

Proposed 2011 Session Legislation

Agency Name & No: Fish, Wildlife and Parks 5201

Priority Number: 5 Filename: 5201\06-005

Short Title: Real Property Trust Account Amended to exclude state parks

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1. Purpose:

Allow proceeds from the sale of surplus state park lands or revenues from other state park land based activities such as leases of buildings or grounds to be immediately utilized by the state park system rather than placing those funds in the FWP real property trust.

2. Background:

Section 87-1-601(5), MCA requires that funds from the sale of surplus FWP property, mineral revenues or lease revenues from lands, including Parks Division property, be placed in an account (commonly known as the real property trust). Upon appropriation by the legislature, the interest derived from the account, but not the principle, may be used only for the purpose of operation, development, and maintenance of real property of the department. The proposed legislation would keep proceeds from revenue producing activities on state park lands in the Parks Division without the constraints of a trust.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

If the Parks Division disposes of surplus property or earns revenues from actions on its lands, the Parks Division would have more money available to directly spend on maintenance and operations, etc. This money would not be available for other agency work, but it wasn't there in the first place. Therefore, the net fiscal impact is zero.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases/Decreases FTE, Revenue changes (Tax, Fee, Penalty), Leg. has been Submitted in Previous Legislative Sessions, Legislation would affect other state agencies, Special Interest Groups Affected, Other: Add to special interest: users of state parks