

MINUTES  
FISH AND GAME COMMITTEE  
MONTANA STATE SENATE

April 4, 1977

The twenty-sixth meeting of the Fish and Game Committee was called to order by Chairman Dunkle at 8:30 A.M., in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HB 791, an act to make the Department head of the Department of Fish and Game a Director appointed by the Governor; to remove certain qualifications for the Director of the Department of Fish and Game; to re-allocate certain functions of the State Fish and Game Commission to the Department of Fish and Game; to state the powers of the State Fish and Game Commission; to provide a grievance procedure for employees of the Department of Fish and Game, and to change the name of the State Fish and Game Commission, along with providing an immediate effective date.

Representative George Johnston, speaking for the State Administration Committee which sponsored the bill, spoke, saying this piece of legislation started out as HB 133. He said the bill was intended to enhance the honesty of the Department of Fish and Game.

Mr. Robert Lohn, Governor's Staff Attorney, spoke in support of the bill. He said the bill has, for the purposes of consistency, created a new section in an attempt to draw a distinction between the director, who works on a day-to-day basis, and the commission.

Mr. Peter Jackson spoke in support of the bill, saying he objected to red tape. He said at the present time, no one knows who is in charge, and this bill will organize the department and let the people know the chain of command.

Chairman Dunkle asked if there were any other proponents or opponents who wished to speak on the bill. There were none. Chairman Dunkle then opened the hearing to discussion.

Senator Galt asked if the director would serve at the pleasure of the governor, and Mr. Lohn said he would.

Senator Lensink asked about the difference between this and the old law. Representative Johnston said under the proposed legislation, the director of the Fish and Game Department would be in charge of personnel.

Senator Lowe asked how the bill could improve land-owner-sportsman relations. Representative Johnston replied it would make the director of the department more responsive to the people of Montana.

Mr. Wes Woodgerd of the Montana Fish and Game Department said he supported the bill, since it would make the commission in more of a policy setting position.

Senator Dunkle mentioned the consent of the Senate for appointments. He wanted to be assured that the Governor couldn't simply not send up names for reappointment and would end up with five of his own people on the commission. Mr. Lohn said he would check on it.

Senator Lowe asked if the commissioners can be removed if they disagree with the Governor. Debbie Schmidt, Legislative Council Researcher, said they are members of a quasi judicial board, and that all such members may be removed only for cause.

Mr. Orville Lewis of the Montana Fish and Game Department testified, saying the bill will accomplish some things that are long overdue, and that it will clarify the role of the director in comparison with the role of the commission.

Senator Dunkle asked Representative Johnston to close. He stated he felt the department would operate better if the bill were to pass, and that it would improve relations with landowners.

Senator Dunkle reviewed with the committee some proposed amendments to the bill. (Attachments #1).

Mr. Woodgerd mentioned Section 26-119 concerning contracts. He stated that a bid under \$1,000 may be negotiated by the department without bids. Mr. Woodgerd said that bids between \$1,000 and \$5,000 must be advertised by the department for bids. He also said that in HB 791, bids that exceed \$5,000 are not the prerogative of the director or the commission, and must be let through the Department of Administration.

It was suggested by Mr. Woodgerd that on page 20, a seventh item could be added that would state that the commission would "review and approve construction projects whose

estimated cost is more than \$1,000 but less than \$5,000."

Representative Johnston said he would endorse this amendment.

Senator Dunkle asked if there were any other questions. Senator Manley said he would like to review the bill further before making any decision on it.

Senator Dunkle closed the hearing at 9:10 A.M., and announced that he would notify Representative Johnston when the bill is considered in Executive Session.

ADJOURNMENT: Chairman Dunkle adjourned the meeting at 9:20 A.M.

  
SENATOR FRANK DUNKLE, CHAIRMAN

## ROLL CALL

## FISH AND GAME COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 4-27-1948

[illegible]

DATE 4-4-77

COMMITTEE ON FISH AND GAME

## FISH AND GAME

BILL NO. 791

# VISITOR'S REGISTER

[illegible]

NAME:

*John*  
*D. R. Kohn*

DATE:

*4 Mar 77*

ADDRESS:

*Rm 216*

PHONE:

*3111*

REPRESENTING WHOM?

*Governor*

APPEARING ON WHICH PROPOSAL:

*HB 791*

DO YOU:

SUPPORT?

*X*

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.