MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN ROGER DEBRUYCKER,** on February 8, 1993, at 7:30 A.M.

ROLL CALL

Members Present:
Rep. Roger DeBruycker, Chairman (R)
Sen. Cecil Weeding, Vice Chairman (D)
Sen. Gerry Devlin (R)
Sen. Greg Jergeson (D)
Rep. John Johnson (D)
Rep. William Wiseman (R)

Members Excused: None

Members Absent: None

Staff Present: Roger Lloyd, Legislative Fiscal Analyst
Florine Smith, Office of Budget & Program Planning
Theda Rossberg, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: **FISH, WILDLIFE & PARKS**
Wildlife Division
Law Enforcement Division
Administration & Finance Div.

Executive Action: **FISH, WILDLIFE & PARKS**
Wildlife Division
Law Enforcement Division

EXECUTIVE ACTION
WILDLIFE DIVISION CONTINUED

Don Childress, Administrator, Wildlife Division, said that, at the committee's request, the division has some information on the Wildlife EIS. **EXHIBIT 1**

Wildlife Division Budget: **EXHIBIT 2**
Motion: **SEN. JERGESON** moved to approve the executive budget of $17,574 for each year of the biennium for the Wildlife EIS.

Discussion:
SEN. DEVLIN asked what would happen if the committee didn't approve that. **Mr. Childress** replied that the $17,574 was the amount used to temporarily start the EIS.

SEN. WEEDING said that since the $17,574 was redirected from some other program, there was that much less in the base.

Vote: Motion **CARRIED** 4 to 2 with **CHAIRMAN DEBRUYCKER** and **SEN. DEVLIN** voting no.

Training Costs:
Mr. Childress said the division redirected training efforts from every other year to an annual training session designed by the University System. The department has offered to provide employees with training. Information recently received from the University System anticipates a spending level of approximately $18,000 instead of $12,563

Roger Lloyd, Legislative Fiscal Analyst, said the expenditures were $26,000 in the odd numbered years and $13,247 in the even numbered years. The $18,000 request would make a difference of $4,753.

Mr. Childress said the division would like to reduce $8,810 in the first year and increase the second year by $4,753.

Motion/Vote: **SEN. WEEDING** moved to approve a reduction of $8,810 in the first year of the biennium and an increase the second year of $4,753 making a total of $18,000 per year at the LFA level Motion **CARRIED** unanimously.

University Stipend Program:
Mr. Childress said that in the FY 92 base year the division had several federal contracts to pay. The difference between the two fiscal years brings the level to what it was in the past. The $16,979 would bring the division up to the federal authority. The department will continue to pursue federal opportunities for cost share.

SEN. DEVLIN asked what the FY 92 base was. **Mr. Lloyd** said the actual amount spent in FY 92 was $18,021.

SEN. WEEDING asked if that had anything to do with the forest service and state lands. **Mr. Childress** said no.

Motion/Vote: **SEN. JERGESON** moved to approve the executive budget of $16,979 each year of the biennium for the University Stipend Program. Motion **FAILED** 3 to 3.

Legislative Contract Authority (LCA):
Motion/Vote: **SEN. JERGESON** moved to approve the executive budget of $1,584,000 in FY 94 and $1,531,500 in FY 95 for LCA. Motion **CARRIED** unanimously.

Minor Differences:
Motion/Vote: **SEN. JERGESON** moved to approve the executive budget of $1,984 in FY 94 and $929 in FY 95 for Minor Differences. Motion **CARRIED** unanimously.

Budget Modifications

Wildlife Management EIS:
Motion/Vote: **SEN. JERGESON** moved to approve the executive budget of $275,000 in FY 94 and $120,000 in FY 95 for Wildlife Management EIS modification, to be a one-time-only appropriation. Motion **CARRIED** 5 to 1 with **CHAIRMAN DEBRUYCKER** voting no.

Mr. Childress said there was another budget modification that came in later, a request from the Montana Trapping Association (MTA). MTA is interested in pursuing an education program similar to the Hunter Safety Program where MTA will donate its time and effort to trapping training. The Association is requesting $12,500 per year spending authority. The PR that is available under the Hunter Safety Program would provide a $10,000 match which would give them the opportunity to provide printing of training materials, etc.

Ms. Smith said the request came in late and the agency just found out about it. The executive budget approves that request.

SEN. DEVLIN asked if it was contingent upon them coming in with a match. **Mr. Childress** said yes, the match will be 25% private funds.

Motion/Vote: **SEN. WEEDING** moved to approve the modification for trapper training for $12,500 each year using 75% federal funds and 25% private funds. Motion **CARRIED** 4 to 2 with **CHAIRMAN DEBRUYCKER and SENATOR DEVLIN** voting no.

Tape 1, B.

HEARING
LAW ENFORCEMENT DIVISION

Erv Kent, Administrator, Law Enforcement Division, reviewed this division with the committee. **EXHIBIT 3**

There are a number of programs such as the Covert Investigation for serious wildlife crimes. They have a crime-stoppers program which has been in place for about five years. The division averages from 400 to 500 calls per year and some of the more serious cases have resulted from that program.

The License Investigation Program has been greatly enhanced through legislative action. The division issues courtesy citations if the crime isn't serious enough to warrant a ticket.

In the division's budget, there are 95.93 FTE which is 14.3% of the department budget. The funding source is state special revenue and federal funds for a total of $4,663,518.

REP. JOHNSON said even with the increase in courtesy tickets, warden courtesy in the field seems to be lacking. He asked if they had some kind of courtesy training for wardens. **Mr. Kent** replied the division is attempting to train wardens to exhibit more courtesy with the people in the field.

SEN. WEEDING asked why the division didn't have Pittman-Robinson or Dingell-Johnson funds. **Mr. Kent** replied that the use of those funds is not allowed in law enforcement.

Mr. Lloyd reviewed the budget differences for the Law Enforcement Division with the committee. **EXHIBIT 4**

Ms. Smith said, with regard to the wardens differential pay, that when an employee works holidays it is necessary to pay a differential. They will be asking for an additional holiday during the fall hunting season. The division supports four modifications. **EXHIBIT 4**

Mr. Kent reviewed the budget items with the committee.

Personal Services:
Item A - the 5% FTE reduction, position #14804, a Criminal Investigator is currently filled and is located in the Helena headquarters. Eliminating this position would leave the agency in a very difficult position to address serious wildlife crimes.

EXECUTIVE ACTION
LAW ENFORCEMENT DIVISION

Motion/Vote: **SEN. JERGESON** moved to reinstate position #14804, Criminal Investigator for $36,485 in FY 94 and $36,523 in FY 95. Motion **CARRIED** unanimously.

Mr. Kent said the Water Safety Officers' positions #24102, #24402 and #24404 are filled by part-time officers who work during the summer months. The duties involve promoting education and safety programs for water safety as well as enforcing water laws and regulations. These FTE are funded with Coast Guard dollars.

REP. WISEMAN asked where these people were located. **Mr. Kent** replied they are located in Great Falls, Kalispell and Billings.

SEN. WEEDING asked if the division had any Coast Guard people at Fort Peck. **Mr. Kent** said they patrol Fort Peck sometimes during the holidays. Even though they don't have an officer stationed at Fort Peck, there are Coast Guard dollars in those areas which are used by some of the wardens.

SEN. DEVLIN asked if they patrolled all the major bodies of water in the state. **Mr. Kent** said yes.

Motion/Vote: **SEN. WEEDING** moved to reinstate the three Water

Safety Officers, positions #24102, #24402, #24404. Motion **CARRIED** unanimously.

Mr. Kent said Fish and Game Warden Captain, position #14701 directs the department's law enforcement programs in one of the eight regions. This individual tries to maintain effective working relationships with other employees, landowners, agencies and sportsmen, as well as coordinate the work between all the agencies. That position is currently filled and the employee is located in Miles City.

SEN. DEVLIN asked how many captains they have around the state. **Mr. Kent** replied they have seven located in different regions.

Mr. Graham said there are several positions in different agencies which address this. The division has talked about consolidating into one administrative office so there wouldn't be a need for as many personnel.

Motion: **SEN. DEVLIN** moved to reinstate the Fish and Game Warden Captain, position #14701.

Discussion:
SEN. DEVLIN said the reason he made the motion is that he had noticed a big improvement in that area since the captain has been there.

CHAIRMAN DEBRUYCKER asked whether, if that position is restored and the department comes out with the study indicating that lesser FTE are needed, the department would automatically downgrade that position. **Mr. Graham** said they may find enough opposition from the people even if the study shows it is warranted. The department is trying to realign the boundaries of region six and seven into smaller regions.

Vote: Motion **CARRIED** 5 to 1 with **CHAIRMAN DEBRUYCKER** voting no.

Mr. Kent said the Enforcement Program Manager, position 14816 is located in Helena and is presently filled. It involves state-wide program direction for crime-stoppers, coordinating boating, snowmobiling and all terrain vehicles and monitoring the wildlife decoy program.

Motion: **SEN. JERGESON** moved to reinstate the Enforcement Program Manager, position #14816.

Discussion:
SEN. WEEDING asked if that position was currently filled. **Mr. Kent** said yes.

Vote: Motion **FAILED** 3 to 3.

Mr. Kent said Fish and Game Warden Trainees' positions #24101 and #24201 are presently filled and are located in Missoula and

Bozeman. This involves wildlife students at the universities who are pursuing a degree in wildlife management. The students work part-time for the department. The division has the option of reviewing them for one more year before they become probationary wardens.

Tape 2, A.

SEN. WEEDING asked what the difference was between this program and the wildlife division. **Mr. Graham** said that program is more for students pursuing a graduate degree in research. This is more on-the-ground training in the field.

Motion/Vote: **SEN. WEEDING** moved to reinstate the Fish and Game Warden Trainees, positions #24101 and #24201. Motion **CARRIED** 5 to 1 with **CHAIRMAN DEBRUYCKER** voting no.

Motion/Vote: **SEN. JERGESON** moved to reinstate the Water Safety Officer, Position #24502. Motion **FAILED** 3 to 3.

Personal Services:
Item B, Wardens differential pay - **Mr. Kent** said the division only spent $31,000 of the budget because of travel restrictions and budget cutbacks, so they weren't able to work holidays. In order to get back to the base of $40,000 they are asking for an additional $10,000 to assign wardens. Warden sergeants can no longer work overtime without being paid.

Motion/Vote: **SEN. DEVLIN** moved to approve the executive budget of $18,085 in FY 94 and $18,073 in FY 94 for warden's differential pay. Motion **CARRIED** 5 to 1 with **CHAIRMAN DEBRUYCKER** voting no.

Contracted Services:
Mr. Kent said the division anticipates hiring five or six trainees. He also noted it is possible to hire several part-time retired wardens at a lower cost than hiring one full-time warden.

SEN. WEEDING asked if there would be sufficient vehicles for all the part-time wardens. **Mr. Kent** replied that they would use their own vehicles.

Motion/Vote: **SEN. JERGESON** moved to approve the executive budget of $20,835 in FY 94 and $21,335 in FY 95 for Contracted Services for part-time wardens. Motion **FAILED** 3 to 3.

Special Investigations:
Mr. Kent said the personnel in Special Investigations has increased from 3.0 FTE to 5.0 FTE since additional evidence and records are necessary. The offices must be moved from time to time to protect the identities of the undercover officers. The budget item is primarily for an increase to pay for larger office space.

REP. WISEMAN asked how much was in the current budget. **Mr. Lloyd**

replied that in the LFA base there was $8,411, and the Executive is requesting $12,000.

Motion/Vote: **SEN. JERGESON** moved to approve the executive budget of $3,589 in each year of the biennium for Special Investigations. Motion **FAILED** 3 to 3.

Education & Training:
Mr. Kent said the training is to evaluate enforcement programs and will involve a considerable amount of training of all employees on a statewide basis. Annual training is essential.

SEN. DEVLIN asked if that was to refresh the wardens on the handling of the public. **Mr. Kent** replied yes.

Motion/Vote: **SEN. DEVLIN** moved to approve the executive budget for zero dollars in FY 94 and $10,000 in FY 95 for Education and Training. Motion **CARRIED** 5 to 1 with **CHAIRMAN DEBRUYCKER** voting no.

Legislative Contract Authority:
Mr. Kent said the Enforcement Division does not have a large amount of Legislative Contract Authority. It is primarily used through the efforts of the special investigators.

Motion/Vote: **SEN. WEEDING** moved to approve the executive budget of $55,000 each year of the biennium for Legislative Contract Authority. Motion **CARRIED** unanimously.

Minor Differences:
Motion/Vote: **SEN. JERGESON** moved to approve the executive budget of $689 in each year of the biennium. The motion **CARRIED** unanimously.

Executive Budget Modifications

Law Enforcement Activities:
Mr. Kent said this modification is a request for funding to investigate illegal trafficking. The department is requesting one additional FTE due to increased investigations.

He reviewed a chart showing the mileage of state vehicles.

SEN. DEVLIN asked what the breakdown was between operations and travel. **Mr. Kent** replied $40,000 is for the investigator and $100,000 for warden field operations.

Mr. Lloyd said this modification contains nearly $80,000 for travel. The LFA and the Executive have agreed upon inflation factors.

Motion: **SEN. DEVLIN** moved to approve $100,000 per year for travel and operating expenses, not to not include the 1.0 FTE for investigating illegal trafficking.

SEN. WEEDING asked what the other $40,000 was for in the modification. **Mr. Lloyd** said supplies and materials were $9,400; communications $6,450; repairs and maintenance $4,100; other expenses were $4,300; equipment expenses $400 and travel expenses $80,000.

Substitute Motion: **SEN. JERGESON** made a substitute motion to approve the entire modification for $140,000 each year of the biennium.

Discussion:
SEN. JERGESON said he thought the investigation of illegal trafficking is a critically important function of the department.

SEN. WEEDING asked what happened to the fines from illegal game, and if they reverted back to the department. **Mr. Kent** said most of the defendants are put on time-pay and it takes forever to receive the money from fines. They haven't realized anything from that as yet.

Vote: Substitute Motion **FAILED** 3 to 3.

Substitute Motion/Vote: **SEN. WEEDING** made a substitute motion that language be added saying the $140,000 would not go into the base. Motion **FAILED** 3 to 3.

Original Motion/Vote: Motion **CARRIED** 5 to 1 with **CHAIRMAN DEBRUYCKER** voting no.

REP. WISEMAN asked if that amount will go into the base. **Mr. Lloyd** said any authority that is spent will be used in the base in the next biennium unless the division is given authority not to include it in the base.

Mr. Kent said it would be easier to keep track of because only the expenditures roll forward in the base.

Warden Relocation:
Mr. Kent said the 1991 legislative session required the division to prepare a report on relocation costs. **EXHIBIT 5**

SEN. DEVLIN asked if they were going to move people around every year. **Mr. Kent** said some of the moves cannot be predicted. If an opportunity comes up and someone moves, it creates a vacancy.

Mr. Lloyd said the figures include the $27,000 that was kept out of the base the last two bienniums. In FY 90 $39,868 was spent for relocation. In FY 91 $29,573 was spent and in FY 92 $39,312 was spent on relocations. Currently there is $12,000 in the base for both years excluding the $27,000 in the modification.

Motion/Vote: **SEN. WEEDING** moved to approve the executive budget of $27,000 each year of the biennium for Warden Relocation costs, with language stating, "the expenditures are not to be included

in the base for the 1997 biennium budget." Motion **CARRIED** 5 to 1 with **CHAIRMAN DEBRUYCKER** voting no.

Additional Field Warden:
Mr. Kent said this request is for an additional field warden to be stationed in the Columbia Falls area. The population is growing rapidly and putting greater demands on the wardens for enforcement purposes.

SEN. JERGESON reiterated that the division indicated wardens have been added in the state where population is growing, and that there is a lot of pressure and complaints from the population in those areas. He stated he believes this affects less populated areas and would like to see more wardens in those less populated areas. Perhaps more wardens can be added to the modification.

Motion: **SEN. JERGESON** moved to approve the modification for $90,000 each year of the biennium and an additional FTE be added to region 6.

Discussion:
Mr. Graham said the reason for the request for an additional field warden is due to the warden from Columbia Falls being transferred across the divide, leaving a vacancy in Columbia Falls.

Tape 2, B.

SEN. JERGESON said he thought the division could have used retired wardens in some of those areas at a lower cost than a full-time warden, but the contracted services were voted down. **Mr. Graham** replied that perhaps another option would be for a conservation officer who wouldn't have full-time warden status.

SEN. DEVLIN asked about the shift of wardens to the west, noting the movement is not from the Helena area, but appears to be from Broadus and Laurel. **Mr. Kent** replied that usually a warden will be in a region about two years. He agreed there is a lot of movement toward the west, but the division attempts to keep the wardens a minimum of two years in the eastern districts.

Substitute Motion/Vote: **REP. WISEMAN** made a substitute motion to separate the two regions and consider the Columbia Falls position first at $45,000 each year of the biennium. Motion **CARRIED** 5 to 1 with **CHAIRMAN DEBRUYCKER** voting no.

Substitute Motion: **SEN. JERGESON** made a substitute motion to approve a warden for region 6 at $45,000 each year of the biennium.

Discussion:
SEN. JERGESON said he thought there should be a warden in every township.

SEN. DEVLIN asked if wardens were in areas by population or by

hunter days. **Mr. Kent** said it is a combination of both. The wardens take care of game damage and checking licenses, as well as enforcing laws.

Vote: Substitute Motion **FAILED** 3 to 3.

Motion/Vote: **SEN. JERGESON** moved to reconsider Contracted Services. Motion **CARRIED** unanimously.

Motion/Vote: **SEN. JERGESON** moved to approve the executive budget of $20,835 in FY 94 and $21,335 in FY 95 for Contracted Services with retired wardens. Motion **CARRIED** 5 to 1 with **CHAIRMAN DEBRUYCKER** voting no.

Mr. Kent said the department had an additional supplemental request for overtime pay for warden sergeants. Due to the Fair Labor Standards Act, these wardens must be paid overtime for holidays. This request is to cover past overtime liability and future holiday work by warden sergeants. The request is for $46,480 for the present liability and for $10,500 each year of the FY 94, FY 95 biennium. **EXHIBIT 6**

SEN. JERGESON said they could add this supplemental before it gets to the full House Appropriations Committee. **Mr. Graham** replied the division would like two separate motions: 1) to amend the supplemental request to add $46,480 for back pay, and 2) to approve the modification for $10,500 each year of the biennium for future overtime pay.

Motion/Vote: **SEN. JERGESON** moved to approve the supplemental request of $46,580 for overtime pay recommended in HB 3 for back pay and holiday pay. Motion **CARRIED** unanimously.

Motion: **SEN. JERGESON** moved to approve the modification for $10,500 each year of the biennium for overtime and holiday pay.

Discussion:
CHAIRMAN DEBRUYCKER asked if there was any way the division could eliminate the $10,500 for overtime pay. **Mr. Graham** said they could try to limit the overtime, but people tend to recreate more on holidays and there are road kills, etc. and someone has to respond to that. This activity is paid for with general license fees.

Vote: Motion **CARRIED** 5 to 1 with **CHAIRMAN DEBRUYCKER** voting no.

Motion/Vote: **SEN. WEEDING** moved to reconsider the University Stipend in the Wildlife Division. Motion **CARRIED** 4 to 2 with **SEN. DEVLIN and CHAIRMAN DEBRUYCKER** voting no.

Mr. Graham said the division also negotiates with universities to do research. There are a number of students looking for projects. This helps the student get part of his or her schooling paid for and is an opportunity to train those students.

Basically, it is for student research for the department.

Mr. Lloyd said there was $18,021 in state special revenue authority spent and $16,979 of federal spending authority approved by the last legislative session that was not spent by the department.

SEN. WEEDING asked what the program was. **Mr. Graham** replied it was the mountain lion study in the Flathead and a big game study on their habits and research on big horn sheep.

Motion/Vote: **SEN. WEEDING** moved to approve the executive budget for the University Stipend Program. Motion **FAILED** 3 to 3.

HEARING
ADMINISTRATION & FINANCE DIVISION

Dave Mott, Administrator, Finance Division showed flip charts on this division.

This division has a $3.3 million budget in FY 94 which represents about 10% of the total agency budget. There are approximately 1.2 million hunter and angler licenses issued each year to about 500,000 resident and non-residents. Approximately three-fourths of the licenses are issued through 400 license agents. The other one-fourth are issued out of the department and are mainly drawing licenses.

He said the division is responsible for the data processing and all the accounting records. They work closely with the Legislative Auditor in the accounting function and have received very good audit reports.

They prepare the budget for the Legislature and manage their vehicle pools centrally out of Helena. There is a proprietary fund for all of their vehicles. When enforcement uses a vehicle, it gets charged a per-mile rate, so they need a budget for that as well.

Tape 3, A.

The wardens and biologists are unionized, so they have collective bargaining responsibility. Personnel policies are developed for personnel to follow. The division helps with advertising for positions, recruitment for the different divisions and employee training.

The division has no general fund, but collects administrative dollars from the other divisions. Fifty percent of the division's budget is state license dollars.

ADJOURNMENT

Adjournment: 12:00 P.M.

Roger DeBruycker
ROGER DEBRUYCKER, Chairman

Theda Rossberg
THEDA ROSSBERG, Secretary
by Marilyn Miller

RD/tr

HOUSE OF REPRESENTATIVES

NATURAL RESOURCES SUB-COMMITTEE

ROLL CALL DATE 2-8-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ROGER DEBRUYCKER, CHAIRMAN	X		
SEN. CECIL WEEDING, VICE CHAIRMAN	X		
SEN. GERRY DEVLIN	X		
REP. WILLIAM WISEMAN	X		
REP. JOHN JOHNSON	X		
SEN. GREG JERGESON	X		

HR:1993
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CS-10

EXHIBIT #1
DATE 2-8-93
HB

WILDLIFE PROGRAMMATIC EIS

EXHIBIT 1
DATE 2/8/93

MEPA - " requires state agencies to integrate the use of natural and social sciences & environmental design arts in planning and decision making , to provide detailed (EIS) on each .... program significantly affecting the quality of the human environment."

PURPOSE

* provide legally sound, long term direction for the departments wildlife program

* provide the analytical basis and rationale for the management approach the agency ultimately selects to fulfill its wildlife management mission

STATUS

* the current EIS was written prior to the passage of MEPA and therefore in all likelihood are challengeable in a court of law (consultation and recommendation of the Attorney General's Office)

OPTIONS

A) develop individual EIS on each species or group of species and program area - would require a minimum of 14 species and 4 program EIS's. The department's EIS on grizzly bears in 1986 cost in excess of $200,000.

B) develop a programmatic EIS that includes 5 program functions: hunting and trapping, habitat management, enforcement, education and research. The total costs over the four year period are @ $600,000 which is 75% federal funds.

EXHIBIT 1
DATE 2/8/93

WILDLIFE PROGRAMMATIC EIS

(CALENDAR)

FY 92	
August	Steering Committee identified
October - November-	Internal Scoping Sessions
March /April	Public Scoping Sessions (statewide) 35 meetings
FY 93	
July - June	Final DEIS outline, Writing assignments Research and assembling data base
FY 94	
July	Preliminary draft of DEIS for internal review
Sept-October	Professional edit
November	Printing
December	DEIS distribution
January-February	Public hearings
FY 95	
July	Internal review of final
September	Adoption of Final EIS
October	Print Final EIS
December	Final Mailing

EXHIBIT 1
DATE 2/8/93

FUNDING AUTHORITY

FY 92

$34,000 - The department funded the project from state license and federal PR at the 25/75 state- federal match.

FY 93

$149,560 - the department is requesting a budget amendment in HB4 for this total which will be the 25/75 state - federal match.

FY 94-95

- the department is requesting the budget modification for $275,000 in FY94 and $120,000 in FY95. This request is considered a one time only for the project. Both fiscal years are with the state- federal match of 25/75.

EXHIBIT #6
DATE 2-8-93
HB

5201 05 00000
DEPT OF FISH, WILDLIFE & PARKS — Wildlife Division
Program Summary

Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	99.03	98.83	93.57	99.03	(5.46)	93.57	99.03	(5.46)
Personal Services	3,121,062	3,092,263	3,129,210	3,315,209	(185,999)	3,139,238	3,325,240	(186,002)
Operating Expenses	2,680,481	1,992,026	3,749,867	3,287,983	461,884	1,936,835	1,886,881	49,954
Equipment	124,104	111,685	147,770	147,770	0	102,525	102,525	0
Grants	18,021	36,380	35,000	18,021	16,979	35,000	18,021	16,979
Transfers	0	1,331,500	1,584,000	0	1,584,000	1,531,500	0	1,531,500
Total Costs	$5,943,669	$6,563,854	$8,645,847	$6,768,983	$1,876,864	$6,745,098	$5,332,667	$1,412,431
Fund Sources								
State Revenue Fund	3,572,466	2,741,082	5,572,237	4,327,957	1,244,280	3,696,830	2,875,191	821,639
Federal Revenue Fund	2,371,202	3,822,772	3,073,610	2,441,026	632,584	3,048,268	2,457,476	590,792
Total Funds	$5,943,669	$6,563,854	$8,645,847	$6,768,983	$1,876,864	$6,745,098	$5,332,667	$1,412,431

Page References

LFA Budget Analysis, Vol. II pages C 31–32. An issue is on page C-20 (Wildlife EIS).
Executive Budget pages C 9–10

Current Level Differences

	Exec. Over(Under) LFA Fiscal 1994	Fiscal 1995
PERSONAL SERVICES–		
A. The executive eliminates 5.01 FTE in response to the 5% personal services reduction.	(172,253)	(172,785)
B. The executive imposes vacancy savings to attain the 5% personal services reduction.	(2,294)	(1,754)
C. The executive transfers 0.45 FTE (grade 7 and 14) to a grade 17 attorney in the Department Management Division.	(11,452)	(11,463)
UPLAND GAMEBIRD–The executive requests a biennial appropriation in the Upland Gamebird program. The LFA current level reflects double fiscal 1992 actual expenditures.	425,984	0
BIGHORN SHEEP–The LFA current level reflects fiscal 1992 actual expenditures.	16,900	16,900
WATERFOWL STAMP PROGRAM–The executive requests a base adjustment for a mishandled accural.	3,000	3,000
WILDLIFE ENVIRONMENTAL IMPACT STATEMENT–The LFA removed fiscal 1992 expenditures from the base for this activity because it has not had legislative consideration. The executive is requesting a budget modification for this activity. See LFA Budget Analysis page C-20 for additional information. The department is requesting a $149,560 budget amendment in House Bill 4 for this purpose.	17,574	17,574
TRAINING COSTS–The executive funds a training session held in even numbered years in both years. The LFA current level reflects the cyclical nature of this activity.	0	12,563
UNIVERSITY STIPEND PROGRAM–The executive includes additional grant funds to MSU and UofM over the $18,021 spent in fiscal 1992.	~~16,979~~	~~16,979~~
LCA–See LFA Budget Analysis pages C 13–15 for discussion of this issue.	1,584,000	1,531,500
MINOR DIFFERENCES	(1,948)	(929)
INFLATION (Non-voting item)	374	846
TOTAL CURRENT LEVEL DIFFERENCES	1,876,864	1,412,431

Budget Modifications

WILDLIFE MANAGEMENT EIS–The executive requests additional staff (2.58 FTE in fiscal 1994 and 1.00 FTE in fiscal 1995) and funds to complete a wildlife management EIS began in fiscal 1992. The department is requesting a $149,560 budget amendment in House Bill 4 for this purpose. The legislature may wish to make this modification a one-time appropriation. See page C-11.	275,000	120,000

RESTORE 5% REDUCTIONS – The executive recommends the reinstatement of 5.01 FTE removed in response to the 5% personal service reduction. See page C-11.	172,251	172,251
TOTAL MODIFIED LEVEL	447,251	292,251

Language

None

EXHIBIT 2
DATE 2/8/93

DEPARTMENT OF FISH, WILDLIFE AND PARKS
Wildlife Division

Positions Removed by Joint Committee Action
House Appropriations & Senate Finance and Claims
January 6, 1993

	Position #	Position Description	Total Personal Services Fiscal 1994	Total Personal Services Fiscal 1995	FTE Removed by 5% Reduction	FTE Removed by Being Vacant	Total FTE Removed	Non-Approp. FTE
		All or Partial General Fund Positions						
		None						
		Sub-Total	0	0	0.00	0.00	0.00	0.00
		Non-General Fund Positions						
1	15604	Fish/Wildlife Biologist	32,749	32,783		1.00	1.00	
2	15809	Fish/Wildlife Program Officer	38,838	38,863		1.00	1.00	
3	25110	Research Assistant	14,419	14,520		0.50	0.50	
4	25208	Laborer	2,592	2,608		0.17	0.17	
5	25307	Laborer	4,998	5,070		0.30	0.30	
6	25310	Research Aide	13,041	13,105		0.50	0.50	
7	25311	Research Aide	14,407	14,479		0.59	0.59	
8	25601	Laborer	3,246	3,265		0.23	0.23	
9	25862	Laborer *	11,021	11,073		0.50	0.50	
10	95010	Laborer	16,977	16,989		1.00	1.00	
11	95011	Research Assistant	13,242	13,251		0.50	0.50	
12	25101	Laborer	1,073	1,079		0.08	0.08	
13	25702	Laborer	2,514	2,530		0.17	0.17	
14	15313	Fish/Wildlife Reg. Specialist	42,040	42,111	1.00		1.00	
15	15417	Fish/Wildlife Reg. Specialist	43,658	43,991	1.00		1.00	
16	15865	Fish/Wildlife Biologist	38,754	38,795	1.00		1.00	
17	15861	Fish/Wildlife Biologist	32,749	32,783	0.50	0.50	1.00	
18	25314	Research Assistant	12,632	12,647	0.51		0.51	
19	25858	Research Assistant	1,973	1,975	0.09		0.09	
20	15866	Administrative Aide	10,206	10,212	0.40		0.40	
21	25302	Laborer	1,552	1,561	0.11		0.11	
22	25304	Laborer	2,797	2,814	0.16		0.16	
23	25305	Laborer	5,249	5,282	0.24	0.13	0.37	
		Sub-Total	360,727	361,786	5.01	7.17	12.18	0.00
		TOTAL	360,727	361,786	5.01	7.17	12.18	0.00

* Positions where FTE in the 1995 biennium LFA current level budget are less than in the Swysgood motion.
#25862 – .65 FTE in motion

1-13- principles
0 - failed not acted on

EXHIBIT 2
DATE 2/8/93

EXHIBIT #3
DATE 2-8-93
HB

5201 04 00000

DEPT. OF FISH, WILDLIFE & PARKS — Law Enforcement Division

Program Summary

Budget Item	Actual Expenditures Fiscal 1992	Current Level Fiscal 1992	Current Level Fiscal 1993	LFA Fiscal 1994	Executive Fiscal 1994	LFA Fiscal 1995	Executive Fiscal 1995	LFA Change 92 – 94
FTE	96.19	96.19	96.68	95.83	92.51	95.83	92.51	(0.36)
Personal Services	3,582,799	3,311,957	3,339,261	3,481,558	3,369,018	3,491,866	3,378,459	169,601
Operating Expenses	1,095,913	1,055,673	1,180,367	1,028,135	1,051,783	1,027,386	1,061,485	(27,538)
Equipment	104,789	99,388	103,890	131,001	131,001	129,094	129,094	31,613
Transfers	0	0	40,000	0	55,000	0	55,000	0
Total Costs	$4,783,503	$4,467,018	$4,663,518	$4,640,694	$4,606,802	$4,648,346	$4,624,038	$173,676
Fund Sources								
State Revenue Fund	4,591,941	4,294,102	4,432,805	4,401,826	4,374,110	4,410,255	4,392,165	107,724
Federal Revenue Fund	191,561	172,916	230,713	238,868	232,692	238,091	231,873	65,952
Total Funds	$4,783,503	$4,467,018	$4,663,518	$4,640,694	$4,606,802	$4,648,346	$4,624,038	$173,676

Program Description

The Law Enforcement Division is responsible for ensuring compliance with the department's laws and regulations for the protection and preservation of big game animals, fur-bearing animals, fish, game birds, and other wildlife species. It also enforces laws and regulations relative to department-owned lands or waters and those pertaining to boating, hunting, snowmobile, and all-terrain vehicle safety. Other duties include administration of special purpose licenses, overseeing the department's licensing agents, and investigating wildlife damage complaints.

LFA Current Level

The $169,601 increase in personal services from fiscal 1992 to fiscal 1994 is the net of: 1) annualization of the fiscal 1993 pay plan increase, other benefit increases, and vacancy savings experienced in fiscal 1992; and 2) net transfer of 0.85 FTE to other divisions.

Operating expenses decrease from fiscal 1992 to fiscal 1994 due to the net of: 1) a $1,315 decrease in fixed costs; 2) a $3,499 increase for data entry in the license fraud database; 3) $29,686 in deflationary adjustments, primarily due to lower motor pool costs; and 4) miscellaneous minor adjustments. The 1991 Legislature specified that expenditures from the $27,000 budget modification for warden relocation was not to be included in current level. Although expenditures for this modification are not continued in current level, the base does include $12,312 per year for relocation expenses.

Equipment, budgeted at the agency request, includes 16 snowmobiles ($80,000), seven off-highway vehicles ($35,000), 28 radios ($39,000), five trail vehicles ($15,000), four boats ($28,600), four boat motors ($18,400), [illegible] horse trailers ($13,000), three trailers, five horses and four saddles, one camcorder, and six ballistic

EXHIBIT #1
DATE 2-8-93
HB

5201 04 00000
DEPT OF FISH, WILDLIFE & PARKS — Law Enforcement Division
Program Summary

Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	96.19	96.68	92.51	95.83	(3.32)	92.51	95.83	(3.32)
Personal Services	3,311,955	3,339,261	3,369,018	3,481,558	(112,540)	3,378,459	3,491,866	(113,407)
Operating Expenses	1,055,668	1,180,367	1,051,783	1,028,135	23,648	1,061,485	1,027,386	34,099
Equipment	99,389	103,890	131,001	131,001	0	129,094	129,094	0
Transfers	0	40,000	55,000	0	55,000	55,000	0	55,000
Total Costs	$4,467,014	$4,663,518	$4,606,802	$4,640,694	($33,892)	$4,624,038	$4,648,346	($24,308)
Fund Sources								
State Revenue Fund	4,294,098	4,432,805	4,374,110	4,401,826	(27,716)	4,392,165	4,410,255	(18,090)
Federal Revenue Fund	172,915	230,713	232,692	238,868	(6,176)	231,873	238,091	(6,218)
Total Funds	$4,467,014	$4,663,518	$4,606,802	$4,640,694	($33,892)	$4,624,038	$4,648,346	($24,308)

Page References

LFA Budget Analysis, Vol, II page C 29-30
Executive Budget page C 7-8

Current Level Differences

	Exec. Over(Under) LFA Fiscal 1994	Exec. Over(Under) LFA Fiscal 1995
PERSONAL SERVICES		
A. The executive eliminates 3.32 FTE in response to the 5% personal services reduction.	(130,625)	(131,480)
B. Warden's differential pay – The executive includes one additional holiday. The LFA reflects fiscal 1992 actual expenditures. Dealin - passed ~~Jergeson reconsider~~	18,085	18,073
CONTRACTED SERVICES – The executive includes an increase for contracting with retired wardens to assist with peak workload periods and for psychological testing of new warden applicants. Jergeson failed 1st time; Jergeson reconsider - Exec passed	20,835	21,335 Passed
SPECIAL INVESTIGATIONS – The executive includes an increase for additional rent for the special investigative unit. Jergeson - failed	3,589	3,589
EDUCATION & TRAINING – The executive funds a training session held in even numbered years in both years. LFA reflects the cyclical nature of this item. Dealin passed	0	10,000
LEGISLATIVE CONTRACT AUTHORITY – LFA Budget Analysis pages C 13-15 for a discussion of this issue. Weeding - Passed	55,000	55,000
MINOR DIFFERENCES Jergeson - Passed	(689)	(689)
INFLATION (Non-voting item)	(87)	(136)
TOTAL CURRENT LEVEL DIFFERENCES	(33,892)	(24,308)

Executive Budget Modifications

LAW ENFORCEMENT ACTIVITIES – The executive requests an additional 1.00 FTE and funding for investigating illegal trafficking in wildlife and for additional operating expenses for field wardens. See page C-11 of the LFA Budget Analysis. not the FTE; Dealin Passed	~~140,000~~ 100,000	~~140,000~~ 100,000
WARDEN RELOCATION – The executive requests additional funding to pay warden relocation expenses. The 1991 Legislature approved $27,000 in fiscal 1992 and $27,000 in fiscal 1993 for this purpose but specified that expenditures were not to be included in the base. In addition, the legislature required the department to submit a report on historical expenditures for employee relocation to the 1993 Legislature. See page C-11. Weeding w/ Sing Passed	27,000	27,000
ADDITIONAL FIELD WARDEN – The executive requests an additional 1.00 FTE field warden to cover Region 1. See page C-11. ~~Weeding with~~ Kaiser on substitute	45,000	45,000
RESTORE 5% REDUCTION – The executive requests restoration of 3.32 FTE removed in response to the 5% personal services reduction. See page C-11.	130,625	131,480
TOTAL MODIFIED LEVEL	342,625	343,480

DEPARTMENT OF FISH, WILDLIFE AND PARKS
Law Enforcement Division

Positions Removed by Joint Committee Action
House Appropriations & Senate Finance and Claims
January 6, 1993

Position #	Position Description	Total Personal Services Fiscal 1994	Total Personal Services Fiscal 1995	FTE Removed by 5% Reduction	FTE Removed by Being Vacant	Total FTE Removed	Non-Approp. FTE
All or Partial General Fund Positions							
	None						
	Sub-Total	0	0	0.00	0.00	0.00	0.00
Non-General Fund Positions							
14804	Criminal Investigator Jensen passed	36,485	36,523		1.00	1.00	
24102	Water Safety Officer } weeding	13,975	13,988		0.50	0.50	
24402	Water Safety Officer } passed	13,326	13,338		0.50	0.50	
24404	Water Safety Officer }	13,106	13,122		0.50	0.50	
14701	Fish & Game Warden Captain Dave passed	49,772	50,567	1.00		1.00	
14816	Enforcement Program Manager Jensen passed	48,849	48,880	1.00		1.00	
24101	Fish & Game Warden Trainee Weed passed	6,603	6,610	0.32		0.32	
24201	Fish & Game Warden Trainee	12,843	12,854	0.50		0.50	
24502	Water Safety Officer Jensen failed	12,558	12,569	0.50	0.00	0.50	
	Sub-Total	207,517	208,451	3.32	2.50	5.82	0.00
	TOTAL	207,517	208,451	3.32	2.50	5.82	0.00

Failed

EXHIBIT #5
DATE 2-8-93
HB

Department of Fish, Wildlife & Parks
Report of Relocation Costs to the
Natural Resources Appropriation Subcommittee
Enforcement Division
FY 1992

Introduction

HB2 passed by the 1991 legislature authorized $27,000 each year as a line item expenditure to relocate employees in the Enforcement Division. In addition, HB2 requires the department to report on relocation costs to the 53rd Legislature.

Background

The department reimburses employees for a limited amount of moving expenses. This is done to encourage employees to seek other positions in the agency and to develop job skills for higher level positions in the department. Thousands of dollars are invested in training and developing staff. Providing reimbursement for moving expenses is an incentive for talented staff to accept added responsibility and use the talents and expenses they acquire with the department.

Ten employees were relocated during FY92 using the $27,000 appropriation. Employees were reimbursed for personal vehicle mileage and per diem for up to seven days while they look for a new residence. In addition, they are reimbursed for the cost of moving personal belongings up to a limit of 12,000 pounds. An employee is also reimbursed up to a maximum of $4,000 for expenses incidental to real estate transactions required as a result of transfer within the department.

Summary

During FY92, the Enforcement Division spent the $27,000 appropriated to relocate ten employees (list attached). An additional $12,312 was spent from the Enforcement Division's base budget to cover relocation costs during FY92.

The FY94/95 executive budget proposal contains a budget modification of $27,000 each year for relocating enforcement personnel.

FY 1992 Relocations Related to the $27,000 Authorized in HB2:

- Warden relocated from White Sulphur Springs to the Stanford district.
- Warden promoted to warden sergeant, relocated from Augusta to Glasgow headquarters.
- Warden relocated from Sidney to the White Sulphur Springs warden district.
- Warden trainee relocated from Bozeman headquarters to the Broadus warden district.
- Warden relocated from Billings headquarters to the Lincoln warden district.
- Warden at Broadus relocated to the Helena area.
- Warden relocated from Laurel to the Helena area.
- Warden trainee relocated from Missoula headquarters to the Plentywood warden district.
- Warden from Forsyth relocated to a new warden district at Boulder.
- Warden sergeant relocated from Miles City headquarters to the Bozeman headquarters.

EXHIBIT 5
DATE 2/8/93

EXHIBIT #6
DATE 2-8-93
HB

Additional Supplemental Appropriation Request
HB 3

Warden sergeants provide a link of first-line supervision between wardens and the warden captain. The warden sergeants have some management supervisory responsibilities; yet they perform some warden duties. You could call them a working foreman.

In 1991 the department looked at determining which employees were exempt from the Fair Labor Standards. Warden sergeants were a concern because they may or may not meet the test for executive exemption. Since there was no disagreement by sergeants or their supervisors with the concept that sergeants were exempt, they were left in the exempt status as of June 1992.

It has now been determined that warden sergeants were incorrectly classified as exempt from the overtime provisions of the Fair Labor Standards Act. The department is liable for overtime from the period of January 1, 1991 to December 11, 1992.

The department will be able to use $42,480 from unspent prior appropriations, but we are requesting a supplemental appropriation for the sums the department is otherwise unable to fund at this time.

We are attempting to solve this issue in three segments.

The first is a request for a supplemental appropriation of $44,547 to address the liability from January 1, 1991 to December 11, 1992.

The second segment is a request for $2,000 to be able to work warden sergeants on the remaining holidays in FY 93, particularly Memorial Day.

The third segment is a request of $10,000 in each year of the FY 94-95 biennium to allow the department to be able to work warden sergeants along with wardens on holidays.

In summary, the department is requesting supplemental appropriations to cover past overtime liability and provide for future work by sergeants on holidays.

FY 93		FY 94	FY 95
The present liability	$44,480	$10,500	$10,500
Remaining FY 93 holidays	2,000		
	$46,480		

Carried supple. back pay approved

Now that warden sergeants have been determined non-exempt, time management practices for their work assignment have been implemented.

It is our best consensus that the remaining enforcement positions are properly classified and should be the final step in the classification process.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

NATURAL RESOURCES-SUB COMMITTEE ~~BILL~~ NO. _____

DATE 2-8-93 SPONSOR(S) _____

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ~~ADDRESS~~	REPRESENTING	SUPPORT	OPPOSE
BILL HANGAS	FWP		
Don Childress	FWP		
DAVE Mott	FWP		
JERRY Wells	FWP		
ERV Kent	✓		
Pat Graham	✓		
Edward Gray	F.W.P.		
DEAN Johnson	MT Outfitters & Guides	✓	

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