on, or occupation of, lands owned or managed by the department or related waters that is not commercial or competitive.
- P. "Peak season" means the time period from the Friday before Memorial Day through Labor Day when visitation is typically higher, more amenities are available, and/or the state park system operation expenses are higher.
- Q. "Primitive parks" are those sites listed in 23-1-116, MCA, subject to special restrictions on development and fee collection.
- R. "Reservation fee" means the transaction fee assessed when using the state park camping reservation program.
- S. "Resident" means a resident of Montana as defined in 87-2-102, MCA.
- T. "Single visit" is a stay within a designated area during a daily period when the park is open for public use.
- U. "Service group" means a group that donates proceeds or services to the management or improvement of fish, wildlife, and parks, including the maintenance, management, or the improvement or development of facilities.

IV. ENTRANCE TO STATE PARKS

- A. A person driving a vehicle licensed in Montana with a paid state park vehicle registration fee will be granted daily access to state parks at no charge per 23-1-105(6), and 61-3-321(18)(a), MCA (see Appendix A). Occupants of the vehicle shall not be charged daily entrance fees.
- B. A nonresident or nonresident vehicle shall not enter or use park areas, campgrounds, or other facilities, or otherwise participate in programs or activities for which a fee has been established without first paying the required fee per ARM 12.8.213.
- C. Payment of a single visit fee authorizes exits from and re-entries to all designated fee areas for the date the fee is paid.
- D. The non-resident entrance fee provides for the entry of one private, non-commercial motor vehicle and its occupants into a park area, or the entry of a single person into a park on foot, by bus, bicycle, or means other than by conventional motor vehicle for a "single visit."
- E. Non-resident children under 13 years of age are admitted free to sites that charge a per-person daily entrance fee.
- F. A nonresident who is participating in an authorized commercial activity is not subject to the daily entrance fee.
- G. The daily nonresident entrance permit is valid only for the date issued.
- H. A nonresident with a disability shall be charged the single person nonresident entrance fee of \$3 when accessing a state park in a vehicle so long as they are the sole occupant of that vehicle.
- I. Federal park passports, e.g. the America the Beautiful card, are not valid at Montana state parks.

- J. To be valid, the nonresident state park pass must be permanently affixed to the interior lower left area of the vehicle's windshield. A \$10 fee shall be assessed to replace a lost or destroyed pass. When replacing a windshield, a nonresident pass holder may present the peeled-off pass or the largest remnants to receive a free replacement.
- K. The pass can be purchased at selected license agents, department offices, designated recreation fee areas, and via the department's web site. A nonresident who purchases a state park pass via the department's web site may print a temporary copy that is valid for entry into any state park for a period of 7 days following the date of purchase. The purchaser will receive an official pass in the mail. A pass purchased via the department's web site shall be assessed a service fee.
- L. Additional passes may be purchased at a reduced cost. Each additional vehicle must be registered to the same street address.

V. CAMPING AT STATE PARKS

- A. There is a fee to camp at state parks. Exception:
 - i. There is no camping fee for residents at primitive state parks with the exception of Thompson Falls state park and Headwaters state park as provided in 23-1-118, MCA.
- B. A camping fee is charged per each individually signed or numbered campsite unless otherwise posted. The park manager may apply the campsite fee to each camping unit for dispersed camping areas and campsites that accommodate multiple camping units.
- C. A visitor must immediately pay the required camping fee upon arriving at or occupying a campsite, cabin, yurt, or tipi. The camping permit must be attached to the campsite post if available or displayed on driver's side dashboard.
- D. The nonresident camping fee includes the nonresident entrance fee. A nonresident who purchases a state park annual pass may subtract \$5 per night from the camping fee.
- E. Overnight camping fees shall be assessed when camping overnight on a boat that is moored within a designated boat slip, marina or buoy.
- F. In addition to the group campsite reservation fee, each individual or party within the group must pay the applicable camping fees listed in this fee rule.
- G. 23-1-105(2), MCA, provides that an overnight camping fee will be discounted 50% for a campsite rented by a Montana resident who is a:
 - i. senior citizen 62 years of age or older and provides a photo identification with Montana resident address (e.g., Montana Driver's License); or
 - ii. person with a disability, verified by either a disability form obtained from the department and signed by a physician, a Resident Disability Conservation License, or a disability permit or license plate issued by the Montana Motor Vehicle Division.
- H. Only one discount may be applied to an overnight camping fee, not a combination. No discount may be applied to the electrical fee or to any other fees such as boat slips, firewood, etc.
- I. A senior citizen with a Golden Years' Pass issued by the department shall be granted free camping. The Golden Years' Pass is valid only if the holder or spouse is in the vehicle to which it is attached. This pass is non-transferable. The original holder of a Golden Years' Pass can obtain a replacement pass at any FWP office or the Helena headquarters for \$1 by showing a portion of the original pass. The Golden Years' Pass has not been issued since 1989 and therefore as of 2010 the holder must be at least 83 years of age.
- J. Selected state park campsites may be reserved through the department's state park campsite reservation system.
- K. Campsites may not be "held" by an individual or party for another individual or party arriving later. No person may pay a camping fee or leave an item as a means to reserve or hold an unoccupied site. This does not prohibit the reservation of a campsite through the department's state park campsite reservation system.

- L. Unless otherwise posted, the maximum occupancy at each individually signed or numbered campsite is eight (8) people.
- M. Unless otherwise posted, the maximum occupancy at each individually signed or numbered campsite is one camping unit and up to two additional tents. "Camping unit" means one sleeping device or shelter, including but not limited to a tent, motor home, camping bus, truck mounted camping shell, pull-type camper, or other device designed and commonly use for sleeping.
- N. All camper units with the exception of tents, and all motor vehicles, boats, trailers, motorcycles, non-licensed recreational vehicles, and other similar forms of transportation must be parked within the designated parking area of the campsite or at designated overflow (alternative) parking areas.
- O. The park manager may establish a dispersed camping area with occupancy limits and terms and conditions for use of the area. Occupancy limits that exceed thirty (30) people may require a special use permit.
- P. No person may leave a campsite unattended overnight. Nightly occupancy is required.
- Q. Camping at one or more campsites in any one designated recreation area for a period longer than fourteen (14) days during any 30-day period is prohibited unless otherwise posted. In areas so posted, said occupancy shall be limited to seven (7) days during any 30-day period. Such 30-day periods shall run consecutively during the year commencing with the first day each person camps in a designated recreation area each year.
- R. No person may set up camp in areas other than designated campgrounds, or in any department-administered shelter building unless the shelter is posted as a camp shelter.
- S. No person or group may set up camp or otherwise occupy a campsite that has already been reserved or paid for by another person or group.
- T. No person may leave a set-up camp, or trailer, camper, other vehicle, or equipment unattended for more than 48 hours unless the area is otherwise posted.
- U. Checkout time for campers using fee areas is 2:00 p.m. the following day unless otherwise posted.
- V. Overnight camping fees shall be assessed when camping overnight on a boat that is moored within a designated boat slip, marina or buoy.
- W. All camping fees include the 7% State of Montana accommodation tax as per 15-65-111 & 15-68-102, MCA.

VI. CAMPSITE RESERVATION PROGRAM

- A. There is a nonrefundable, nontransferable reservation fee charged for reserving a state park campsite or facility through the campsite reservation program. The reservation fee is in addition to the camping fee.
- B. There is a nonrefundable modification fee charged for changing a reservation.
- C. There is a cancellation fee charged when cancelling a campsite or facility reservation.
- D. The Commission delegates authority to the Parks Division Administrator to develop procedures for administering the camping reservation system, including but not limited to procedures on reservation limits, modifications, and cancellations.

VII. CAMPING AT FISHING ACCESS SITES

- A. There are no daily entrance fees at fishing access sites.
- B. There is a fee to camp at fishing access sites that are posted as fee areas. A visitor must immediately pay the required camping fee upon arriving at or occupying a campsite. The camping permit must be attached to the campsite post if available or displayed on driver's side dashboard.
- C. A camping fee is charged per each individually signed or numbered campsite unless otherwise posted. The park manager may apply the campsite fee to each camping unit for dispersed camping areas and campsites that accommodate multiple camping units.

- D. Fishing access site camping seasons vary based upon specific site conditions, location, and other factors. Some sites may be closed during the winter season or other portions of the year (contact a department regional office for details).
- E. A person must have a valid fishing license to qualify for the reduced (lower) camping fee at fishing access sites.
- F. 23-1-105(2), MCA, provides that an overnight camping fee will be discounted 50% for a campsite rented by a Montana resident who is a:
 - i. senior citizen 62 years of age or older and provides a photo identification with Montana resident address (e.g., Montana Driver's License); or
 - ii. person with a disability, verified by either a disability form obtained from the department and signed by a physician, a Resident Disability Conservation License, or a disability permit or license plate issued by the Montana Motor Vehicle Division.
- G. Only one discount may be applied to an overnight camping fee, not a combination.
- H. Campsites may not be "held" by an individual or party for another individual or party arriving later. No person may pay a camping fee or leave an item as a means to reserve or hold an unoccupied site.
- I. Unless otherwise posted, the maximum occupancy at each individually signed or numbered campsite is eight (8) people.
- J. Unless otherwise posted, the maximum occupancy at each individually signed or numbered campsite is one camper unit and up to two additional tents. "Camping unit" means one sleeping device or shelter, including but not limited to a tent, motor home, camping bus, truck mounted camping shell, pull-type camper, or other device designed and commonly use for sleeping.
- K. All camper units with the exception of tents, and all motor vehicles, boats, trailers, motorcycles, non-licensed recreational vehicles, and other similar forms of transportation must be confined within the designated parking area of the campsite or at designated overflow (alternative) parking areas.
- L. The park manager may establish a dispersed camping area with occupancy limits and terms and conditions for use of the area. Occupancy limits that exceed thirty (30) people may require a special use permit.
- M. No person may leave a campsite unattended overnight. Nightly occupancy is required.
- N. Camping at one or more campsites in any one designated recreation area for a period longer than fourteen (14) days during any 30-day period is prohibited unless otherwise posted. In areas so posted, said occupancy shall be limited to seven (7) days during any 30-day period. Such 30-day periods shall run consecutively during the year commencing with the first day each person camps in a designated recreation area each year.
- O. No person may set up camp in areas other than designated campgrounds, or in any department-administered shelter building unless the shelter is posted as a camp shelter.
- P. No person or group may set up camp or otherwise occupy a campsite that has already been reserved or paid for by another person or group.
- Q. No person may leave a set-up camp, or trailer, camper, other vehicle, or equipment unattended for more than 48 hours unless the area is otherwise posted.
- R. Checkout time for campers using fee areas is 2:00 p.m. the following day unless otherwise posted.
- S. Overnight camping fees shall be assessed when camping overnight on a boat that is moored within a designated boat slip, marina or buoy.
- T. All camping fees include the 7% State of Montana accommodation tax as per 15-65-111 & 15-68-102, MCA.

VIII. USE OF SHELTERS, PAVILLIONS, AMPHITHEATERS, AND MEETING ROOMS

- A. An individual or group may reserve a shelter, pavilion, amphitheater or meeting room subject to availability and approval by staff. The park manager may deny the reservation request or stipulate the conditions of use based on the nature of the proposed use and the regulations and management objectives in place at the park or fishing access site where the use would occur.

- B. A facility reservation form should be submitted to the appropriate regional office or park a minimum of seven (7) days prior to the proposed date(s) of use. Reservations may also be made by telephoning the appropriate regional headquarters or park office. All telephone reservations must be confirmed within five (5) days by submitting a facility reservation form.
- C. There is a rental fee for use of shelters, pavilions, amphitheaters, and meeting rooms. The fee must be paid prior to use of the facility.
- D. The park manager may adjust the rental fee on a case-by-case basis for educational groups or an individual or group that donates money or services to the state park system.
- E. A cleaning/security deposit is required and must be submitted in advance with the facility reservation form and rental fee. The park manager shall assess the cleanup and/or restoration of resources and facilities and if conditions are satisfactory the manager shall refund the deposit.
- F. The park manager may waive the deposit requirement for groups that have previously reserved a facility and demonstrated satisfactory cleanup and/or restoration of resources and facilities.
- G. The park manager shall refund the cleaning/security deposit if the reservation is canceled more than seven (7) days in advance. If a reservation is canceled less than seven (7) days before the intended use period, the cleaning/deposit shall be retained. If the facility is unavailable for the intended use due to unforeseen conditions, both the fee and deposit shall be refunded.

IX. SPECIAL USE, GROUP USE AND SPECIAL EVENTS

- A. All groups or events of 30 or more people must secure a special use permit prior to using a state park or fishing access site. Examples of groups or events that may require a special use permit include but are not limited to wedding parties, family reunions, fishing contests, and research activities.
- B. The park manager may require a special use permit for groups of less than 30 people based on management or resource protection objectives for a site, special rules or regulations, or other determining factors.
- C. The park manager may deny or amend a request for a special use permit based on the management and resource protection goals for a site or other extenuating circumstances.
- D. Groups that meet the definition of commercial use are governed by the department's commercial use rules.
- E. A special use permit may be issued to a group or individual representing a group.
- F. The proposed special use must comply with pertinent state and federal laws and regulations including public health, safety, and air and water quality.
- G. A group or individual receiving a special use permit must comply with the terms and conditions of the permit. The park manager may establish limits on the size of groups.
- H. The proposed special use must not adversely impact neighboring properties, existing archaeological, historical, cultural, or natural values and must not conflict with management objectives and guidelines.
- I. Special use permit applications should be submitted to the appropriate regional office or park a minimum of seven (7) days prior to the proposed date of use.
- J. The park manager may charge a fee for special use, group use and special events at state parks and fishing access sites. The fee does not include the daily entrance fees when applicable. The fee must be submitted in advance with the permit application and deposit unless otherwise specified by the department.
- K. The park manager may adjust the special use fee upward or downward to accommodate the nature of the activity, compensate for site impacts or department staffing needs, or for other unique circumstances pertaining to the permitted activity.
- L. The park manager may adjust the special use fee on a case-by-case basis for educational groups when the following conditions are met:
 - i. the group is from a bona fide institution that meets the definition of an educational group;
 - ii. the group provides a written explanation of the educational purpose of the visit; and
 - iii. the use is not primarily for recreational purposes.

- M. The park manager may adjust the special use fee on a case-by-case basis for service groups when the group or event:
- i. donates proceeds or services to the management or improvement of fish, wildlife, and parks, including the maintenance, management, or the improvement or development of facilities;
 - ii. donates proceeds from the event or activity to a nonprofit organization or charitable cause; or
 - iii. is organized primarily for children under the age of thirteen.
- N. A cleaning/security deposit is required in advance for special use or group use that requires a permit and must be included with the permit application and fee.
- O. The park manager may waive the deposit requirement for groups that have previously reserved a facility and demonstrated satisfactory cleanup and/or restoration of resources and facilities and compliance with the permit terms and conditions.

X. OTHER STATE PARK AND FAS USE

- A. The department may charge and collect a fee for department-provided guided tours, interpretive or training programs, firewood cutting permits, boat mooring, and boat slip rental. The park manager may adjust the guided tour fee on a case-by-case basis for marketing or otherwise promoting the activity.
- B. Firewood cutting is only available on a limited basis and may only occur at designated sites.

XI. ALBERTON GORGE COMMERCIAL USE

- A. For the purpose of this fee rule, the Alberton Gorge shall be defined as the region between and including Cyr fishing access site to Tarkio fishing access site along the Clark Fork River and shall be known as the Gorge.
- B. The department's Commercial Use Administrative Rules (ARM 12.14.101 through ARM 12.14.170) and Commercial Use Permit Fee Rule apply to commercial use within the Gorge.
- C. Commercial use, as defined in ARM 12.14.101(3), within the Gorge is limited to commercial use that demonstrated "Historical Commercial Use" of the Gorge prior to January 1, 1998 by registering with the department by March 15, 1999. Those who failed to demonstrate proof of prior commercial use by that date are not considered historical commercial users and therefore are prohibited from conducting commercial use within the Gorge.
- D. In accordance with ARM 12.14.120(1), a restricted use permit is required in advance to conduct commercial use within the Gorge.

XII. BLACKFOOT AND MADISON RIVER USE

- A. The department, in conjunction with the Bureau of Land Management (BLM), requires a Special Recreation Permit for commercial use, competitive events, and organized group activities at department and BLM access sites along the Blackfoot River and Madison River.
- B. The department shall issue Special Recreation Permits pursuant to ARM 12.11.6501 through 12.11.6575, the department's Commercial Use Administrative Rules (ARM 12.14.101 through ARM 12.14.170), and the Commercial Use Permit Fee Rule.
- C. The maximum sizes for organized and commercial groups on the Blackfoot River are as follows:

| River Reach | Organized Groups Maximum size, (individuals) | Commercial Groups Maximum size, (individuals) |
|---|---|--|
| 1. Headwaters to the Mineral Hill area | 0 | 0 floating, 3 wading |
| 2. Mineral Hill area to North Fork confluence | 12 | 12 |
| 3. North Fork confluence (or Harry Morgan FAS) to Russell Gates FAS | 21 | 21 |
| 4. Russell Gates FAS to Roundup FAS | 30 (40 May 1 - June 15) | 30 (40 May 1 - June 15) |
| 5. Roundup FAS to Johnsrud Park FAS* | 30 (40 May 1 - June 15) | 30 (40 May 1 - June 15) |
| 6. Johnsrud Park FAS to Bonner | Based upon site capacity | Based upon site capacity |
| 7. North Fork of Blackfoot to Harry Morgan FAS (confluence). | 0 | 12 |

*At Whitaker Bridge FAS, the maximum commercial group size will be 25 individuals from June 15 through Labor Day.

D. Exceptions to the maximum group sizes on the Blackfoot River are as follows:

- i. reaches four (4) and five (5) include a whitewater season (May 1 through June 15) with special group sizes to accommodate the traditional spring runoff and whitewater rafting season;
- ii. the regional park manager may adjust this time period annually to address seasonal peak spring flows conditions.

E. A person may apply for a Blackfoot River special recreation permit and request to exceed the maximum group size limit. In such cases, the department may conduct an environmental assessment to assess the predicted impacts of the request. Such requests may be subject to cost recovery.

F. "Site capacity" on the Blackfoot River is the number of people each site can accommodate without significant impacts to the site resources or social experience. It is the maximum use level for all recreational use, including the combined use of a recreation site by the general public and any permitted recreational uses (commercial, competitive and organized groups). Each permit in this river reach shall be determined on a case-by basis.

G. The impacts and acceptable size limits for competitive events on the Blackfoot River shall be assessed on site-specific capacities and suitability. The permitted group size for a competitive event may be smaller than the maximum group size for organized and commercial use based on the cumulative impacts of all anticipated use. Special recreation permits do not grant exclusive use of a recreation site to any permitted group.

H. The following criteria shall be used to determine the maximum group size for a proposed competitive event on the Blackfoot River:

- i. whether the competitive events is consistent with the management objectives outlined in the Blackfoot River Recreation Management Plan;
- ii. whether the combination of the anticipated general public use and the special recreation permit use is expected to be within the site capacity limits;
- iii. whether the site is capable of accommodating the proposed number of people and vehicles without damage or degradation to the facilities or resources;
- iv. whether the proposed activity and group size is compatible with the site facilities;
- v. the timing and duration of the proposed event; and
- vi. the benefits to the public and/or river resources.

I. If the proposed event is to occur in critical native fish recovery areas, the activity must be consistent with current bull trout recovery considerations.

XIII. SPECIAL RULES AND REGULATIONS

- A. Fees shall be prominently signed and posted where applicable.
- B. The department's public use regulations, 12.8.201 through 12.8.213, ARM, unless otherwise posted or noted in this fee rule, shall apply to use of state parks and fishing access sites.
- C. The Commission delegates to the director or the director's designee the authority to post special rules, consistent with existing department or commission authority, related to public use, health, safety, welfare, and resource protection per 23-1-106, MCA.

XIV. PENALTIES

- A. No person shall enter or use park areas, campgrounds, or other facilities, or otherwise participate in programs or activities for which a fee has been established without first paying the required fee. Any violation of this provision is punishable by a fine not to exceed \$500 per 23-1-106, MCA, and 12.8.213, ARM.
- B. Violation of fee requirements, administrative rules, or state laws may result in immediate expulsion from the area in addition to other enforcement actions.

XV. SEVERABILITY CLAUSE

- A. If a part of this fee rule is invalid, all valid parts are severable from the invalid part and shall remain in effect. If a part of this fee rule is invalid in one or more of its applications, the part remains in effect in all valid applications severable from the invalid applications.

APPENDIX A. 23-1-105 AND 61-3-321, MCA.**23-1-105(6)**

In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, person who pay the fee provided for in 61-3-321(18)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department.

61-3-321 (18)

(a) Unless a person exercises the option in subsection (18)(b), an additional fee of \$4 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee, the department of fish, wildlife, and parks shall use \$3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

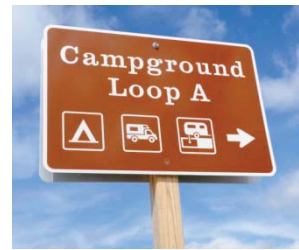
(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (18)(a). If a written election is made, the fee may not be collected.

Funding Options for State Parks

Light vehicle registration fee (61-3-321, MCA) -- This opt-out fee was increased from \$4.00 to \$6.00 by the 2011 Legislature (HB 370) as of January 1, 2012. Of the \$6.00, \$5.37 is now dedicated to state parks (up from \$3.50) and is estimated to generate an additional \$417,966 in revenue in FY 2012 and an additional \$911,898 in FY 2013. HB 370 stipulates that DFWP must use the increased revenue for maintenance and operation of state parks (as opposed to acquisition).



User fees -- The FWP Commission adopted the most recent Parks Biennial Fee rule on November 18, 2010. This fee rule includes camping, nonresident day use, off season rates, guided tours, meeting rooms, group use, special events, commercial use licenses, boat slip rentals, and the like. In FY 2011, these fees raised approximately \$1.4 million. A ten percent increase in fees could yield an additional \$140,000. A ten percent increase in just camping fees could yield approximately \$52,500. However, these fee increases are not within control of the legislature as the power to “levy and collect reasonable fees” is granted to the department in 23-1-105, MCA. To impact the current fee setting process, the EQC has two options:



- 1) writing to the FWP Commission to urge an increase in user fees. Examples of such fee changes include:
 - o Elimination of discounted camping during peak season
 - o Increase in camping fees
 - o Increase in fees for amenities such as electricity and water hookups
- 2) establishing an indexed rate of increase in statute on a yearly or biennial basis. For example, requiring the FWP Commission to increase user fees at a fixed rate each year or each biennium, or establishing a minimum increase, leaving the actual increase to the FWP Commission.

To increase revenue from user fees, the Legislature could also choose to:

- 1) eliminate the camping fee discount provided in statute for the disabled and those 62 years of age or older (23-1-105(2), MCA). Doing so could result in an estimated \$105,000 in additional revenue.
- 2) amend statute to allow for the collection of camping fees at all primitive parks. Currently, only one of the ten primitive parks (Headwaters) is allowed to collect camping fees. (23-1-118, MCA) If 50 percent of the available sites at primitive parks were filled through camping season, the revenue potential is approximately \$82,500.

Accomodations Tax -- DFWP receives a statutory appropriation of 6.5% of the accommodations tax for state park facility maintenance. This appropriation was established in



1993 in recognition of state parks' contribution to tourism. The Legislature could reallocate proceeds from the accommodations tax and increase the percentage dedicated to state parks in 15-65-121, MCA. Based on FY 2011 data, an increase of 1% would provide approximately \$195,700 in additional funding each year to state parks. But in order for state parks to receive more, another agency's allocation would have to be decreased.

Currently, the largest portion of accommodations tax revenue is given to the Department of Commerce (64.9%) and the smallest portion is provided to the university system (2.5%).

Coal Tax Trust – 15-35-108, MCA sets aside 1.27% of coal severance taxes in a permanent fund account (trust) for the benefit of state parks. Interest on the account may be used for acquisition, development, operation, and maintenance. Either of, or a combination of, the following options could be used to increase revenue for state parks:

- 1) Increase the portion of coal severance taxes allocated to state parks – an increase of one percent would deposit approximately an additional \$521,000 in the state parks' permanent fund account, subsequently increasing the interest earnings available for parks management. Given current annual returns, this increase would raise the distributable earnings by \$35,000 within the first year.
- 2) Change the disbursement options – establish an inviolate level of the trust, such as \$20 million, allowing for anything over that amount in the fund to be expended. Distribution after the trust achieves \$20 million would be the total between excess fund balance, interest, and the coal tax distribution. For example, in FY 2012, this would be approximately \$2.2 million in excess fund balance as one-time-only and annual availability of interest and coal tax distribution worth approximately \$1.5 million.

Estimated Costs of Administrative Alternatives for State Parks to the DNRC, DOC, and MHS

In January, the EQC asked staff for the estimated cost of and the possible impact to FTE if the administration of the Parks Division was assigned to another agency or if a stand-alone State Parks agency was created. Appendix F considers the costs and impacts of reassigning Parks to the Department of Natural Resources (DNRC), the Department of Commerce (DOC), or the Montana Historical Society (MHS). To complete this task, staff developed a list of standardized questions for those agencies. The questions and the agencies' responses follow.

- 1. Would your agency require additional FTE to provide centralized services to the Parks Division (for HR, accounting, legal services, etc.). Currently, the Parks Division employs approximately 68 permanent FTE and 145 seasonal employees.**

| DNRC | DOC | MHS |
|---|---|---|
| Yes. DNRC concurs with the 2011 Session HB628 Fiscal Note submitted by the DOC. | YES. See HB 628 Fiscal Note; Assumption 26. | MHS is assuming all staff directly associated with parks would be transferred to the new Agency. MHS projects at a minimum an additional 12 FTE's to provide accounting, budget, fiscal, information technology, legal, and human resources support for the Parks Division. |

HB 628 Fiscal Note, assumption 26 states:

The addition of the Parks Division would increase the DOC's total FTE by approximately 50% and the addition of 54 state parks and the other associated duties and responsibilities enumerated in the bill would require an increase in staff needed to administratively support the Parks Division. The Director's Office would require 12.00 FTE to provide accounting and fiscal, budget, human resources, information technology, and legal support to the Parks Division. Personal services costs are estimated at \$689,701 and operating expenses (including one-time-only) are estimated at \$156,169 in FY 2013. FY 2014 and FY 2015 personal services expenses are inflated by 2%; or FY 2014 at \$703,495 and FY 2015 at \$717,565. FY 2014 operating expenses are estimated to be \$114,004 and FY 2015 at \$116,284.

2. How much would your agency charge State Parks for overhead/indirect costs? What does overhead/indirect costs include at your agency and how is it calculated?

| DNRC | DOC | MHS |
|--|---|--|
| <p>DNRC concurs with the 2011 Session HB628 Fiscal Note submitted by the DOC. This Fiscal Note details on item #26 and the table on page 7 additional costs needed by the Director’s Office to administratively support the division. To fund these additional costs, DNRC would also require spending authority in the state special revenue funds that support the Parks Division. DNRC also assess indirects on all personal services & operating expenditures in federal funds. The current approved rate is 8.44%. This indirect would be assessed on the Parks Enforcement funding from the Coast Guard.</p> | <p>See HB 628 Fiscal Note; Assumption 27.</p> | <p>The Parks division would be responsible for all costs relating to information technology for databases, parks reservations system, website expansion, any automated licensing or registration systems, Parks would be responsible for any office or shop space in Helena and in the regional offices. The Parks Division would be responsible for Fixed Costs, which typically includes warrant writer, HRIS fees, work compensation management fees, legislative audit, SABHRS, ITSD costs, deadhead service fees, the statewide cost allocation plan and any other fixed costs the OBPP might include in this process. Additionally, any rent costs associated with the Parks Division.</p> |

HB 628 Fiscal Note, assumption 27 states:

It is assumed the Parks Division would be charged monthly, for the increased administrative support services provided by the DOC. FY 2013 is estimated at \$70,489 per month. Beginning in the 2015 biennium, the Parks Division would be included in the DOC indirect cost plan when a new indirect cost rate would be calculated.

3. Would your agency require additional IT support to accommodate State Parks?

| DNRC | DOC | MHS |
|------|--|--|
| Yes | YES. See HB 628 Fiscal Note; Assumptions 17-19 & 26. | Yes, MHS has only 1 FTE for IT support. MHS would require additional FTEs with the possibly of contract IT support for the regional offices. |

HB 628 Fiscal Note, assumptions 17-19 state:

- 17. Additionally, it is further assumed that the Parks Division would contract with the Department of Fish and Wildlife for information technology services for all remotely located staff.
- 18. The Parks Division uses an online application system for Smith River floating permits. For the purposes of this fiscal note it is also assumed the Parks Division would continue to contract with the Department of Fish and Wildlife to continue those services. It is estimated the expenses that DOC would pay to the Department of Fish and Wildlife for shared facilities, etc. is \$105,000 for fiscal year 2013. DOC will need additional authority to cover this cost.
- 19. The Parks Division is currently implementing an online reservation system for campsites, teepees, cabins, and yurts. For the purposes of this fiscal note, it is also assumed the Parks Division would continue to contract with the private vendor and the State of Idaho to continue those services
- 26. See page 1 of this appendix.

4. Would your agency's existing facilities be able to accommodate the current State Parks staff? (There are approximately 16 FTE in Helena; the remainder work in regional or field offices. Space options could include leasing existing space or moving to different facilities.)

| DNRC | DOC | MHS |
|------|--|--|
| No | NO. See HB 628 Fiscal Note; Assumption 16. | MHS will not be able to accommodate any additional FTE's in our current location. The Parks Division would either lease all current space or relocate to other facilities. |

HB 628 Fiscal Note Assumption 16 states:

HB 628 authorizes the Parks Division to enter into cooperative agreements with the Department of Fish and Wildlife and any other state, city, county, or other governmental unit to carry out the provisions enumerated in the bill. For the purposes of this fiscal note, it is assumed that the Parks Division staff would remain in their current locations, both in Helena and in their remote locations, and the Parks Division would do this by contracting with the Department of Fish and Wildlife and/or the Department of Administration.

5. Does your agency have a motor pool? If so, could it accommodate use by additional staff?

| DNRC | DOC | MHS |
|---|--|--|
| Yes, DNRC has both owned and leased vehicles. No, it would not be able to accommodate all the additional staff. | NO. See HB 628 Fiscal Note; Assumption 21. | MHS does not manage or have a motor pool. The Parks Division would either need to purchase or lease vehicles for Park's operations |

HB 628 Fiscal Note Assumption 21 states:

The DOC doesn't manage nor have a motor pool. For the purposes of this fiscal note it is assumed the Parks Division would purchase or lease the vehicles needed for its operations. Vehicles, including law enforcement vehicles, would be purchased through the Department of Administration, or leased from the Department of Transportation motor pool or the Department of Fish and Wildlife motor pool.

6. How much money would your agency need to amend signage, stationary, uniforms, etc. with the addition of a Parks Division?

| DNRC | DOC | MHS |
|----------------------|---|---------|
| Unable to determine. | Any costs would be assumed by the Parks Division. | Unknown |

7. Would your agency anticipate any other additional costs if it were assigned administration of the Parks Division?

| DNRC | DOC | MHS |
|----------------------|---|---|
| Unable to determine. | See HB 628 Fiscal Note Assumptions 15 - 29. | Additional costs could include office(s) moving expense and IT, communication costs to establish new lines. If new security needs for remote locations are required. Costs associated with ARM rule changes, any costs relating land title transfers. Maintenance costs for all motorized equipment utilized by Parks Division. |

HB 628 Fiscal Note Assumptions 15-29 state:

- 15. The DOC would create a Parks, Recreation, and Heritage division (Parks Division) which would include the properties in Virginia and Nevada Cities and Reeders Alley in Helena that were formerly managed by the Montana Heritage Preservation and Development Commission which is eliminated in this bill.
- 16. See page 4 of this appendix.
- 17. See page 3 of this appendix.
- 18. See page 3 of this appendix.
- 19. See page 3 of this appendix.

20. It is further assumed that Park Rangers would obtain firearms training from the Law Enforcement Academy and would contract with the Department of Fish and Wildlife and other law enforcement agencies for coordinated and cooperative law enforcement activities.
21. See page 4 of this appendix.
22. The Parks Division has remote locations that collect cash and incur expenses. For the purposes of this fiscal note, it is assumed that they will continue their current practice with the collection documents and payment requests being remitted to the DOC.
23. Beginning in FY 2012, the Parks Division would modify their financial reporting systems and structure to accurately reflect only that portion of the agency/programs being transferred to the DOC as a separate entity and allow DOC staff access to those financial reports. Fishing access sites would not be included in any FY 2012 financial reporting structure as they are not proposed to be transferred in the bill.
24. The DOC would establish a separate reporting system for the Park's Division, for unemployment, property and casualty, motor vehicle, and liability insurance purposes. According to State Fund staff, the DOC would have to establish a separate internal reporting system for workers compensation purposes.
25. Any fixed costs previously allocated to the Parks Division for FY 2013 by the Department of Fish and Wildlife would be paid by the Parks Division as budgeted for. The DOC would allocate a portion of its fixed costs to the Parks Division when budgeting for the 2015 biennium. Fixed costs are typically those budgeted items such as warrant writer, HRIS fees, workers compensation management fees, legislative audit, SABHRS, ITSD costs, deadhead service fees, the statewide cost allocation plan, and any other fixed costs the OBPP might revise and/or add for the 2015 biennium.
26. See page 1 of this appendix.
27. See page 2 of this appendix.
28. The \$1.00 fee increase proposed in section 102 of the bill is allocated to state parks and for the purposes of this fiscal note, it is assumed any potential revenue increases would be addressed in the fiscal note prepared by the current Department of Fish, Wildlife, and Parks. There is no fiscal impact to the state owned properties in Virginia and Nevada Cities and Reeders Alley in Helena.
29. The current Montana Heritage Preservation and Development Commission is statutorily appropriated and remains so if this bill were to pass. Therefore, it is assumed that any potential expenditure savings related to the elimination of the Commission would be redirected to operational and preservation activities in Virginia and Nevada Cities and Reeders Alley in Helena.

8. Would your agency have any other special considerations if it were assigned administration of the Parks Division?

| DNRC | DOC | MHS |
|-----------------------------|--|---|
| <p>Unable to determine.</p> | <p>It should be noted that HB 628 as introduced in the last session contained numerous concurrent references to DOC rules and rules promulgated by the State Parks, Recreation, and Heritage Board. This creates an issue as to cross jurisdictional priorities between the aforementioned entities which should be addressed in any future bill drafts.</p> | <p>MHS currently has a 15 member citizen board of trustees which meets quarterly. FWP commission meets monthly. Realignment of the boards would need to be discussed and costs of board meeting may increase depending on realignment.</p> <p>MHS will be moving forward with a capitol campaign for the expansion of MHS at the corner of 6th and Roberts in Helena. If Parks were transferred to MHS the projects costs of that project would increase dramatically.</p> |

Estimated Costs of Administrative Alternatives for State Parks to DFWP and a stand-alone State Parks agency

In January, the EQC asked staff for the estimated cost of and the possible impact to FTE if the administration of the Parks Division was assigned to another agency or if a stand-alone State Parks agency was created. Appendix G considers the costs and impacts of three scenarios for the Department of Fish, Wildlife, and Parks (DFWP) and the Parks Division: 1) the Parks Division is removed from DFWP; 2) the Parks Division remains at DFWP and a stand-alone State Parks Commission is created; and 3) a stand-alone State Parks agency is established. To complete this task, staff developed a list of standardized questions for DFWP. The questions and the agency's responses follow.

Scenario #1: The administration of the Parks Division is reassigned to another agency

- 1. How would FTE at DFWP be affected by the removal of the State Parks Division from the agency? This could include impacts to centralized services (HR, accounting, legal, IT), enforcement, etc. Currently, the State Parks Division employs approximately 68 permanent FTE and 145 seasonal employees.**

DFWP response: The impact to current support function FTE levels will be minimal to none. Support functions are funded through an overhead assessment which Parks' contribution is approximately 7%. The removal of Parks' responsibilities will relieve workload pressure from existing staff, but does not significantly impact the level of overall agency support.

Primary funding for motorboat, off-highway vehicle (OHV), and snowmobile programs could remain in both State Parks and the Fish & Wildlife divisions. If these programs were managed by State Parks then some staff from the Fish & Wildlife division would then be administered by State Parks. Conversely, the day to day field presence of the boating safety could continue to be spent by enforcement by establishing an MOU with the Enforcement bureau.

- 2. How would the overhead rate charged to DFWP's divisions be impacted with the removal of the Parks Division? What does "overhead" mean to your agency and how is it calculated?**

DFWP response: FWP assesses overhead to all non-general fund accounts as required in statute. The rate is calculated as a ratio of indirect costs to direct costs.

Indirect costs are defined as those support functions that serve multiple users. It includes IT support, regional offices and support staff, the Director's office, Legal Unit, Human Resources, and Finance. Fixed costs such as building rent, ITSD

charges, DoA assessments, etc. are included. Some fixed costs such as rent won't be impacted. Others, like ITSD and DoA assessments, that are calculated based on number of users, warrants written, payroll, etc will be reduced.

Direct costs are all other expenses that can be tied directly to a program. Fisheries, Wildlife, Parks, Enforcement, and Communication and Education are all included. Without the Parks Division, the direct costs would also go down.

As a result, there will be a change to the overhead rate, but until we net the reductions to both direct and indirect costs, we don't know how much.

- 3. What would be the impact on office space currently used by Parks Division employees, both in Helena and in regional and field offices? Could the Parks Division continue using its existing space under an MOU/lease between DFWP and the new agency? Does DFWP have space needs for non-Parks Division employees that could be met if existing Parks' space became available? (The Parks Division has approximately 16 FTE in Helena; the remainder work in regional or field offices.)**

DFWP response: In Helena, the administrative office space needed is for approximately 16 staff which would administer state parks, recreational trails, snowmobile, off-highway vehicles, land and water conservation fund, boating safety, and other programming areas state wide. For regional offices, space is needed for 4 regional park offices with approximately 4 staff in each office. Staff assigned to individual parks would continue be housed in existing office space at each site.

Yes, State Parks could continue to lease space under an MOU with DFWP and remain in the current office space.

Yes, if State Parks were to vacate its current space it could be utilized by DFWP for staff that is currently housed outside the existing DFWP headquarters.

- 4. How would DFWP's motor pool be impacted by the loss of Parks Division staff/functions? Would DFWP have vehicles it no longer needed?**

DFWP response: FWP maintains an agency vehicle fleet that is operated as a propriety fund. DFWP would reassign- State Parks vehicles to other Fish & Wildlife staff as necessary and where needed.

- 5. How much money would DFWP need to amend signage, stationary, uniforms, etc. to accommodate the name change?**

DFWP response: The estimated cost to completely replace the FWP logo on signs at headquarters, area offices, fish hatcheries, fishing access sites, and wildlife management areas is estimated at a one-time cost of \$50,000. However, the replacement and the costs could be phased over a longer time period.

The logo on all uniforms in the current inventory would need to be replaced. All future restocking would reflect the new logo. It will probably take 1.5 - 2 years to cycle through the existing inventory. There will be some costs incurred for design and replacing patches.

6. Please explain any land ownership issues that would arise from reassigning the administration of the Parks Division to another agency? How many sites could be impacted?

DFWP response: Lands purchased with hunter and angler license monies must be managed for fish and wildlife related purposes. Some sites operated as state parks were originally purchased or leased with license monies for fishing access, but their current function also includes state parks activities. The department is working to resolve these issues now, but if the Parks Division was to leave the agency and take these properties with them, these issues would have to be accelerated to avoid diversion. This is likely to be a complex and costly task under any scenario affecting approximately 16 properties across the state.

7. Would DFWP anticipate any other additional cost decreases/increases if the Parks Division was reassigned to another agency?

DFWP response: The agency anticipates some one-time-only (OTO) costs such as changing signage and stationary as necessary.

8. Would DFWP have any other special considerations if the Parks Division was reassigned to another agency?

DFWP response: DFWP would request a review of statute, rules, and policies to clean up and adjust/change language pertaining to state parks, recreational trails, snowmobile, off-road vehicle, land and water conservation, and other programming responsibilities assigned to State Parks at another agency. This would be required for MCA but the agency would also internally update policies & procedures with State Parks departure.

Scenario #2: State Parks remains in DFWP, but has a separate governing commission

- 1. What is the cost of the current FWP Commission? How many meetings does it have per year? How many days does it meet?**

DFWP response: The FWP Commission usually meets 12 times a year. During calendar 2011, three meetings were 2 days, seven meetings were 1 day, and two meetings were conference calls. The average expenditure over each of the last four years has been approximately \$22,000.

- 2. What would the composition of a separate State Parks Commission look like? How many meetings would it have per year? How many days would it meet? How much would such a commission cost?**

DFWP response: A State Parks commission would be comprised of 7 members with citizens representing heritage, park and recreation interests including tourism, history, OHV use, boating, hiking, business, camping and general parks and recreation. It is expected it would meet 6 times per year at an estimated cost of \$9,000.

- 3. Please explain any significant land ownership issues that currently exist and would continue to exist if the State Parks Division remained within DFWP? How many sites are impacted?**

DFWP response: Legally, we don't believe there are current land ownership issues. The issues arise if Parks leaves the agency. FWP's assent statutes for participation in the USFWS Federal Aid programs require that FWP maintain control of all lands purchased with license dollars and/or federal aid. Land issues arise when Parks leaves the agency and the FWP director no longer has control.

As discussed in scenario 1, #6 the same issue exists whether the division stays in the department or not. If the division stays in the department, it is believed that the USFWS would be more flexible to resolving the issue of whether the land is being managed for park purposes or primarily F&W purposes.

Scenario #3: The Legislature establishes a stand-alone State Parks agency with its own governing commission

- 1. How many FTE would a stand-alone State Parks agency require in addition to existing employees for centralized services, IT, enforcement, etc.? Currently, the Parks Division employs approximately 68 permanent FTE and 145 seasonal employees. Could some functions (i.e. enforcement) be accomplished through MOU's with DFWP and/or other entities?**

DFWP response: State Parks anticipates that as a stand-alone agency it would need approximately 2.5 additional FTE which would be for centralized service functions and supervised by the business manager; 1.00 FTE for human resource and payroll and 1.00 FTE for accounts payable/claims processing, and a 0.50 FTE which would provide fee remittance/revenue processing and claims processing assistance for half the year during the busy park season. Centralized functions such as legal, IT, and other internal services would be contracted out as necessary either with vendors, DFWP, or other agencies such as DNRC.

Yes, an MOU could be negotiated with DFWP or another agency.

- 2. How much would a stand-alone agency incur in overhead costs? What would overhead costs include and how would they be calculated?**

DFWP response: The average overhead State Parks was assessed in the last 4 fiscal years was approximately \$800,000 which is about 7% for DFWP. State Parks estimates it would pay at least this amount to cover costs it incurs as a stand-alone agency. As a new agency, State Parks would assess overhead to all non-general fund accounts as required in statute. The rate is calculated as a ratio of indirect costs to direct costs.

- 3. Where would a stand-alone agency be housed? How much physical space would it need? Could the Parks Division continue using its existing space under an MOU/lease with DFWP? How much would new space cost to lease/build?**

DFWP response: See scenario 1, #3. As stated, State Parks would have 1 administrative office in Helena and 4 regional offices statewide. Additionally, State Parks could continue to lease space under an MOU with DFWP and anticipates the cost to be part of the amount it currently pays in overhead.

Stand-Alone:

Location- In Helena, State Parks would lease office space in the capital complex and if none were available, locate space

elsewhere within the city to order to provide a central office for statewide administration, legislative oversight, and public contact and service needs.

In the 4 regions the agency would house staff at existing parks where space was available. If space was not available at a park then State Parks would lease space in a centrally located city for the region.

New Space/Cost Helena- For the Helena office State Parks anticipates it would need space of approximately 3,600 sq ft at a cost of \$52,000 annually.

New Space/Cost Regions- In regional offices there would be a need of 2,400 sq ft of office space and 4,800 sq ft for maintenance storage space for equipment and supplies. Total regional space would be 7,200 sq ft at a cost of \$63,000.

Statewide total office & storage space is 10,800 sq ft at a leased cost of approximately \$ 115,000 annually.

4. Would a stand-alone agency establish its own motor pool? Would vehicles be leased or purchased? Would DFWP have any vehicles it could sell/lease based on diminished need if the Parks Division becomes a stand-alone agency?

DFWP response: State Parks would not establish its own motor pool since doing so would increase operations cost and redirect valuable financial resources away from other programs and field operations. The agency would use the state motor pool at the Montana Department of Transportation (MDOT) for vehicle needs. Vehicles that State Parks currently owns would move to the new agency. In parks or other locations where there might be a shortage of vehicles State Parks would lease from MDOT on an annual basis; fuel and repair of the vehicles would be included in the assigned rate fee State Parks would negotiate with MDOT.

After State Parks leaves the agency DFWP would review its motor pool fleet statewide and discontinue leasing or dispose of unnecessary vehicles.

5. How much money would a new agency need for signage, stationary, uniforms, setup costs, etc.?

DFWP response:

Signage- State Parks has its own logo and most of the signage at state parks has been changed out to reflect the State Parks logo; the DFWP signage and bear head logo is not on the majority of State Parks signs. The State Park logo would be used in the new agency on signage and other field instructions/directions in parks as necessary. There may be a small portion of existing signage such as boundary and regulation signs that need to be changed out. Additionally the Helena office would need appropriate signage to designate it as the headquarters office. State Parks estimates the cost at approximately \$15,000.

Stationary- All stationary used in State Parks such as letterhead and business cards have already been changed out to reflect the State Parks logo and formatted for the division. State Parks estimates no additional cost.

Uniforms- State Parks is currently reviewing the uniform for the division. Estimated costs for new uniforms would be approximately \$16,000.

Setup- If State Parks leases space from DFWP there would be no additional cost to setup office space. If State Parks were to move out of DFWP then setup costs for moving and staff setups are discussed in question 6 below.

See Scenario 1, #5 for the estimated costs for Fish and Wildlife.

6. Are there other additional costs to establish a new agency?

If State Parks moved to new office space there would be a One-time-only (OTO) cost for moving, IT, and phone setups. Small office equipment and personal items would be moved by staff and heavy equipment and office furniture would be contracted out.

7. Are there other special considerations for establishing a new agency?

The new State Parks agency would need to develop procedures, policies, and format for the commission which would be done in-house. Statutes would have to set up for Parks and changed in FW.

Cost of a stand-alone Parks Commission

The cost of a commission would primarily be dependent on the makeup of the commission (How many commissioners are there? Where do they live?) and how many times a year and where the commission would meet. DFWP provides one possible scenario on page 4 of Appendix G, suggesting a state parks commission would have 7 members and meet 6 times a year for an estimated cost of \$9,000.

For context, here are the costs associated with the existing FWP Commission and the Montana Heritage Preservation and Development Commission .

Cost of the Fish, Wildlife, and Parks Commission



The FWP Commission meets once a month for one or two days and has a budget of \$39,500. The budgeted amount includes \$20,000 for travel-related expenses such as lodging, mileage, and meals, \$2,000 for supplies, materials, and communications, and \$17,000 for member compensation. As a quasi-judicial board, and pursuant to 2-15-124, \$50 compensation is paid to members for each day in which a member is “actually and necessarily engaged in the performance of board duties”.

As established in 2-15-3402, MCA, the FWP Commission consists of 5 members appointed by the governor from five districts. At least one member must be experienced in the breeding and management of domestic livestock. Appointments must be made without regard to political affiliation and must be made solely for the wise management of fish, wildlife, and state parks and other outdoor recreational resources of this state. A person may not be appointed to the commission unless the person is informed or interested and experienced in the subject of fish, wildlife, parks, and outdoor recreation and the requirements for the conservation and protection of fish, wildlife, parks, and outdoor recreational resources.

Cost of the Montana Heritage Preservation and Development Commission



The Montana Heritage Preservation and Development Commission, which oversees Virginia and Nevada Cities and Reeder’s Alley, meets quarterly and in FY 2011 reported total costs of \$5,178. This amount includes lodging, mileage, and a few meals, according to the Department of Commerce to which the Commission is administratively attached.

As established in 22-3-1002, MCA, the commission consists of 14 members. Nine are appointed by the governor, one is appointed by the president of the Senate, and one is appointed by the speaker of the House. The directors of the Montana Historical Society, Department of Fish, Wildlife, and Parks, and the Department of Commerce are also members. Of the members appointed by the governor:

- (a) one must have extensive experience in managing facilities that cater to tourists;
- (b) one must have experience in community planning;
- (c) one must have experience in historic preservation;
- (d) two must have broad experience in business;
- (e) one must be a member of the tourism advisory council;
- (f) one must be a Montana historian; and
- (g) two must be from the public at large.

Comparing Commissions

There are 5 states with combined fish, wildlife, and parks commissions, including Montana. Commission makeup is specified in state statute and members are appointed by their governors.



Montana Fish, Wildlife, and Parks Commission

Total members: 5

Specific qualifications:

One member from each of five districts.

At least one member must be experienced in the breeding and management of domestic livestock.

Appointments must be made without regard to political affiliation and must be made “solely for the wise management of fish, wildlife, and state parks and other outdoor recreational resources”.

Appointees must be “informed or interested and experienced in the subject of fish, wildlife, parks, and outdoor recreation and the requirements for the conservation and protection of fish, wildlife, parks, and outdoor recreational resources”.



South Dakota Game, Fish, and Parks Commission

Total members: 8

Specific qualifications:

No more than four from the same political party.

Three must live west of the Missouri River and five must live east.

At least four shall be farmers residing on a farm, engaged in agriculture, deriving at least two-thirds of gross annual incomes from crop/livestock production or both and interested in wildlife conservation.



Nebraska Game and Parks Commission

Total members: 9

Specific qualifications:

One member from each of eight districts, plus one “at-large” member.

Shall be “well informed and interested” in matters under their jurisdiction.

At least three members shall be actually engaged in agricultural pursuits.

No more than five from the same political party.



Kansas Wildlife and Parks Commission

Total members: 7

Specific qualifications:

One member from each administrative region.

The governor shall “give consideration to the appointment of licensed hunters, fishermen and furharvesters, park users and to nonsumptive users of wildlife and park resources.

No more than a majority from the same political party.



Texas Parks and Wildlife Commission

Total members: 9

Specific qualifications: The governor is required by statute to “attempt to include persons with expertise in diverse fields, including historic preservation, conservation, and outdoor recreation.”

| Site Name | Type | County | Acres | Cost to FWP | Purchase Funding Source *See Notes | Transaction Date | Operations Budget FY12 *See Notes |
|---|-----------------------|-------------|-------|-----------------|---|--------------------|--------------------------------------|
| Great Falls Shooting Sports Complex | Parks affiliated land | Cascade | 594 | (Land Exchange) | -- | June 8, 2002 | \$0 |
| Lone Pine | State Park | Flathead | 41 | \$204,250 | LWCF, Coal Tax | September 17, 2002 | \$117,929 |
| Makoshika | State Park | Dawson | 4,486 | \$140,000 | Parks Revenue | December 24, 2002 | \$187,061 |
| Travelers' Rest | State Park | Missoula | 10 | 246,075 | LWCF | August 1, 2003 | \$105,954 |
| Giant Springs | State Park | Cascade | 10 | (Donation) | -- | October 2, 2003 | \$143,280 |
| Travelers' Rest | State Park | Missoula | 11 | \$204,000 | LWCF | November 18, 2003 | |
| Lewis and Clark Caverns | State Park | Jefferson | 9 | \$8,244 | Parks Revenue | December 17, 2003 | \$400,545 |
| Travelers' Rest | State Park | Missoula | 1 | (Donation) | -- | January 30, 2004 | |
| Tower Rock | State Park | Cascade | 137 | (Donation) | -- | April 29, 2004 | \$1,300 |
| Alberton Gorge Recreation Corridor (AGRC) | Parks affiliated land | Mineral | 145 | (Land Exchange) | -- | November 30, 2004 | \$68,000 |
| AGRC - - Ralph's Takeout | Parks affiliated land | Mineral | 103 | (Land Exchange) | -- | November 30, 2004 | |
| Brush Lake | State Park | Sheridan | 450 | \$129,000 | Parks revenue, Wallop-Breaux, and Land Exchange | December 29, 2004 | \$46,358 |
| First Peoples Buffalo Jump | State Park | Cascade | 3 | \$10,000 | Coal Tax | May 24, 2005 | \$192,968 |
| Travelers' Rest | State Park | Missoula | 4 | \$148,932 | LWCF | October 11, 2005 | |
| Alberton Gorge Recreation Corridor (AGRC) | Parks affiliated land | Mineral | 20 | \$220,000 | Parks Revenue | December 19, 2006 | |
| Lone Pine | State Park | Flathead | 40 | \$470,000 | Parks Revenue | October 2, 2007 | |
| Yellowstone River | State Park | Yellowstone | 200 | \$266,600 | General Fund | June 25, 2008 | \$16,496 |
| Marias River | State Park | Toole | 1,460 | \$2,000,000 | General Fund | October 22, 2008 | \$2,000 |
| North Shore Flathead Lake | State Park | Flathead | 161 | \$1,810,834 | General Fund | December 3, 2008 | \$5,125 |
| Fish Creek | State Park | Mineral | 6,235 | \$2,710,890 | General Fund | June 16, 2010 | \$41,450 * |
| Makoshika | State Park | Dawson | 160 | (Donation) | -- | November 23, 2010 | |
| Milltown | State Park | Missoula | 78 | \$774,500 | Natural Resource Damage Program | December 30, 2010 | \$79,164 |
| Milltown | State Park | Missoula | 35 | (Donation) | -- | September 30, 2011 | |

Notes:**Purchase Funding Source-**

LWCF - Land, Water & Conservation Fund, federal grant program for state and local projects

Coal Tax- Interest earnings from the Coal Tax Trust

Park Revenue - User fees and light vehicle registration

Wallop-Breaux- Federal grant program with USFWS for Motorboat sites

General Fund- Access Montana 2007 appropriation for purchase of new state parks and FAS's

Natural Resources Damage Program- State grant funded by settlement for Upper Clark Fork River damage

Operations Budgets FY12-

*Budgets exclude equipment & capital development

*Fish Creek budget includes SB164 statutory funding of \$20,000 for weeds and maintenance



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2013 Biennium

Bill # HB0628

Title: Generally revise laws related to parks and recreational resources

Primary Sponsor: Stahl, Wayne

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

| | <u>FY 2012 Difference</u> | <u>FY 2013 Difference</u> | <u>FY 2014 Difference</u> | <u>FY 2015 Difference</u> |
|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Expenditures: | | | | |
| General Fund | \$0 | \$0 | \$0 | \$0 |
| State Special Revenue (FWP) | \$1,000,000 | \$794,043 | \$809,924 | \$826,122 |
| State Spec Rev-Parks Overhead (DOC) | \$0 | \$870 | (\$132,501) | (\$116,151) |
| Proprietary Funds (DOC) | \$0 | \$950,870 | \$817,499 | \$833,849 |
| Revenue: | | | | |
| General Fund | \$0 | \$0 | \$0 | \$0 |
| State Special Revenue-Parks Fee (DOC) | \$0 | \$778,479 | \$777,644 | \$778,347 |
| State Spec Rev-Parks Overhead (FWP) | \$0 | (\$950,000) | (\$950,000) | (\$950,000) |
| State Spec Rev-Rental from Parks (FWP) | \$0 | \$105,000 | \$0 | \$0 |
| Proprietary Funds-Parks Overhead (DOC) | \$0 | \$950,870 | \$817,499 | \$833,849 |
| Net Impact-General Fund Balance: | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

Description of fiscal impact: HB 628 transfers the management of state parks, boating, snowmobiles, and off-highway vehicles from the Department of Fish, Wildlife, and Parks (FWP) to the Department of Commerce; creates the State Parks, Recreation, and Heritage Board to provide oversight of the Department of Commerce's administration of state parks and heritage and outdoor recreational resources; and changes the name of FWP to the Department of Fish and Wildlife. The bill eliminates the Montana Heritage Preservation and Development Commission; provides for departmental and board duties and responsibilities and rule making authority; requires a review of state park lands; authorizes the sale or exchange of state park lands to other public entities; increases fees; and allows park rangers to carry firearms. There is a significant fiscal impact to the Department of Fish, Wildlife, and Parks and the Department of Commerce.

FISCAL ANALYSIS

Assumptions:

Transfer of Parks from the Dept of Fish, Wildlife, and Parks (FWP) to the Dept of Commerce (DOC)

1. HB 628 transfers the management of state parks, boating, snowmobile, and off-highway vehicles from FWP to DOC.
2. The effective date of the bill is July 1, 2012 except for sections 141 and 143 (effective July 1, 2013).
3. The following revenue sources will be moved from FWP to DOC in FY 2013:

| | <u>MCA</u> | <u>FY 2013</u> | <u>FY 2014</u> | <u>FY 2015</u> |
|--|---------------|---------------------|---------------------|---------------------|
| Motor Vehicle Registrations | 15-1-122 | \$678,679 | \$647,786 | \$676,836 |
| Coal Tax Trust/Interest | 15-35-108 | \$2,077,823 | \$2,142,826 | \$2,204,710 |
| Accommodations Tax | 15-65-121 | \$1,384,000 | \$1,384,000 | \$1,384,000 |
| Enterprise Fund | 23-1-105 | \$145,000 | \$145,000 | \$145,000 |
| Parks Miscellaneous Fund | **numerous | \$4,711,435 | \$4,711,435 | \$4,711,435 |
| *State Parks Maintenance (Good Neighbor) | 87-1-209 | \$0 | \$0 | \$0 |
| *Forest Management (New Section 52) | 87-1-621 | \$0 | \$0 | \$0 |
| Gasoline Tax | 60-3-201 | \$2,036,037 | \$2,035,951 | \$2,035,966 |
| Smith River Corridor | 23-2-409 | \$29,442 | \$29,442 | \$29,442 |
| | TOTAL: | \$11,062,416 | \$11,096,440 | \$11,187,389 |

(* No sales or projects are planned; therefore, no revenue is expected)

(**23-1-105, 61-3-321, and 61-3-512)

4. The following Parks-related expenditures will be moved from FWP to DOC in FY 2013. Personal service and operating expenditures are increased by 2% for inflation in FY 2014 and FY 2015.

| | <u>FTE</u> | <u>FY 2013</u> | <u>FY 2014</u> | <u>FY 2015</u> |
|-----------------------|------------|----------------|----------------|----------------|
| Parks Administration | 82.65 | \$6,955,680 | \$7,081,811 | \$7,210,465 |
| *Parks Enforcement | 6.55 | \$832,888 | \$848,769 | \$864,967 |
| Statutory Approps | 13.69 | \$862,532 | \$879,316 | \$896,435 |
| Enterprise Fund | | \$110,000 | \$112,200 | \$114,444 |
| HB 5 Capital Projects | | \$6,417,030 | \$0 | \$0 |

TOTAL 102.89 \$15,178,130 \$8,922,096 \$9,086,311

(*Partially federally funded with \$387,999 per year from the coast guard.)

5. Effective July 1, 2012, HB 628 increases the vehicle registration fee from \$4 to \$5. The portion allocated to state parks increases from \$3.50 to \$4.50 and is reallocated to DOC.
6. In FY 2010, 975,708 registrations for light motor vehicles were processed, of which 77.1% or 752,612, elected to participate in the optional state parks fee.
7. The number of annual light vehicle registrations drive fee revenue. Registrations are assumed to grow at HJR 2 growth rates through FY 2013 and at OBPP estimated rates for FY 2014 and FY 2015. Therefore, it is estimated that 778,479 light vehicle registrations would reflect the collection of the state parks fee in FY 2013 (0.361% growth rate) ; 777,644 in FY 2014 (-0.107% growth rate); and 778,347 in FY 2015 (0.090% growth rate).
8. This results in increased revenues for state parks of \$778,479 in FY 2013 (778,479 * \$1.00); \$777,644 in FY 2014 (777,644 * 1.00); and \$778,347 in FY 2015 (778,347 * \$1.00).

| Transfer FWP to DOC | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| | <u>Difference</u> | <u>Difference</u> | <u>Difference</u> | <u>Difference</u> |
| <u>Fiscal Impact:</u> | | | | |
| FTE - FWP | 0.00 | (102.89) | (102.89) | (102.89) |
| - Commerce | 0.00 | 102.89 | 102.89 | 102.89 |
| <u>Expenditures:</u> | | | | |
| <i>Reduction in FWP</i> | | | | |
| Personal Services | \$0 | (\$5,449,336) | (\$5,558,323) | (\$5,669,489) |
| Operating Expenses | \$0 | (\$2,600,435) | (\$2,650,244) | (\$2,701,049) |
| Equipment | \$0 | (\$274,292) | (\$274,292) | (\$274,292) |
| Benefits | \$0 | (\$437,037) | (\$437,037) | (\$437,037) |
| HB 5 Capital Projects | \$0 | (\$6,417,030) | \$0 | \$0 |
| <i>Increase in DOC</i> | | | | |
| Personal Services | \$0 | \$5,449,336 | \$5,558,323 | \$5,669,489 |
| Operating Expenses | \$0 | \$2,600,435 | \$2,650,244 | \$2,701,049 |
| Equipment | \$0 | \$274,292 | \$274,292 | \$274,292 |
| Benefits | \$0 | \$437,037 | \$437,037 | \$437,037 |
| HB 5 Capital Projects | \$0 | \$6,417,030 | \$0 | \$0 |
| TOTAL Expenditures | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| <u>Funding of Expenditures:</u> | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| State Special Revenue - FWP | \$0 | (\$14,790,131) | (\$8,531,897) | (\$8,693,868) |
| Federal Special Revenue - FWP | \$0 | (\$387,999) | (\$387,999) | (\$387,999) |
| State Special Revenue - DOC | \$0 | \$14,790,131 | \$8,531,897 | \$8,693,868 |
| Federal Special Revenue - DOC | \$0 | \$387,999 | \$387,999 | \$387,999 |
| TOTAL Funding of Exp. | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| <u>Revenues:</u> | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| <i>FWP</i> | | | | |
| State Special Revenue | \$0 | (\$11,062,416) | (\$11,096,440) | (\$11,187,389) |
| State Special (HB 5) | \$0 | (\$6,417,030) | \$0 | \$0 |
| Federal Special Revenue | \$0 | (\$387,999) | (\$387,999) | (\$387,999) |
| <i>DOC</i> | | | | |
| State Special Revenue | \$0 | \$11,062,416 | \$11,096,440 | \$11,187,389 |
| State Special (HB 5) | \$0 | \$6,417,030 | \$0 | \$0 |
| Federal Special Revenue | \$0 | \$387,999 | \$387,999 | \$387,999 |
| State Special (Park Fee Increase) | \$0 | \$778,479 | \$777,644 | \$778,347 |
| TOTAL Revenues | <u>\$0</u> | <u>\$778,479</u> | <u>\$777,644</u> | <u>\$778,347</u> |
| <u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u> | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| State Special Revenue (02) | \$0 | \$778,479 | \$777,644 | \$778,347 |
| Federal Special Revenue (03) | \$0 | \$0 | \$0 | \$0 |

Additional impacts for the “new” Department of Fish and Wildlife (DFW)

9. For FY 2013 only, it is assumed that Parks will still require office and shop space from the Department of Fish and Wildlife. It is estimated that \$105,000 will be paid to cover this rent. It is unknown if these payments will be required in FY 2014 and beyond.
10. FWP assesses an overhead rate to Parks funds to recover the Parks portion of the indirect costs for the department. This overhead is non-budgeted. The overhead assessed to Parks partially covers the department’s support functions which include information technology support, computers, database systems, website, and use of automated license system for the Smith River drawing, snowmobile and OHV registration, as well as office and shop space in Helena and the regional offices. The department will no longer receive overhead revenue of \$950,000 from Parks funding sources.
11. Overhead expenditures in the department are not reduced a like amount since agency overhead expenditures were not Parks specific. For instance, when a copier needs to be replaced, the expenditure for the copier will be the same regardless of whether the Parks Division is in the department or not. Therefore, it is expected that the overhead rate charged to the remaining fish and wildlife funds will need to be increased to cover this cost.
12. The new DFW will require 6.55 FTE and \$794,043 from the general license account to make game warden positions in 70 districts throughout the state whole due to the transfer of the parks, boating, snowmobile and OHV enforcement functions to DOC.
13. Several of the parks sites identified in Section 54 of the bill are not wholly owned by the Parks Division at this time. It is assumed the Department of Fish & Wildlife will be compensated in accordance with Federal law (50 CFR 80.5) for the portions of these properties that were purchased with either USFWS grant funding, or with hunting or fishing license revenue. It is further assumed that resolution for all of these jointly-owned sites will be completed and any federal restrictions satisfied prior to the bill’s proposed effective date of July 1, 2012.
14. The Department of Fish and Wildlife requires a one-time only appropriation in the amount of \$1,000,000 in FY 2012 in order to initiate the process of contracting for property appraisals and surveys necessary to resolve issues of the jointly-owned parks issues described in assumption 13. This amount will also cover costs associated with the change in the agency name. These include signs at all sites, uniforms, vehicle license plates and decals.

| Additional FWP Impacts | FY 2012 Difference | FY 2013 Difference | FY 2014 Difference | FY 2015 Difference |
|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <u>Fiscal Impact:</u> | | | | |
| FTE (Increase for Enforcement) | 0.00 | 6.55 | 6.55 | 6.55 |
| <u>Expenditures:</u> | | | | |
| <i>Increase for Enforcement</i> | | | | |
| Personal Services | \$0 | \$505,056 | \$515,157 | \$525,460 |
| Operating Expenses | \$0 | \$288,987 | \$294,767 | \$300,662 |
| <i>Increase for Property Surveys</i> | | | | |
| Operating Expenses | \$1,000,000 | \$0 | \$0 | \$0 |
| TOTAL Expenditures | \$1,000,000 | \$794,043 | \$809,924 | \$826,122 |
| <u>Funding of Expenditures:</u> | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| State Special Revenue (02) | \$1,000,000 | \$794,043 | \$809,924 | \$826,122 |
| TOTAL Funding of Exp. | \$1,000,000 | \$794,043 | \$809,924 | \$826,122 |
| <u>Revenues:</u> | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| Loss of Overhead-State Special | \$0 | (\$950,000) | (\$950,000) | (\$950,000) |
| Office/Shop Space Rent - State Spec | \$0 | \$105,000 | \$0 | \$0 |
| TOTAL Revenues | \$0 | (\$845,000) | (\$950,000) | (\$950,000) |
| <u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u> | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| State Special Revenue (02) | (\$1,000,000) | (\$1,639,043) | (\$1,759,924) | (\$1,776,122) |

Additional impacts for the Department of Commerce (DOC)

15. The DOC would create a Parks, Recreation, and Heritage division (Parks Division) which would include the properties in Virginia and Nevada Cities and Reeder's Alley in Helena that were formerly managed by the Montana Heritage Preservation and Development Commission which is eliminated in this bill.
16. HB 628 authorizes the Parks Division to enter into cooperative agreements with the Department of Fish and Wildlife and any other state, city, county, or other governmental unit to carry out the provisions enumerated in the bill. For the purposes of this fiscal note, it is assumed that the Parks Division staff would remain in their current locations, both in Helena and in their remote locations, and the Parks Division would do this by contracting with the Department of Fish and Wildlife and/or the Department of Administration.
17. Additionally, it is further assumed that the Parks Division would contract with the Department of Fish and Wildlife for information technology services for all remotely located staff.
18. The Parks Division uses an online application system for Smith River floating permits. For the purposes of this fiscal note it is also assumed the Parks Division would continue to contract with the Department of Fish and Wildlife to continue those services. It is estimated the expenses that DOC would pay to the Department of Fish and Wildlife for shared facilities, etc. is \$105,000 for fiscal year 2013. DOC will need additional authority to cover this cost.
19. The Parks Division is currently implementing an online reservation system for campsites, teepees, cabins, and yurts. For the purposes of this fiscal note, it is also assumed the Parks Division would continue to contract with the private vendor and the State of Idaho to continue those services

20. It is further assumed that Park Rangers would obtain firearms training from the Law Enforcement Academy and would contract with the Department of Fish and Wildlife and other law enforcement agencies for coordinated and cooperative law enforcement activities.
21. The DOC doesn't manage nor have a motor pool. For the purposes of this fiscal note it is assumed the Parks Division would purchase or lease the vehicles needed for its operations. Vehicles, including law enforcement vehicles, would be purchased through the Department of Administration, or leased from the Department of Transportation motor pool or the Department of Fish and Wildlife motor pool.
22. The Parks Division has remote locations that collect cash and incur expenses. For the purposes of this fiscal note, it is assumed that they will continue their current practice with the collection documents and payment requests being remitted to the DOC.
23. Beginning in FY 2012, the Parks Division would modify their financial reporting systems and structure to accurately reflect only that portion of the agency/programs being transferred to the DOC as a separate entity and allow DOC staff access to those financial reports. Fishing access sites would not be included in any FY 2012 financial reporting structure as they are not proposed to be transferred in the bill.
24. The DOC would establish a separate reporting system for the Park's Division, for unemployment, property and casualty, motor vehicle, and liability insurance purposes. According to State Fund staff, the DOC would have to establish a separate internal reporting system for workers compensation purposes.
25. Any fixed costs previously allocated to the Parks Division for FY 2013 by the Department of Fish and Wildlife would be paid by the Parks Division as budgeted for. The DOC would allocate a portion of its fixed costs to the Parks Division when budgeting for the 2015 biennium. Fixed costs are typically those budgeted items such as warrant writer, HRIS fees, workers compensation management fees, legislative audit, SABHRS, ITSD costs, deadhead service fees, the statewide cost allocation plan, and any other fixed costs the OBPP might revise and/or add for the 2015 biennium.
26. The addition of the Parks Division would increase the DOC's total FTE by approximately 50% and the addition of 54 state parks and the other associated duties and responsibilities enumerated in the bill would require an increase in staff needed to administratively support the Parks Division. The Director's Office would require 12.00 FTE to provide accounting and fiscal, budget, human resources, information technology, and legal support to the Parks Division. Personal services costs are estimated at \$689,701 and operating expenses (including one-time-only) are estimated at \$156,169 in FY 2013. FY 2014 and FY 2015 personal services expenses are inflated by 2%; or FY 2014 at \$703,495 and FY 2015 at \$717,565. FY 2014 operating expenses are estimated to be \$114,004 and FY 2015 at \$116,284.
27. It is assumed the Parks Division would be charged monthly, for the increased administrative support services provided by the DOC. FY 2013 is estimated at \$70,489 per month. Beginning in the 2015 biennium, the Parks Division would be included in the DOC indirect cost plan when a new indirect cost rate would be calculated.
28. The \$1.00 fee increase proposed in section 102 of the bill is allocated to state parks and for the purposes of this fiscal note, it is assumed any potential revenue increases would be addressed in the fiscal note prepared by the current Department of Fish, Wildlife, and Parks. There is no fiscal impact to the state owned properties in Virginia and Nevada Cities and Reeder's Alley in Helena.
29. The current Montana Heritage Preservation and Development Commission is statutorily appropriated and remains so if this bill were to pass. Therefore, it is assumed that any potential expenditure savings related to the elimination of the Commission would be redirected to operational and preservation activities in Virginia and Nevada Cities and Reeder's Alley in Helena.

| Additional DOC Impacts | FY 2012 Difference | FY 2013 Difference | FY 2014 Difference | FY 2015 Difference |
|--|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <u>Fiscal Impact:</u> | | | | |
| FTE | 0.00 | 12.00 | 12.00 | 12.00 |
| <u>Expenditures:</u> | | | | |
| Personal Services | \$0 | \$689,701 | \$703,495 | \$717,565 |
| Operating Expenses | \$0 | \$156,169 | \$114,004 | \$116,284 |
| Operating Expenses - Parks Rental | \$0 | \$105,000 | \$0 | \$0 |
| Parks Transfer to FWP Overhead | \$0 | (\$950,000) | (\$950,000) | (\$950,000) |
| Parks Transfer to DOC Overhead | \$0 | \$845,870 | \$817,499 | \$833,849 |
| TOTAL Expenditures | \$0 | \$846,740 | \$684,998 | \$717,698 |
| <u>Funding of Expenditures:</u> | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| State Special Revenue (02) | \$0 | \$870 | (\$132,501) | (\$116,151) |
| Other (Proprietary) | \$0 | \$845,870 | \$817,499 | \$833,849 |
| TOTAL Funding of Exp. | \$0 | \$846,740 | \$684,998 | \$717,698 |
| <u>Revenues:</u> | | | | |
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| State Special Revenue (02) | \$0 | \$0 | \$0 | \$0 |
| Other (Proprietary) | \$0 | \$845,870 | \$817,499 | \$833,849 |
| TOTAL Revenues | \$0 | \$845,870 | \$817,499 | \$833,849 |

Net Impact to Fund Balance (Revenue minus Funding of Expenditures):

| | | | | |
|----------------------------|-----|---------|-----------|-----------|
| General Fund (01) | \$0 | \$0 | \$0 | \$0 |
| State Special Revenue (02) | \$0 | (\$870) | \$132,501 | \$116,151 |
| Other (Proprietary) | \$0 | \$0 | \$0 | \$0 |

30. 17-1-508, MCA requires analysis of the statutory appropriation relative to the guidance in 17-1-508(2), MCA, to be published in the fiscal note. In reviewing and establishing statutory appropriations, the legislature shall consider the following guidelines. Answer yes or no to each of the following guidelines regarding the statutory appropriation:

| <u>State Parks Maintenance</u> | <u>YES</u> | <u>NO</u> |
|--|-------------------|------------------|
| a. The fund or use requires an appropriation. | x | |
| b. The money is not from a continuing, reliable, and estimable source. | | x |
| c. The use of the appropriation or the expenditure occurrence is not predictable and reliable. | | x |
| d. The authority does not exist elsewhere. | x | |
| e. An alternative appropriation method is not available, practical, or effective. | | x |
| f. Other than for emergency purposes, it does not appropriate money from the state general fund. | x | |

| | | |
|---|---|--|
| g. The money is dedicated for a specific use. | x | |
| h. The legislature wishes the activity to be funded on a continual basis. | x | |
| i. When feasible, an expenditure cap and sunset date are included. | x | |

Forest Management

YES

NO

| | | |
|--|---|--|
| a. The fund or use requires an appropriation. | x | |
| b. The money is not from a continuing, reliable, and estimable source. | x | |
| c. The use of the appropriation or the expenditure occurrence is not predictable and reliable. | x | |
| d. The authority does not exist elsewhere. | x | |
| e. An alternative appropriation method is not available, practical, or effective. | x | |
| f. Other than for emergency purposes, it does not appropriate money from the state general fund. | x | |
| g. The money is dedicated for a specific use. | x | |
| h. The legislature wishes the activity to be funded on a continual basis. | x | |
| i. When feasible, an expenditure cap and sunset date are included. | x | |

Land Acquisition

YES

NO

| | | |
|--|---|--|
| a. The fund or use requires an appropriation. | x | |
| b. The money is not from a continuing, reliable, and estimable source. | x | |
| c. The use of the appropriation or the expenditure occurrence is not predictable and reliable. | x | |
| d. The authority does not exist elsewhere. | x | |
| e. An alternative appropriation method is not available, practical, or effective. | x | |
| f. Other than for emergency purposes, it does not appropriate money from the state general fund. | x | |
| g. The money is dedicated for a specific use. | x | |
| h. The legislature wishes the activity to be funded on a continual basis. | x | |
| i. When feasible, an expenditure cap and sunset date are included. | x | |

Sponsor's Initials

Date

Budget Director's Initials

Date



Dedication of Revenue 2013 Biennium
HB 628 State Parks Maintenance

GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

17-1-507-509, MCA.

State Parks Maintenance Account

- a) **Are there persons or entities that benefit from this dedicated revenue that do not pay? (please explain)** Beneficiaries of the state parks maintenance account would be persons who do not pay for parks privileges but would make use of sites managed by the department.
- 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?**
The state parks maintenance account would be earmarked by the legislature for specific purposes. In order to provide appropriate accountability a separate special revenue fund is needed.
- 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)**
The revenue generated will determine the level of maintenance activity performed in the state park system.
- d) **Does the need for this state special revenue provision still exist? Yes No (Explain)** In order to provide appropriate accountability, a separate special revenue fund is needed.
- e) **Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please Explain)**
No, but typically statutory appropriations are in permanent law and not reviewed by the legislature on a biennial basis.
- f) **Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please Explain)**
If HB 628 passes, the legislature has recognized the need for a state parks maintenance account. This fund will allow the agency to appropriately account for the funds.
- 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?)**
It provides appropriate and efficient accountability to our users.



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Dedication of Revenue 2011 Biennium HB 628 Forest Management Fund

17-1-507-509, MCA.

Forest Management Account

- a) **Are there persons or entities that benefit from this dedicated revenue that do not pay? (please explain)**
Secondary beneficiaries of the forest management account would be persons who do not pay for parks privileges but would appreciate the forest management efforts of the department.
- 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?**
The forest management account would be earmarked by the legislature for specific purposes. In order to provide appropriate accountability, separate special revenue funds are needed.
- 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)**
The revenue generated from timber sales will determine the scope of forest management projects.
- d) **Does the need for this state special revenue provision still exist? Yes No (Explain)**
In order to provide appropriate accountability, a separate special revenue fund is needed.
- e) **Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please Explain)**
No, but typically statutory appropriations are in permanent law and not reviewed by the legislature on a biennial basis.
- f) **Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please Explain)**
If HB 628 passes, the legislature has recognized the need for a forest management account. This fund will allow the agency to appropriately account for the funds.
- 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?)**
It provides appropriate and efficient accountability to our users.