

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

JOINT SUBCOMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN ROGER DEBRUYCKER**, on February 10, 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**
Field Services & R-8 Div.
Department Management Div.
House Bill 131

Executive Action: **FISH, WILDLIFE & PARKS**
Field Services & R-8 Div.
Department Management Div.

HEARING

FIELD SERVICES DIVISION & REG. 8 CONTINUED

Jerry wells, Administrator, Field Services and Regional Supervisor for the Helena Regional Office, continued with the budget review. **EXHIBIT 1**

Disabled Access:

The department receives federal funding and is required to provide access for the disabled. They contract with a disabled person who helps has been very active in the disabled community and who has been able to help with the design.

The Americans With Disabilities Act was passed since the last legislative session. Therefore, the department is asking for more money than what was spent in FY92 to assist with the access requirements.

SEN. DEVLIN asked what the amount was they were spending now. Mr. Wells replied there is \$5,000 in the 1993 budget for contracted services. It was not all spent in 1992, but they anticipate it would be spent this year and restore the budget to \$5,000 each year of the biennium.

SEN. WEEDING asked if that included access to fishing sites and public buildings. Mr. Wells said they were printing their fishing regulations in large print for the disabled and also captioning movies for the disabled.

SEN. DEVLIN asked if the federal government is demanding that the department spend so much of the total monies on access sites. Mr. Wells said when the new sites were developed, they have to provide access for the disabled in order to obtain federal funds.

Legal Fees and Court Costs:

Mr. Wells said in 1992 the department had a dispute with an employee and they anticipate that could happen again. They would like to be prepared to deal with it.

SEN. DEVLIN asked if some of the other agencies handle that situation through a supplemental. Mr. Mott said they do on occasion and the department has asked for supplementals on some items. Sometimes the cheapest way to resolve disputes is to reach a settlement. If the committee suggests the department use supplementals, that can be done.

SEN. WEEDING asked whether, if the money wasn't spent, it would revert back to the license account. Mr. Mott said that was correct.

Mr. Lloyd said the department has transfer authority within 5% transfer limit. Mr. Mott said the funds may be taken out of this department's budget and transferred to the director's budget.

SEN. WEEDING asked if it would be restricted to legal costs. Mr. Mott said yes.

Mr. Lloyd said any time an appropriation is restricted to a specific use, the committee must instruct him to do so. A line would be put in the bill and after that would be the word "restricted." They have the authority to use that as long as

they stay within the 5% limit.

SEN. DEVLIN said he believed this should be in the director's office instead of a division and should be a biennial appropriation. He believes the committee should take this up when reviewing the director's budget.

Block Management:

Mr. Wells said in the last session the Block Management received \$136,000 request from this subcommittee and also received an additional \$100,000 during House floor action. Their budget request was \$67,600. Approximately \$50,000 for contracted services will go to landowners and about \$17,000 for travel. They spent nearly all the authority they had.

SEN. DEVLIN asked what they were spending now. Mr. Wells said their total budget was about \$436,000 for the Block Management each year.

SEN. WEEDING asked if the salaries come from contracted services. Mr. Wells said a portion of it is paid to the landowners and some is paid to temporary employees. All of the money is in operational expenses.

Mr. Graham said previously they used all the Block Management funds the first year. A lot of people wanted to get involved the second year, but there weren't any funds available. More people have been added and that is the reason for the increased request. It costs about seven cents per acre compared to state land's controlling access at \$.66 per acre.

SEN. DEVLIN asked if these were walk-in areas. Mr. Graham said it is up to the landowner.

SEN. DEVLIN said where there is Block Management, there is a limit on the number of hunters. Perhaps there are too many hunters. Where there is only walk-in hunting, he had seen animals drug until there wasn't any hair left on their hide.

SEN. WEEDING said most of the country allows people access on the roads. There is a lot more land available for hunting that wouldn't be available without the Block Management program.

Mr. Graham said the access issue is the number one concern of the sportsmen because of game damage. Both the landowners and the sportsmen are working on a solution.

SEN. JERGSON said he was getting complaints because of the Flathead hunters over-running the area north of Chinook. There are more and more ranchers closing down to all but fee hunting. There is income there that is not being declared on income taxes. He suggested that perhaps hunters could apply for a permit so the Department of Revenue could capture some of that fee income.

EXECUTIVE ACTION
FIELD SERVICES & REG. 8 DIVISION

Motion/Vote: SEN. WEEDING moved to approve the Executive for \$67,600 each year of the biennium for Block Management. Motion CARRIED unanimously.

DSL Land Leases:

Mr. Wells said if that is what DSL has anticipated for the budget, they were not in a position to argue with them.

SEN. DEVLIN asked who the money was paid to on State Lands' leases. Mr. Wells said several of the wildlife management areas have blocks of State Lands incorporated within them. So they pay grazing fee rates.

SEN. JERGESON asked if the division had an estimate from DSL as to what those leases would be. Mr. Lloyd said the information from Jeff Hagener, Administrator of the State Lands Division, was verbal. He said the leases would be going down, not up.

The department has the option to move authority to wherever is necessary. This is state special revenue authority. They cannot spend the money for other purposes but the authority could be transferred elsewhere.

Motion/Vote: SEN. WEEDING moved to approve the Executive for \$5,488 in FY94 and \$11,568 in FY95 for DSL Land Leases. Motion FAILED 3 to 3.

Maintenance of Property:

Mr. Wells said there has never been a budget for the orphaned animals in the shelter, and there is a serious weed problem. If they had a budget, they could take care of the lawn and weed problem.

Motion/Vote: SEN. JERGESON moved to approve the Executive for \$1,500 each year of the biennium for Maintenance of Property. Motion CARRIED 5 to 1 with REP. WISEMAN voting no.

Taxes on Department-owned Land:

Mr. Wells said the department tries to anticipate the amount of increase of taxes each year. They anticipate a rate close to 10% from the increase in mill levies and additional property they anticipate purchasing over the next biennium.

The Oversight Committee projected a 2% increase, so the amount they are requesting is the difference between their projection and the Oversight Committee's projection.

SEN. JERGESON said most of those lands are classified as grazing lands. With the passage of SB 168 there is a 10% increase on grazing lands included in that bill.

CHAIRMAN DEBRUYCKER asked if the 2% increase was for the purchase of new property. Mr. Wells said yes, the department needs to anticipate how much land it might purchase in the biennium. This would include the Fishing Access Site program and the Wildlife Habitat program.

SEN. WEEDING asked if they were doing more in easements than in actual purchases. Mr. Wells replied the department has tried to negotiate for easements on critical wildlife habitat land without much success to date.

SEN. WEEDING asked how much land they anticipate buying. Mr. Wells said they anticipate purchasing one major acquisition per year that could amount to several thousand acres.

SEN. WEEDING said there are reports that the Brewer Ranch at Broadus would be sold. He asked if it could be part of this program. Mr. Wells said they were looking at trying to place a conservation easement on the Brewer Ranch and the Page Widow property.

Tape 1, B.

Motion/Vote: SEN. JERGESON moved to approve the Executive for \$2,776 in FY94 and \$19,096 in FY94 for Taxes on Department-owned Land. Motion CARRIED 5 to 1 with CHAIRMAN DEBRUYCKER voting no.

Pilot Training:

Mr. Wells said they need more pilot training for safety.

REP. WISEMAN asked what kind of safety training they were doing that hasn't been done in the past. Mr. Wells said the department felt there was a need for better training, mostly related to helicopter training. Those pilots do a lot of low level flying and a lot of wildlife survey work.

Mr. Lloyd said currently in the base there is \$4,000 for education and training for the whole division.

SEN. WEEDING asked if the department anticipated contracting for this training. Mr. Wells said yes, they will contract with State Lands as they have an extensive training program for their pilots. He said one of their pilots is also a military pilot and they could take advantage of some of the military training.

SEN. WEEDING asked if the department trained the contracted pilots. Mr. Wells said no, they have to be able to meet some of the basic requirements.

REP. WISEMAN asked if they anticipate the training to be ongoing. Mr. Wells said yes.

SEN. DEVLIN said he didn't recall putting money into State Lands for extra training before. Mr. Lloyd said he didn't recall that either.

Mr. Wells said the Department of State Lands already has a training program for its pilots.

Motion/Vote: REP. WISEMAN moved to approve the Executive for \$3,000 each year of the biennium for Pilot Training. Motion CARRIED unanimously.

Livestock Loss Payments:

Mr. Wells said the budget reflects the anticipated payments for livestock losses. In the first year of the biennium they paid \$8,414 and \$10,000 in the second year. There has been an increase in these payments because of the Block Management program.

SEN. DEVLIN asked what their base was. Mr. Lloyd said the expenditures in 1992 were \$4,414.

Motion/Vote: SEN. DEVLIN moved to approve the Executive for \$4,644 each year of the biennium for Livestock Loss Payments. Motion CARRIED unanimously.

Minor Differences:

Motion/Vote: SEN. JERGESON moved to approve the Executive for (\$442) in FY94 and (\$465) in FY95 for Minor Differences. Motion CARRIED unanimously.

The 5% Vacancy Reductions:

Mr. Wells said the department has had a sign shop in Whitehall since 1955. There is 1.50 FTE which produce the signs that are utilized at all the access sites. They work with a lot of heavy equipment and with only one person it would be dangerous.

Motion: REP. JOHNSON moved to reinstate the 1.00 FTE, Sign Painter position #12825.

Discussion:

REP. WISEMAN asked if there were other employees the department could eliminate for their 5% reduction.

Mr. Wells said the department went through an extensive evaluation of the division and that is what they came up with.

Vote: Motion CARRIED 5 to 1 with SEN. DEVLIN voting no.

Motion/Vote: SEN. JERGESON moved to reinstate the Sign Painter Aid position #12826 which is a .50 FTE. Motion CARRIED 5 to 1 with REP. WISEMAN voting no.

Mr. Wells said the Program Assistant and the Laborer positions work with the Block Management program. They were vacant on December 11th because the hunting season had ended.

SEN. DEVLIN asked where the FTE were located. Mr. Wells said the Labor position #92015 is in Region 7, in the eastern part of the

state and the Program Assistant position #22012 is located in Great Falls.

Motion/Vote: SEN. JERGESON moved to reinstate the Program Assistant position #22012 and the Labor position #92015. Motion CARRIED 4 to 2 with CHAIRMAN DEBRUYCKER and REP. WISEMAN voting no.

Ms. Smith said the action that was taken with DNRC was that the committee approved a Dam Rehabilitation Engineer modification for 1.00 FTE and operating expenses. See EXHIBIT 2

Committee action is needed to transfer the funding from FWP to DNRC.

Motion/Vote: REP. JOHNSON moved to approve the Dam Rehabilitation Engineer funding from FWP to DNRC, to be a one-time-only appropriation, and not to be included in the base. Motion CARRIED unanimously.

Mr. Lloyd said there was a modification approved in the Parks Division to spend \$60,000 in FY95 for Fishing Access Sites. The department testified that this is a replacement from state special revenue to the general license account. The committee did not consider reducing the current level appropriation for the general license account when the modification was approved.

CHAIRMAN DEBRUYCKER said they need language to specify that the FY97 biennium budget, which is based on the FY94 budget for actual expenditures, should reflect the \$60,000 decrease in the general license account authority.

Mr. Mott said this item was in the Parks Division. He suggested the committee look at the next biennium budget for FY96 and FY97 and fund the budget so that federal money would be used and save the state money. They could save \$60,000 of state money by using the federal money.

Motion/Vote: SEN. JERGESON moved that the LFA and OBPP shall consider reducing state special revenue in the 1977 biennium budget because of the \$60,000 modification in the Parks Division, subject to approval of federal revenue. Motion CARRIED unanimously.

CHAIRMAN DEBRUYCKER read a letter from Mark Simonich, Director, DNRC, requesting the committee to introduce legislation that will remove the department's responsibilities to administer the Clean Coal Development Demonstration program. EXHIBIT 3

Ms. Smith said in that modification for Conservation Resource Development, there was approximately \$12,000 in FY94 and \$20,000 in FY95 for the clean coal. There is a small amount in the base.

REP. WISEMAN said in response to REP. WANZENRIED'S testimony, Mr.

Lloyd responded with a letter to his concerns. **EXHIBIT 4**
He said he would like to re-open the hearings on the Fisheries Division in response to the language proposed by **REP. WANZENRIED**.

Motion: **REP. WISEMAN** moved to approve \$15,000 for the biennium for "Raceway covers and/or screening, and other improvements to protect investment in hatchery produced fish as an interim strategy in lieu of hatchery construction at the federal Creston fish hatchery."

Mr Peterman addressed the language issues in **EXHIBIT 3**
He reviewed the issues in **Mr. Lloyd's** letter concerning the Fisheries Division Hearing on February 5, 1993.

Tape 2, A.

REP. WISEMAN asked if the \$15,000 was extra money. **Mr. Lloyd** explained that it is spending authority from the Long Range Planning Committee. There is an appropriation already set by the Long Range Planning Committee.

REP. JERGESON asked if anyone knew whether **REP. WANZENRIED** had also approached the Long Range Planning Committee. **Mr. Lloyd** said some of the appropriations by the Long Range Planning Committee were set in the 1981 Legislature.

Mr. Graham said the Somers Hatchery is one of the oldest hatcheries that raises Kokanee Salmon. The water supply in that system is seriously deteriorated.

In the mitigation with the Northwest Power Council some of the money would be spent on the water supply. They have \$100,000 appropriation for a sea wall.

SEN. DEVLIN said he would like to get some information as to whether or not **REP. WANZENRIED** approached the Long Range Planning Committee. He thought the narrative was too long to put into an appropriation bill.

Motion Withdrawn: **REP. WISEMAN** withdrew his motion until the committee gets more information from the Long Range Planning Committee.

Positions removed by Joint Subcommittee Action through 2/9/93 in the Department of Fish, Wildlife & Parks. **EXHIBIT 4A**

SEN JERGESON said in the Fisheries Division, they failed to reinstate the FTE like they did in the other divisions.

Motion/Vote: **SEN. JERGESON** moved to reinstate the Fisheries Field Workers' positions #23414, #23422 and \$13813. Motion FAILED 3 to 3.

Motion/Vote: SEN. JERGESON moved to reinstate the Fish/Wildlife Biologist positions #13102 and #13818. Motion FAILED 3 to 3.

Mr. Graham said Fish Hatchery Aid position #23113 is a federally funded FTE by the Corps of Engineers.

Motion/Vote: SEN. DEVLIN moved to reinstate the Fish Hatchery Aid position #23113. Motion CARRIED unanimously.

Motion/Vote: REP. JOHNSON moved to reconsider the positions in the Parks Division. Motion CARRIED unanimously.

Motion: REP. JOHNSON moved to reinstate the Park Partnership Support FTE for \$4,500 each year of the biennium in the Parks Division.

REP. JOHNSON said that position is in the East Gallatin Park area. Mr. Graham said the East Gallatin Park was turned over to the City of Bozeman. The department would supply the \$4,500 and they would take over the maintenance. The 5% target was \$68,000 which would still be over their cuts if that FTE was reinstated.

REP. JOHNSON asked what the services would cost without that partnership. Mr. Graham said about \$15,000 to \$20,000 in operations.

SEN. DEVLIN asked what the city of Bozeman spends on that park. Mr Graham said about \$15,000 to \$20,000.

Vote: Motion FAILED 3 to 3.

Motion/Vote: SEN. JERGESON moved to restore the target amount to \$68,000 for the Parks Division. Motion FAILED 3 to 3.

HEARING
FISH, WILDLIFE & PARKS
HOUSE BILL 131

REP. DIANE WYATT gave testimony on HB 131 which reads: "An Act statutorily appropriating money to the Department of Fish, Wildlife, and Parks for grants for the establishment and improvement of shooting ranges; establishing shooting range development grants and criteria for grants; amending Section 17-7-502, MCA; and providing an effective date". EXHIBIT 5

REP. WYATT said this bill is supported by the National Shooting Association and the Montana Rifle Association.

Proponents: See Page 19.

Opponents: Mr. Graham gave testimony on the department's opposition to HB 131. EXHIBIT 6

Tape 2, B.

Mr. Graham said the department supports shooting range developments but opposes this bill for several reasons. See EXHIBIT 6

REP. JOHNSON asked REP. WYATT on Page 5, of HB 131 if the fees were going to be added to the present license fees.

REP. WYATT said there was no increase in license fees.

SEN. WEEDING asked how much was already spent on shooting ranges. Mr. Graham said they spent about \$150,000 for the biennium on shooting ranges.

Mr. Lloyd said this committee has approved \$115,061 in grants for shooting ranges as a biennial appropriation.

SEN. DEVLIN asked if the \$115,000 that has been approved will be the total amount spent over the biennium or if the total amount would be \$150,000. Mr. Graham said the department spent \$150,000 and the remainder was spent on administration. The \$115,000 is for grants which would increase that to about \$540,000 for the biennium.

Mr. Mott said about \$20,000 goes back into the grants. SEN. JERGESON asked REP. WYATT why they would deny the use of BB guns and air rifles.

REP. WYATT said she thought some of the amendments would include them. She believes the citizens of Montana have the right to have shooting ranges and don't want them underfunded. She said she had no objection to working with this committee in considering some amendments to the bill.

REP. WISEMAN asked if there was a backup of people who have applied and are waiting for money. Mr. Graham said they had to turn people down because they didn't have sufficient applications, but they have been able to keep up with the back log.

REP. JOHNSON said there is \$192,500 per year to be taken out of the license fees. He asked what the department took out of the program to make that up. Mr. Graham said the department will probably be asking for a license fee increase sooner.

Mr. Lloyd said this bill would increase grants over the biennium by \$333,589.

REP. WYATT asked the committee to give this bill as much consideration as possible.

HEARING
DEPARTMENT MANAGEMENT
FISH, WILDLIFE AND PARKS

Al Elser, Deputy Director, Fish, Wildlife and Parks, gave testimony on this division.

He used a flip chart to discuss the budget and the function of this agency. See EXHIBIT 7

He referred to his narrative on Pages C-18, C-19. EXHIBIT 8

Mr. Lloyd said FWP's block management program, rather than the Department of Livestock's predator control, may be a more efficient use of hunting and fishing license revenue for enhancing landowner-sportsman relations.

Mr. Lloyd reviewed the budget differences with the committee. He said Item B, Transfers - is the second half of the action taken in the Parks Division and the Wildlife Division. This is the FTE that was transferred from the Parks Division and the Wildlife Division. EXHIBIT 9

Ms. Smith said that regarding the equipment, the agency and the OBPP had negotiated a three-year average which is reflected in this budget. She said the LCA modification was a duplication and was her error. For the GIS, they are asking for \$45,000 of state special revenue each year. The Executive is also supporting the restoration of the 5% vacancy reductions.

SEN. DEVLIN asked what it was that was supposed to be zeroed out.

Mr. Lloyd said that was the Sikes Act. The LFA had \$11,000 in the budget that should not be there since this is a biennial appropriation. The LFA should be reduced by \$11,000 in FY95.

Mr. Elser reviewed the budget items with the committee. EXHIBIT 9.

Personal Services:

Item B, Transfers - he said that position was not filled in FY92, but the department is asking for reinstatement of that FTE for FY94 and FY95.

EXECUTIVE ACTION
DEPARTMENT MANAGEMENT

Motion: SEN. WEEDING moved to approve the executive budget for \$29,541 in FY94 and \$29,694 in FY95 on Item B, Transfers.

Discussion:

REP. WISEMAN asked if that increases the attorneys from three to four.

Mr. Elser said yes, that position was filled in FY93.

Vote: Motion CARRIED 5 to 1 with REP. WISEMAN voting no.

Item C, Regional Support - Mr. Elser said he would like the committee to consider both of these items together. He showed a flip chart to the committee reviewing the action in FY92 and FY93 and what they are requesting in FY94 and FY95.

He said there was \$75,000 authorized in the FY91 session for contracted services for regional support. They were looking for ways to help the eight regions because of the demands from the public. A lot of that figure was used in secretarial support. They spent \$60,530 in FY94, and \$50,000 of that was rolled forward into the base. The department is asking the committee's approval for the \$75,000 request.

Tape 2, B.

Mr. Elser said the employee in Bozeman is about a 23-year employee and he is beginning to show some stress from the demands of the public. Also the employee in the Kalispell area was showing some stress. The department obtained some counseling for them and they are doing better and are effective to the department once again.

SEN. DEVLIN asked if their career was causing the stress or their private life. Mr. Elser said it is career; there is a lot of stress with the game wardens. In the outlying areas they get phone calls at all hours of the night regarding a variety of problems.

Motion/Vote: SEN. JERGESON moved to adopt the Executive for \$19,486 in FY94 and \$19,501 in FY95 for Item C and (\$4,396) in FY94 and (\$4,501) in FY94 for Regional Support. Motion CARRIED unanimously.

Native American Liaison & Technical Assistance:

Mr. Elser said they were authorized \$40,000 in FY91 but only spent \$15,300 of that. The reason was that they only had two staff attorneys. Because of that the department was not able to respond to the tribal needs during that biennium. There are eight tribes and seven reservations in Montana. The department is seeing more emphasis on natural resources by the tribes and more interest in dealing with the agency in trying to help them.

Motion/Vote: SEN. JERGESON moved to approve the executive budget for \$24,700 each year of the biennium for Native American Liaison & Technical Assistance. Motion CARRIED 5 to 1 with REP. WISEMAN voting no.

Endangered Species:

Mr. Elser said they are asking for \$25,000 each year of the biennium. Actual expenditures in FY92 and FY93 were \$5,000. With two more attorney they are getting more involved with

endangered species work.

Motion: REP. JOHNSON moved to approve the Executive for \$20,000 each year of the biennium for Endangered Species.

Discussion:

REP. WISEMAN asked what the department does with the \$25,000. Mr. Elser said they do policy development, program planning, monitoring endangered species and de-listing of the grizzly bear. Some of the fishing areas are also listed as endangered species areas.

SEN. WEEDING asked how the new plan was going regarding the hunter harassment cases. Mr. Elser said the County Attorney prosecuted that and they provided some staff assistance.

SEN. WEEDING asked if the department was responsible for the slaughter of those buffalo. Mr. Elser said the Department of Livestock gets involved; it is a cooperative effort.

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

Attorney Operations:

Mr. Elser said the Executive removed \$1,000 from the base and the LFA recommended approval of the \$1,000. The department requests the LFA.

Headquarter Fixed Cost:

Mr. Elser reviewed another flip chart with the committee. Some of the regions are showing some wear and they are asking approximately \$39,000 to improve those regions. They are requesting an increase of \$5,221 for utilities. Actual expenditures in FY92 were \$4,479. They asked for the base increase in FY91 for the Miles City headquarters, but they weren't in the MC headquarters until FY93 so the actual FY92 expenditures don't reflect that new facility. He reviewed the different regions' buildings and the maintenance they need.

Motion/Vote: REP. JOHNSON moved to approve the executive budget for \$38,927 each year of the biennium for Headquarter Fixed Cost. Motion CARRIED unanimously.

Training:

Mr. Elser reviewed another flip chart to discuss training. He said in assessing their training needs they decided to do more with professional training for the employees. In FY92 they contracted for professional development for all employees and tried to train everyone in specific areas.

The LFA approved the FY92 actual at \$12,354 figure but left out the \$10,181 of special training costs. The department is requesting that the \$10,181 be reinstated.

Mr. Lloyd said that was left out of the LFA budget because of the amount that was historically spent; the amount in the LFA expenditures was greater than in FY91. Mr. Elser said that was true.

SEN. WEEDING asked if the field wardens go through the law office training in Bozeman. Mr. Elser said yes, they do go through that training.

SEN. WEEDING asked if first aid and first response was part of their training. Mr. Elser said a lot of the training is in first response, CPR, etc.

REP. WISEMAN asked how much of the \$22,535 was spent for out-of-state training. Mr. Elser said most of it was spent in-state. However, they contracted with a person from California for conflict training.

REP. JOHNSON said there were two other departments that had a budget for training: Wildlife Management and Law Enforcement Division. He asked if that training was part of that or was it separate. Mr. Elser said those are separate. They will get the entire division together for a two- or three-day training session on writing skills, time management and stress management. It is more long-term training.

Motion/Vote: SEN. JERGESON moved to approve the Executive for \$10,181 each year of the biennium for Training. Motion CARRIED 4 to 2 with SEN. DEVLIN and REP. WISEMAN voting no.

Sikes Act:

Mr. Elser said this is for a partnership between the BLM and the department for habitat improvement. The \$20,000 is a line-item to be used as a match with federal funds.

Motion/Vote: SEN. DEVLIN moved to approve the Executive for \$20,000 each year of the biennium for the Sikes Act. Motion CARRIED unanimously.

Equipment:

Mr. Elser said the department requests \$39,200 in FY94 and \$28,832 in FY95. They take care of the equipment for the eight regional headquarters. The department would like to purchase a couple of copy machines for two regions. Office furniture is needed in both the old and new facilities. The department requested approval of the executive budget.

SEN. WEEDING asked what was in the base. Mr. Lloyd said that was a zero based item. In FY92 this division spent about \$21,000 on office equipment. The Executive is requesting \$33,000.

Mr. Mott said in his division they took \$101,000 out of their vehicle request to balance the equipment budget department-wide, and they are still within their three-year vehicle average.

Motion/Vote: REP. JOHNSON moved to approve the Executive for 11,000 in FY94 and (\$368) in FY95 for equipment. Motion FAILED 3 to 3.

Legislative Contract Authority:

Mr. Elser said he would ask this committee to approve the Executive for \$157,500 each year.

Motion/Vote: SEN. WEEDING moved to approve the Executive for \$157,500 each year of the biennium for Legislative Contract Authority. Motion CARRIED unanimously.

Mr. Elser said when Mr. Wells gave his presentation on legal and court costs for \$27,000, this committee asked that it be discussed under the Department Management budget. He said they are requesting the \$27,000 be added to the Department Management budget each year.

Motion/Vote: REP. WISEMAN moved to approve \$27,500 each year of the biennium for legal and court costs. Motion CARRIED unanimously.

Minor Differences:

Motion/Vote: SEN. DEVLIN moved to approve the Executive for (\$1,760) each year of the biennium for Minor Differences. Motion CARRIED 5 to 1 with SEN. JERGESON voting no.

Budget Modifications

Geographical Information System:

Mr. Elser said the Legislature authorized \$90,000 for FY92 - FY94 that was used in the Blackfoot, Clearwater wildlife management area to develop a data management system for the game range. Timber, water and wildlife were the areas they were working on. \$10,000 in grants will go to the University of Montana for cooperative wildlife management.

SEN. WEEDING asked if there were any federal funds involved. Mr. Elser said they are state special revenue funds. Mr. Elser said they hope to come up with an integrated system where everyone is tied together.

REP. WISEMAN asked if the software would be compatible. Mr. Elser said most of the systems use the same software.

Mr. Graham said some of the funds received last year went to NRIS to let them deal with a couple of projects. They are trying to analyze all the systems that are out there to figure out how much information is received from the systems.

Motion/Vote: SEN. JERGESON moved to approve the Executive for \$45,000 each year of the biennium for the Geographical Information System. Motion CARRIED 4 to 2 with SEN. DEVLIN and CHAIRMAN DEBRUYCKER voting no.

Clerical Public Assistance:

Mr. Elser said the department would like to request approval of 1.00 FTE and contract dollars to fund that. When their programs increase they also need administrative and clerical support. They would like this 1.00 FTE to be divided between the Helena information headquarters and the license desk. The other .50 FTE will go to some high level enforcement areas.

Motion/Vote: SEN. JERGESON moved to approve the Executive for \$40,000 each year of the biennium for Clerical Public Assistance. Motion FAILED 3 to 3.

Vacant Positions:

Mr. Elser reviewed the vacant positions with the committee.

Motion/Vote: SEN. DEVLIN moved to reinstate the 1.00 FTE, FWP Regional Manager position #18510. Motion CARRIED unanimously.

Motion/Vote: SEN. WEEDING moved to reinstate the .60 FTE, Maintenance Worker position #18613. Motion CARRIED unanimously.

Motion/Vote: REP. JOHNSON moved to reinstate the .11 FTE, Miles City Clerical position #18808. Motion CARRIED 4 to 2 with REP. WISEMAN and SEN. DEVLIN voting no.

Restore 5% Reduction:

Mr. Elser said the Economist position #18808 is located in Bozeman. This person helps with MEPA compliance with EIS. He provides economic information through statute and helps to define the fish and wildlife impact in Montana.

Motion: SEN. JERGESON moved to reinstate the 1.00 FTE, Economist position #18810.

Discussion:

SEN. DEVLIN asked if he has anything to do with the buffalo problem down at the park. Mr. Elser said yes, he is active in the economic part of the bison issue.

Vote: Motion CARRIED 5 to 1 with REP. WISEMAN voting no.

Motion/Vote: SEN. DEVLIN moved to reinstate the 1.00 FTE, Career Executive Assignment position #18802. Motion CARRIED 5 to 1 with REP. WISEMAN voting no.

Motion/Vote: SEN. WEEDING moved to reinstate the 1.00 FTE, Executive Staff Assistant position 19805. Motion FAILED 3 to 3.

Mr. Elser said position 18610, FWP Regional Manager is the other .50 FTE the committee has been hearing about in the Conservation Education Division. The department is looking at ways to save some administrative costs and overhead. They looked at redistributing some of the work across the state. They have considered changing regional boundaries and combining region six

and region seven. They anticipate taking a portion of the regional manager from region six and a portion of the FTE from the Conservation Education Division and combining those into one information and administrative position. The department is requesting reinstatement of the two .50 FTE and combining them into 1.0 FTE.

Motion/Vote: SEN. WEEDING moved to reinstate the .50 FTE FWP Regional Manager position 18610 and also approve the .50 FTE, #17101 from the Conservation Education Division for a total of 1.00 FTE for a Manager and Information Officer for the Glasgow office. Motion CARRIED unanimously.

SEN. DEVLIN said in regard to paying dues to the Chamber of Commerce, he believes that should be for personal career development and not involving the agency.

Mr. Elser said there is another issue he would like to discuss, and that is in enforcement. There are a lot of things going on with the covert and other operations. They would like to contract with the Attorney General's office to provide some assistance to the County Attorney's office. What the division proposes to do is to provide funding to the Attorney General's office for a .50 FTE for two years depending upon the work load. With travel and operations it would cost about \$36,100 each year of the biennium.

SEN. JERGESON said language may be needed to indicate the Attorney General's office would assist the County Attorney in processing FWP cases.

Motion/Vote: SEN. JERGESON moved to approve contracting a .50 FTE from the Attorney General's office to assist the county attorneys with FWP cases, with language stating: "a one-time-only appropriation." Motion CARRIED unanimously.

Language and Other Issues:

Motion: SEN. JERGESON moved to approve the continuation of the language in Item B, that reads: "Fish, Wildlife and Parks Commission commissioners cannot be flown to or from Fish, Wildlife & Parks Commission meetings in state-owned aircraft unless documented cost savings over other transportation options can be achieved."

REP. JOHNSON asked how many meetings were required by statute. Mr. Graham said none. Because of that language they have reduced the number of commission meetings from 12 to 8 or 9 per year and all of them in Helena. He said they would appreciate it if the language not be continued because it supports the public by having more meetings and it assures that all the commissioners will be at all the meetings to represent the state. There are only five commissioners to represent the whole state.

Vote: Motion FAILED 3 to 3.

Motion/Vote: SEN. JERGESON moved to approve Item A, of the language issues, to grant hunting and fishing revenue to the Department of Livestock for predator control and to be used only on the lands used for hunting. Motion FAILED 3 to 3.

Motion/Vote: SEN. WEEDING moved to close the hearing on the Department Management Division. Motion CARRIED unanimously.

SEN. WEEDING said he would like a balance sheet of the different accounts that are approved at this point for the general license account.

Proponent: Gary Marbut gave his testimony in support of HB 131 on behalf of the National Rifle Association, Citizens Committee for the Right to Bear Arms, Montana Fish and Game Association and the Montana Big Sky Shooting Club. These organizations represent nearly 40,000 sportsmen in Montana. They have calculated that about 85% of the Montana households contain firearms.

Those people should have a safe system where those people can shoot. They have been talking about this program since 1987. They went to the Department of Fish, Wildlife & Parks and had a long meeting with the Deputy Director and others, requesting to use some hunter license fees to fund shooting ranges. They were asked if they would go to the Legislature and handle the program.

A bill was drafted for the 1989 session which is similar to HB 131 and it was very popular.

Tape 3, B.

The FWP opposed this bill and redirected it to the House Appropriations Committee where it did not receive a hearing and essentially it died a silent death.

The history of this proposal is that FWP has gradually gotten into this program and they have drug their feet at every opportunity.

They would like some statutory language in HB 131 to describe how the department would conduct the program and appropriations for that program.

It would contain language that would allow reasonable costs of grant preparation. Most of the organizations that operate shooting ranges are organizations that require annual membership dues. The day-use fee will not be economical for the access sites.

Because of the interest by sportsmen, they would like the committee's approval of this legislation.

HOUSE NATURAL RESOURCES SUBCOMMITTEE

February 10, 1993

Page 19 of 19

ADJOURNMENT

Adjournment: 12:30 P.M.

Roger DeBruycker
ROGER DEBRUYCKER, Chairman

Theda Rossberg
THEDA ROSSBERG, Secretary
by Neilan Miller

RD/tr

HOUSE OF REPRESENTATIVES

NATURAL RESOURCES SUB-COMMITTEE

ROLL CALL

DATE 2-10-93 7:30 AM

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		

5201 02 00000
DEPT OF FISH, WILDLIFE & PARKS
Program Summary

Field Services & R-8 Division

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	33.23	47.71	32.83	33.33	(0.50)	32.83	33.33	(0.50)
Personal Services	935,763	1,367,316	1,038,745	1,040,801	(2,056)	1,043,280	1,045,399	(2,119)
Operating Expenses	1,162,615	2,135,501	1,200,179	1,097,632	102,547	1,242,316	1,117,395	124,921
Equipment	139,752	116,400	32,547	32,631	(84)	87,047	87,213	(166)
Benefits and Claims	8,414	3,000	10,000	5,356	4,644	10,000	5,356	4,644
Total Costs	\$2,246,546	\$3,622,217	\$2,281,471	\$2,176,420	\$105,051	\$2,382,643	\$2,255,363	\$127,280
Fund Sources								
State Revenue Fund	1,708,914	3,026,368	1,692,202	1,587,151	105,051	1,724,043	1,596,763	127,280
Federal Revenue Fund	294,564	489,408	434,201	434,201	0	445,145	445,145	0
Proprietary Fund	243,066	106,441	155,068	155,068	0	213,455	213,455	0
Total Funds	\$2,246,546	\$3,622,217	\$2,281,471	\$2,176,420	\$105,051	\$2,382,643	\$2,255,363	\$127,280

Page References

LFA Budget Analysis, Vol. II page C 25-26
Executive Budget page C-5

Current Level Differences

PERSONAL SERVICES

- A. The executive eliminates 1.50 FTE in response to the 5% personal services reduction.
B. The executive adds 1.00 FTE for engineering services and reduces operating by \$23,509. The 1991 Legislature appropriated \$60,000 for contracts. In fiscal 1992 the department acquired an administrative FTE and spent \$47,739 in personal services. See "Engineering Services" below.
C. Overtime—The LFA reflects a 3-year average plus 15% benefits. *was never passed*

(37,440) (37,522)
35,770 35,793

ENGINEERING SERVICES—The executive reduces engineering services contracts by \$23,509 from the amount spent in fiscal 1992 because 1.00 additional FTE is requested. The LFA reflects fiscal 1992 actual expenditures.

(386) (390)
(23,509) (23,509)

APPRAISER FEES—The LFA current level reflects actual fiscal 1992 expenditures. Funded with coal tax.

18,880 18,880

DISABLED ACCESS—LFA current level reflects actual fiscal 1992 expenditures. *Johnston passed*

1,891 1,891

LEGAL FEES & COURT COSTS—The executive requests actual fiscal 1992 expenditures of \$27,066 for unanticipated personnel costs resulting from court action or advice of counsel. Historically, \$45 was spent in fiscal 1991 and \$0 in fiscal 1990 for these items. Therefore, the LFA considered the fiscal 1992 expenditures as one-time costs and did not include them in the base. *Johnston and passed*

27,066 27,066

BLOCK MANAGEMENT—The LFA current level reflects actual fiscal 1992 expenditures for travel and contracts. *Weedling - Passed*

67,600 67,600

DSL LAND LEASES—The executive includes yearly increases of 10% for lease payments to the Department of State Lands. DSL staff indicate they anticipate lease rates to decline. LFA current level reflects actual fiscal 1992 expenditures. *Weedling - failed*

5,488 11,568

MAINTENANCE OF PROPERTY—The executive includes amounts over the \$0 spent in fiscal 1992 for care and maintenance at the orphan animal shelter. *Jergeson - Passed*

1,500 1,500

TAXES ON DEPARTMENT-OWNED LAND—The LFA and executive allow increases in this item. The LFA level is based on Revenue Oversight Committee adoption of revenue estimates containing a 2% increase in the mills and a 2% increase for new property. Actual fiscal 1992 expenditures were increased 4% for fiscal 1993, 1994, and 1995. *Jergeson - Passed*

2,776 19,096

PILOT TRAINING—The executive includes amounts over the base for a new pilot training program. *was never passed*

3,000 3,000

VESTOCK LOSS PAYMENTS—The LFA current level reflects a 3-year average. *Devlin - Passed*

4,644 4,644

MINOR DIFFERENCES

Deputy Passed by Ego

INFLATION (Non-voting item)

(442)

(465)

(1,787)

(1,872)

TOTAL CURRENT LEVEL DIFFERENCES

105,051

127,241

Executive Budget Modifications

RESTORE 5% REDUCTION—The executive request the reinstatement of 1.50 FTE eliminated in response to the 5% personal services reduction.

37,440

37,522

Johnson - Passed

Language

None

EXHIBIT 1

DATE 2/10/93

DEPARTMENT OF FISH, WILDLIFE AND PARKS
Field Services Division

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

		Total Personal Services		FTE		Total FTE Removed	Non-Approp. FTE
Position #	Position Description	Fiscal 1994	Fiscal 1995	Removed by 5% Reduction	Removed by Being Vacant		
All or Partial General Fund Positions							
None							
Sub-Total		0	0	0.00	0.00	0.00	0.00
Non-General Fund Positions							
22012	Program Assistant } <i>General</i>	12,801	12,864		0.63	0.63	
92015	Laborer } <i>Assistant</i>	14,109	14,194		1.00	1.00	
12825	Sign Painter } <i>John Dussell</i>	25,782	25,808	1.00		1.00	
12826	Sign Painter Aide } <i>Lingo Bassett</i>	11,659	11,715	0.50		0.50	
Sub-Total		64,351	64,581	1.50	1.63	3.13	0.00
TOTAL		64,351	64,581	1.50	1.63	3.13	0.00

EXHIBIT 1
DATE 2/10/93

EXHIBIT #2
DATE 2-10-93
HB 7:30 AM

APPROVED MODIFICATION
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION

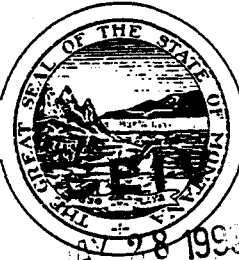
Dam Rehabilitation Engineer - This modification would add 1.0 FTE and operating expenses to provide an engineer position to work on Fish, Wildlife and Parks dams. \$46,340 in FY94 and \$42,373 in FY95 was approved with language that the position would be evaluated in two years and would not be part of current level. The modification is to be funded with state special revenue from Fish, Wildlife and Parks.

DEPARTMENT OF FISH, WILDLIFE AND PARKS
FIELD SERVICES DIVISION

Need appropriation authority to support the DNRC modification, \$46,340 in FY94 and \$42,373 in FY95 from the general license account - 02409.

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

EXHIBIT # 3
DATE 2-10-93
HB 7:30 AM



MARC RACICOT, GOVERNOR

LEE METCALF BUILDING
1520 EAST SIXTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-6699
TELEFAX NUMBER (406) 444-6721

PO BOX 202301
HELENA, MONTANA 59620-2301

February 4, 1993

The Honorable Roger DeBruycker
House District 13

Re: Department of Natural Resources and Conservation --
Conservation and Resource Development Division

Dear Representative DeBruycker:

The Joint Subcommittee on Natural Resources Appropriations, in executive action, denied the executive's request to reinstate the needed contracted services dollars to administer the Clean Coal Development Demonstration program. The committee adopted the legislative fiscal analyst's base of \$6,850 for the biennium. This amount of funding is inadequate for the Department to fulfill its responsibility to administer this \$50 million program.

Therefore, as Director, I respectfully request that the committee introduce legislation that will statutorily remove the department's responsibilities under this program. Specifically, Section 15-29-2301, MCA, must be amended to strike any reference to the Department of Natural Resources and Conservation.

Sincerely,

Mark A. Simonich

Mark A. Simonich
Director



STATE OF MONTANA

Office of the Legislative Fiscal Analyst

STATE CAPITOL
HELENA, MONTANA 59620
406/444-2986

EXHIBIT # 4
DATE 2-10-93
HB 7:30 AM

TERESA OLCOTT COHEA
LEGISLATIVE FISCAL ANALYST

February 10, 1993

Representative David Wanzenried
Montana House of Representatives
Seat Number 85

Dear Representative Wanzenried:

In response to your questions concerning the Fisheries Division of the Department of Fish, Wildlife and Parks, the following information is provided.

Attached is a list of draft language you requested for House Bill 2. Since the subcommittee has already closed the hearing on the Fisheries Division, a motion is needed to reopen the hearing to add any language. The subcommittee hearings on the Department of Fish, Wildlife, and Parks will conclude February 10, 1993. Language can also be amended into the bill on the House floor, Senate Finance and Claims, or the Senate floor.

The language identifying the money to be used at the Creston fish hatchery has been left blank. Department staff indicate that an 8 foot wide X 78 foot high X 10.5 foot high Weather Port raceway cover would cost \$10,237 installed. The funding source for any appropriation would be long-range building funds which are available because previous continuing appropriations have not been used fully.

Department of Fish, Wildlife and Parks staff indicate that their cost estimate for 8 foot X 8 foot Merwyn traps nets was based on: 1) \$2,006 per net; 2) \$1,500 for dock material, axil, anchors, and miscellaneous; and 3) \$1,700 preparation labor. Only the cost for the nets are in the equipment request. All other costs are budgeted in other non-zero based items.

If I can be of further assistance, please call.

Sincerely,

A handwritten signature in cursive script that reads "Roger Lloyd".

Roger Lloyd
Associate Fiscal Analyst

RL3B:lt:dw2-10.ltr
Enclosure

NATURAL RESOURCES & COMMERCE SUBCOMMITTEE

Department of Fish, Wildlife and Parks Language

"The legislature encourages the department to work with homeowner groups around the lakes in Montana (especially northwest Montana) in managing and restoring fisheries to better ensure that state's lake fisheries provide a fishing experience which is appropriated for those residing around the lakes as well as the overall public."

"The department shall review historic fish planting data for Echo Lake and seek to increase fish plants to a number more appropriate to the lake's size."

"The department shall expend every effort to ensure the continued survival of the bull trout and to prevent it from being "listed" on the endangered species list. This includes a careful examination of the manner in which hatchery-produced bull trout can assist in stabilizing or increasing the numbers. (See the July 1992 draft of the mitigation plan for Hungry Horse Reservoir by the Northwest Power Planning Council). The need for genetically clean and diseased free stock of bull trout must also be recognized by the department."

"The legislature encourages the department to continue a cooperative agreement with the U.S. Fish and Wildlife Service at Creston to produce Kokanee salmon and other species such as rainbow."

"Item [Fisheries Division] contains \$_____ in fiscal 1994 and \$_____ in fiscal 1995 for raceway covers and/or screening, and other improvements to protect investment in hatchery produced fish as an interim strategy in lieu of hatchery construction at the federal Creston fish hatchery."

EXHIBIT 4A
DATE 2-10-93
HB 7:50 AM

Montana Department of Fish, Wildlife & Parks
FY94/95 Budget Request
Positions Removed by Joint Subcommittee Action through 2/9/93

Division	Position Number	Position Description	Total Personal Services		FTE		Total FTE Removed
			Fiscal 1994	Fiscal 1995	Removed by 5% Reduction	Removed by Being Vacant	
Parks	26452	Parks Patrol Officer	\$14,476	\$14,494		0.50	0.50
Parks	26709	Laborer	\$3,189	\$3,208		0.16	0.16
Parks	26501	Groundskeeper	\$1,818	\$1,820		0.09	0.09
Subtotal			\$19,483	\$19,522	0.00	0.75	0.75
Fisheries	23414	Fisheries Field Worker	\$7,141	\$7,184	0.35	0.05	0.40
Fisheries	23411	Fisheries Field Worker	\$3,289	\$3,308	0.16		0.16
Fisheries	23113	Fish Hatchery Aid	\$7,187	\$7,229	0.34		0.34
Fisheries	13814	Secretary	\$9,997	\$10,005	0.50		0.50
Fisheries	13828	Fish/Wildlife Biologist	\$14,841	\$14,851	0.50		0.50
Fisheries	13102	Fish/Wildlife Specialist	\$42,424	\$42,469	1.00		1.00
Fisheries	13813	Fisheries Field Worker	\$7,177	\$7,220	0.25		0.25
Fisheries	13806	Statistical Technician	\$23,544	\$23,562	0.50	0.50	1.00
Fisheries	23702	Laborer	\$3,783	\$3,792	0.10		0.10
Fisheries	26412	Fisheries Field Worker	\$0	\$0		0.00	0.00
Subtotal			\$119,383	\$119,620	3.70	0.55	4.25
Wildlife	15861	Fish/Wildlife Biologist	\$32,749	\$32,783	0.50	0.50	1.00
Wildlife	15866	Administrative Aid	\$10,206	\$10,212	0.40		0.40
Subtotal			\$42,955	\$42,995	0.90	0.50	1.40
Law Enforcement	14816	Enforcement Program Officer	\$48,849	\$48,880	1.00		1.00
Law Enforcement	24502	Water Safety Officer	\$12,558	\$12,569	0.50		0.50
Subtotal			\$61,407	\$61,449	1.50	0.00	1.50
Admin/Finance	11887	Word Processing Technician	\$10,537	\$10,545	0.50		0.50
Subtotal			\$10,537	\$10,545	0.50	0.00	0.50
DFW&P TOTAL	Through 2/9/93		\$253,765	\$254,131	6.60	1.80	8.40

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House BILL NO. 131
INTRODUCED BY Wendell / B. Brundt / Earley
Joe Brown / Hayes / McIntosh / Mohr / Wright / Coak
A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY
ENTITLED: NATURAL / Game / Wildlife / Conservation
APPROPRIATING MONEY TO THE DEPARTMENT OF FISH, WILDLIFE, AND

PARKS FOR GRANTS FOR THE ESTABLISHMENT AND IMPROVEMENT OF
SHOOTING RANGES; ESTABLISHING SHOOTING RANGE DEVELOPMENT
GRANTS AND CRITERIA FOR GRANTS; AMENDING SECTION 17-7-502,
MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Purpose. The purpose of
[sections 1 through 5] is to create a continuing program and
mechanism to provide funding through the department to
private shooting clubs, private organizations, local
governments, and school districts for the establishment and
improvement of a system of shooting ranges throughout
Montana.

NEW SECTION. Section 2. Shooting range development
grants. A private shooting club, private organization, unit
of local government, or school district may seek a grant for
a shooting range development project.

NEW SECTION. Section 3. Grant criteria. (1) An
applicant for a grant pursuant to [section 2] shall provide
matching funds in either cash or in-kind contributions. The

1 match must represent \$1 in value for each \$1 of the grant.
2 minimum of 25% of the match must be in cash. In-kind
3 contributions include but are not limited to labor
4 materials, and real property. Existing assets and existing
5 shooting range development may not apply to the match.
6 (2) An applicant that is a private shooting club or
7 private organization must be a nonprofit corporation
8 pursuant to Title 35, chapter 2, with an organization
9 structure, officers, directors, and a registered agent.
10 (3) A grant must be used for real property purchases
11 earthwork, fixed improvements to existing shooting ranges
12 ranges being established, or reasonable grant application
13 expenses. A grant may not be used for any expendable
14 supplies for a shooting range.
15 (4) To be eligible for grant assistance, a private
16 shooting club or a private organization:
17 (a) shall accept in its membership any person who holds
18 or is eligible to hold a Montana hunting license and who
19 pays club or organization membership fees;
20 (b) may not limit the number of members; and
21 (c) may charge a membership fee not greater than the
22 per-member share of the club's or organization's reasonable
23 cost of provision of services, including establishment and
24 improvement, and maintenance of shooting facilities and
25 other membership services.

EXHIBIT 5
DATE 2-10-93

LC 0947/01

LC 0947/01

1 (5) A private shooting club, private organization, unit
2 of local government, or school district that accepts a grant
3 under [sections 1 through 5] shall provide the department
4 with a future interest, providing that upon the discontinued
5 use of its shooting range facility, the assets of the
6 facility revert to the department. If a facility funded
7 under [sections 1 through 5] is sold for a use other than a
8 shooting range facility and the sale proceeds are not
9 reinvested in another shooting range facility within 1 year
10 of sale, the entity that sells the facility shall reimburse
11 the grant program for all funds received under [sections 1
12 through 5].

13 (6) To be eligible for grant assistance, the applicant
14 shall allow safe shooting of hunting arms. Hunting arms
15 include shotguns, archery equipment, black powder arms,
16 rifles, and pistols.

17 (7) An entity receiving a grant shall allow use of the
18 facility by hunter education classes for no fee.

19 (8) A unit of local government or a school district
20 shall compete on an equal basis with other applicants and
21 shall provide access to its facility for a reasonable fee to
22 any person holding or eligible to hold a Montana hunting
23 license.

24 NEW SECTION. Section 4. Program rules. (1) The
25 department may not use more than 15% of the program funds

1 for administration.

2 (2) The department shall develop a simple application
3 procedure and accountability system.

4 (3) The department shall make every effort to expend or
5 obligate available funding to fund shooting range
6 improvements with grants no later than 1 year after funds
7 accrue.

8 (4) The department shall prioritize grant applications
9 according to those that provide facilities for the greatest
10 number of shooters and that accommodate the use of a
11 combination of hunting arms.

12 (5) The department may not grant more than 30% of the
13 eligible funds for the establishment or improvement of any
14 single facility in any year.

15 (6) The department shall promote the use of publicly
16 owned land for shooting range facilities. The department may
17 negotiate with federal, state, and local agencies to
18 encourage land trades, shared or specific use designations,
19 and other mechanisms to provide land for shooting range
20 facilities.

21 NEW SECTION. Section 5. Shooting range development
22 grant state special revenue account created. (1) There is a
23 shooting range development grant state special revenue
24 account in the state special revenue fund that must be used
25 by the department for the purpose of making grants to

EXHIBIT 5
DATE 2/10/93

LC 0947/01

LC 0947/

1 qualified shooting range facilities under [sections 1
2 through 4].

3 (2) The amount of money specified in this subsection
4 from the sale of each hunting license or permit listed as
5 follows is statutorily appropriated, as provided in
6 17-7-502, to the shooting range development grant state
7 special revenue account for the exclusive use by the
8 department for the purpose specified in subsection (1):

9 (a) Class AAA, sportman's license, \$1;

10 (b) Class A-3, deer A tag, 50 cents;

11 (c) Class A-4, deer B tag, 50 cents;

12 (d) Class A-5, elk tag, 50 cents;

13 (e) Class A-7, antlerless elk tag, 50 cents;

14 (f) Class B-7, nonresident deer A tag, 50 cents;

15 (g) Class B-8, nonresident deer B tag, 50 cents;

16 (h) Class B-10, nonresident big game combination
17 license, \$1;

18 (i) Class B-11, nonresident deer combination license,
19 50 cents.

20 **Section 6.** Section 17-7-502, MCA, is amended to read:

21 "17-7-502. Statutory appropriations -- definition --
22 requisites for validity. (1) A statutory appropriation is an
23 appropriation made by permanent law that authorizes spending
24 by a state agency without the need for a biennial
25 legislative appropriation or budget amendment.

1 (2) Except as provided in subsection (4), to
2 effective, a statutory appropriation must comply with both
3 of the following provisions:

4 (a) The law containing the statutory authority must
5 listed in subsection (3).

6 (b) The law or portion of the law making a statutory
7 appropriation must specifically state that a statutory
8 appropriation is made as provided in this section.

9 (3) The following laws are the only laws containi
10 statutory appropriations: 2-9-202; 2-17-105; 2-18-81
11 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-11
12 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-11
13 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-41
14 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-40
15 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-100
16 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-51
17 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-10
18 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-81
19 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-63
20 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-50
21 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-20
22 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-110
23 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-31
24 82-11-136; 82-11-161; 85-1-220; [section 5]; 90-3-30
25 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

1 (4) There is a statutory appropriation to pay the
 2 principal, interest, premiums, and costs of issuing, paying,
 3 and securing all bonds, notes, or other obligations, as due,
 4 that have been authorized and issued pursuant to the laws of
 5 Montana. Agencies that have entered into agreements
 6 authorized by the laws of Montana to pay the state
 7 treasurer, for deposit in accordance with 17-2-101 through
 8 17-2-107, as determined by the state treasurer, an amount
 9 sufficient to pay the principal and interest as due on the
 10 bonds or notes have statutory appropriation authority for
 11 the payments. (In subsection (3): pursuant to sec. 7, Ch.
 12 567, L. 1991, the inclusion of 19-6-709 terminates upon
 13 death of last recipient eligible for supplemental benefit;
 14 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
 15 22-3-811 terminates June 30, 1993.)"

16 NEW SECTION. **Section 7. Severability.** If a part of
 17 [this act] is invalid, all valid parts that are severable
 18 from the invalid part remain in effect. If a part of [this
 19 act] is invalid in one or more of its applications, the part
 20 remains in effect in all valid applications that are
 21 severable from the invalid applications.

22 NEW SECTION. **Section 8. Codification** instruction.
 23 [Sections 1 through 5] are intended to be codified as an
 24 integral part of Title 87, chapter 1, part 2, and the
 25 provisions of Title 87, chapter 1, part 2, apply to

1 [sections 1 through 5].

2 NEW SECTION. **Section 9. Effective date.** [This act] is
 3 effective July 1, 1993.

-End-

EXHIBIT 5
 DATE 2-10-93

EXHIBIT 2
DATE 2-10-93

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0131, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act statutorily appropriating money to the Department of Fish, Wildlife and Park for grants for the establishment and improvement of shooting ranges; establishing shooting range development grants and criteria for the grants; and providing for an effective date.

ASSUMPTIONS:

1. FWP has not issued any non-resident deer A licenses (B-7) since 1988, and will not issue any in FY94 or FY95.
2. The antlerless elk tag (A-7) are included in the elk tag (A-5) totals.
3. FWP will use 15% of the revenue generated to administer the program.
4. The Governor's budget recommends an \$150,000 biennial appropriation for shooting ranges funded with license dollars.

FISCAL IMPACT:

	FY94		FY95	
	Current Law	Proposed Law	Difference	
<u>Expenditures:</u>				
Shooting Range Operations	14,300	43,175	28,875	14,300
Shooting Range Grants	60,700	224,325	163,625	60,700
Total	75,000	267,500	192,500	75,000
<u>Revenue:</u>				
General License Acct (02)	75,000	75,000	0	75,000
Shooting Range Acct (02)	0	192,500	192,500	0
Total	75,000	267,500	192,500	75,000

Net Impact:

\$192,500 each fiscal year of license dollars will be redirected to fund a shooting range development grant program.

TECHNICAL NOTES:

Effective date should be changed to March 1, 1994 to coincide with department's license year.

David Lewis 1-15-93
DAVID LEWIS, BUDGET DIRECTOR
Office of Budget and Program Planning

DIANA E. WYATT, PRIMARY SPONSOR

DATE

Fiscal Note for HB0131, as introduced

HB 131
February 10, 1993

**Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
before Joint Appropriations - Finance & Claims,
Natural Resources Subcommittee**

The department appears today in support of shooting range development but in opposition to HB 131. We have administered a shooting range development program for the last four years and strongly support the need for continued funding for such a program.

As background:

- The past two legislatures have authorized \$150,000 per biennium for the development of shooting ranges.
- The dollars have been distributed to 24 projects at 17 different locations.

To this point, the \$150,000 authorization per biennium has been adequate to cover requests for assistance that we have received. The department's budget request for the coming biennium includes \$150,000 in matching grants from the general license account for the continuation of the shooting range development program.

Our opposition to HB 131 arises in part from the provision to earmark specific license fees as suggested in Section 5. Since 1985, the department has seen a majority of license fee increases earmarked to one program or another. If a program is a priority, it will be funded, if the legislature approves, without the need

for earmarking.

We have several other concerns with this legislation. In general, we would prefer a program with broader rule making authority than HB 131 allows. Working with an external committee, we have developed policies and guidelines specific to the administration of the shooting range grants program. We would prefer to draw on the experience we have gained working with shooting range grant applicants during the last four years.

We fully intend to continue to formally involve shooting range users, grant applicants and local sponsors as we update these policies and guidelines.

Our concerns relate to establishing by law specific criteria:

- Section 3(1) specifies that a minimum of 25 percent of the match must be cash. We have found that in some instances donated equipment, material and labor have exceeded dollars needed as a match, and in many instances have been more useful than cash.
- Section 3 (3) specifies reasonable grant application expenses as allowable. We suggest those grant application expenses need to be clarified. Architectural and engineering expenses should be allowed, but fees associated with putting a grant together should not. This policy is consistent with other programs we administer.

- Section 3 (4) (a) specifies that any person who holds or is eligible to hold a Montana hunting license and who pays club or organizational fees should be accepted as a member. This requirement eliminates youngsters less than 12 years of age, a group that we feel, when under proper supervision, should be encouraged to participate in shooting sports.
- Section 3 (4) (c) discusses range membership fees. The intent of the department's program has been to maximize use. We do not believe that individuals who only wish to shoot occasionally (perhaps once a year) should be expected to pay annual fees that cover costs of things like "other membership services" that may have less to do with the cost of range operation and maintenance.
- Section 3 (5) suggests that in the event of discontinued use of a shooting range facility, the assets of the facility revert to the Department of Fish, Wildlife and Parks. We want to protect assets that result from the program, but we do not want to have the responsibility to manage local facilities if a range becomes non-operational.
- Section 3 (6) prohibits the use of air guns (BB and pellet) which are used in many of our Hunter Education classes.
- Section 4 (4) instructs the department to prioritize grants based on (1) the greatest number of shooters, and (2) use of a combination of weapons. This requirement could eliminate many rural areas from participation and will affect the geographic distribution of ranges. We believe other factors

listed in the department's selection criteria are also important to consider.

- Section 4 (5) limits any grant to 30 percent of eligible funds. While we agree with the intent of this section, there may be instances where it will make sense to commit more than 30 percent to one sponsor.

While we have problems with this legislation, we appreciate the support for development of a much needed shooting range program for Montana. We look forward to a continuing positive relationship with the many local communities, organizations and clubs with whom we have worked these past four years.

EXHIBIT 6
DATE 2-10-93

DEPT. OF FISH, WILDLIFE & PARKS

Department Management

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
FTE	47.16	41.08	41.23	41.08	39.28	41.08	39.28
Personal Services	1,523,747	1,427,362	1,488,648	1,527,418	1,401,992	1,531,316	1,405,840
Operating Expenses	727,698	708,192	838,340	834,541	941,834	704,353	781,207
Equipment	43,225	28,469	23,471	28,405	39,200	29,603	28,832
Capital Outlay	0	0	10,000	0	0	0	0
Grants	182,163	169,280	160,000	160,000	160,000	160,000	160,000
Transfers	0	0	100,000	0	157,500	0	157,500
Total Costs	\$2,476,834	\$2,323,303	\$2,620,459	\$2,550,364	\$2,700,526	\$2,425,272	\$2,533,379
Fund Sources							
State Revenue Fund	1,809,864	1,760,364	1,969,469	1,957,180	1,929,842	1,834,902	1,785,509
Federal Revenue Fund	666,970	562,939	650,990	593,184	770,684	590,370	747,870
Total Funds	\$2,476,834	\$2,323,303	\$2,620,459	\$2,550,364	\$2,700,526	\$2,425,272	\$2,533,379

Program Description

The Department Management Division is responsible for: 1) overall department direction regarding planning, program development, guidelines and budgets; 2) liaison with the Governor's Office and legislature; 3) interaction with the Fish, Wildlife and Parks Commission; 4) decision-making for key resource activities affecting the department; 5) administration of seven major divisions that provide program development and staff support; 6) supervision of eight regional offices that are responsible for program implementation; 7) legal services for the department; and 8) liaison with Montana's Indian tribes and with other state and federal agencies.

LFA Current Level

The \$100,056 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; 2) transfer of 0.45 FTE to the Wildlife Division for a wildlife management environmental impact statement; 3) net transfer in of 0.30 FTE from other divisions; and 4) upgrades for five positions in fiscal 1993.

Operating expenses increase from fiscal 1992 to fiscal 1994 due to the net of: 1) \$6,353 decrease in fixed costs; 2) a \$15,500 increase for review of land management programs (\$0 was spent in fiscal 1992); 3) a \$3,500 increase for materials and travel for the additional attorney position authorized by the 1991 Legislature but not filled; 4) a \$113,448 increase for the Sikes Act biennial appropriation to promote state/federal cooperation for wildlife habitat projects; 5) a \$10,181 decrease in training costs; and 6) \$10,435 in inflationary adjustments. Operating expenses decrease from fiscal 1994 to fiscal 1995 due to the biennial Sikes Act appropriation.

Department of Fish, Wildlife, and Parks

reduced to provide enough money to fund current level. (See related issue in Section F - Long Range Planning).

The Executive Budget includes a budget modification and funding switch to replace the \$597,542 state special revenue removed from the Parks Division program with the same amount of general fund. A policy initiative in the Executive Budget recommends that the modification and funding switch be contingent on enactment of a general sales tax. Sales tax revenue collected from accommodations would be used to fund this modification.

The Park Division's largest source of funding is interest from the Parks Acquisition Trust, which has received a portion of coal severance tax collections since 1976. The 1991 Legislature approved using the coal tax that would have flowed into the trust for program expenditures during the 1993 biennium. Beginning in fiscal 1994, these funds will again be deposited in the trust.

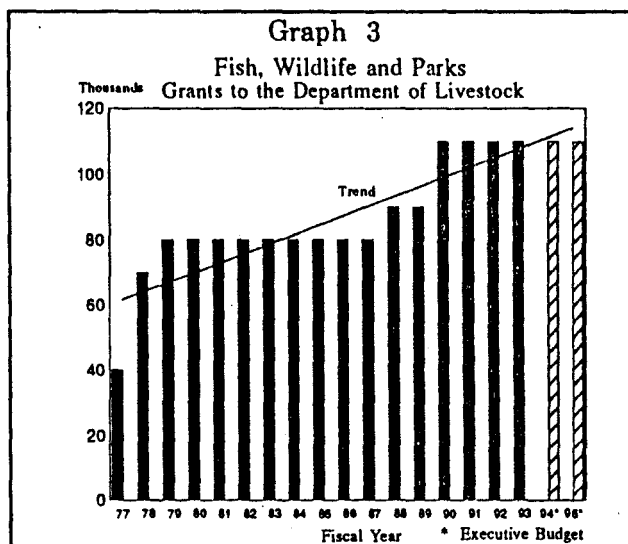
Grants to the Department of Livestock

FWP grants \$110,000 a year of hunting and fishing license revenue to the Department of Livestock for predator control. Since fiscal 1977, \$1.45 million has been granted for this purpose as Graph 3 shows. The annual grants have grown from \$40,000 in fiscal 1977 to \$1,000,000 in fiscal 1993. These grants do not appear related to wildlife management nor fulfill any of FWP's statutory duties.

The 1989 biennium agreement between FWP and the Department of Livestock (no agreement has been signed since then) states, "predation on free-roaming wildlife populations, although an altogether natural occurrence, may under certain situations and conditions be desirable to reduce or control". Although the agreement requires that Department of Livestock personnel consult with FWP concerning "losses caused by predators to fish, game or fur bearing animals, or game or nongame birds in particular geographical areas", such consultation is not done, according to staff of both departments. Under the 1989 agreement, \$95,000 of the funds granted by FWP are to be used entirely for helicopter hunting of predators. However, FWP does not determine nor direct the helicopter to specific areas with predation problems.

In addition, the agreement provides that \$15,000 per year of hunting and fishing license revenues be used for other operations relating to predator control. For the 1993 biennium, these funds finance the entire Rabies Program in the Department of Livestock. The funds are spent for reimbursement of the Animal Health Division veterinarians' time in training county personnel, for supplies and materials, and for subscriptions.

Nearly half of the Department of Livestock's predator control program is funded by hunting and fishing license revenue granted by FWP. FWP staff justify use of the revenue primarily on the basis of enhancing relations between private landowners and sportsmen, rather than for controlling predators preying



Department of Fish, Wildlife, and Parks

on wildlife. However, compared with the FWP's block management program, which has enrolled 449 landowners and opened 5.7 million acres for hunting, the predator control program in fiscal 1991 responded to approximately 425 landowners who are not required to allow hunting on their property in exchange for predator control services. FWP's block management program, rather than the Department of Livestock's predator control program, may be a more efficient use of hunting and fishing license revenue for enhancing landowner-sportsman's relations.

Land and Water Conservation Fund

The department receives Land and Water Conservation Fund (LWCF) money from the federal government to assist with acquisition and development of public outdoor recreation areas and facilities. The funds are used as matching pass-through grants to local governments and for FWP qualifying projects, such as dam rebuilding and acquisition of fishing access sites. LWCF money is also used in the Long-Range Planning program for state park and fishing access site maintenance and improvement. As Table D shows, Montana's allocation of these funds have declined since the mid-1980's.

The department determines what portion of the LWCF allocation is used for pass-through grants and what portion goes to FWP projects. Spending authority for FWP projects is appropriated primarily in the Long Range Planning bill and spending authority for pass-through grants is appropriated in the general appropriations act. The Executive Budget includes \$1,030,000 of LWCF for the 1995 biennium: 1) \$320,000 in FWP long-range building projects; 2) \$700,000 as a biennial appropriation for pass-through grants; and 3) \$10,000 for the biennium for the statewide comprehensive outdoor recreation plan (SCORP) required by the LWCF program. In addition, at the end of fiscal 1992, \$776,930 of capital projects authority remains. The total of these LWCF appropriations are more than four times the amount of funds receive in the 1993 biennium. The LFA current level contains \$160,000 of biennial authority for pass-through grants or twice what was spent in fiscal 1992 and \$5,000 per year for SCORP. The legislature may wish to consider the appropriate level of LWCF authority, based on expected revenue.

Excess spending authority for LWCF pass-through funds was used in the 1991 biennium and fiscal 1992 to fund activities not considered by the legislature. Table E shows the receipts and expenditures of LWCF funds during these years, and the authority that has been transferred to other projects. In fiscal 1992, authority was transferred to the Department Management Division for support staff and to the Wildlife Division to help fund a wildlife management environmental impact statement.

Table D Land and Water Conservation Fund Montana's Apportionments	
<u>Fiscal Year</u>	<u>Apportionment Amount</u>
1993	\$225,417
1992	\$179,618
1991	271,983
1990	151,717
1989	161,091
1988	157,645
1987	311,052
1986	437,489
1985	689,775

5201 09 00000

DEPT OF FISH, WILDLIFE & PARKS

Program Summary

Department Management

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	41.08	41.23	39.28	41.08	(1.80)	39.28	41.08	(1.80)
Personal Services	1,427,361	1,488,648	1,401,992	1,527,418	(125,426)	1,405,840	1,531,316	(125,476)
Operating Expenses	708,191	838,340	941,834	834,541	107,293	781,207	704,353	76,854
Equipment	28,468	23,471	39,200	28,405	10,795	28,832	29,603	(771)
Capital Outlay	0	10,000	0	0	0	0	0	0
Grants	159,279	160,000	160,000	160,000	0	160,000	160,000	0
Transfers	0	100,000	157,500	0	157,500	157,500	0	157,500
Total Costs	\$2,323,300	\$2,620,459	\$2,700,526	\$2,550,364	\$150,162	\$2,533,379	\$2,425,272	\$108,107
Fund Sources								
State Revenue Fund	1,760,362	1,969,469	1,929,842	1,957,180	(27,338)	1,785,509	1,834,902	(49,393)
Federal Revenue Fund	562,938	650,990	770,684	593,184	177,500	747,870	590,370	157,500
Total Funds	\$2,323,300	\$2,620,459	\$2,700,526	\$2,550,364	\$150,162	\$2,533,379	\$2,425,272	\$108,107

Page References

LFA Budget Analysis, Vol. II pages C 38-39
Executive Budget pages C 14-15

Current Level Differences

PERSONAL SERVICES

A. The executive eliminates 3.50 FTE in response to the 5% personal services reduction. *Wesley* (174,453) (174,671)
B. The executive transfers .70 FTE (grades 7, 12 and 14) from the Parks Division and the Wildlife Division to increase a .30 FTE attorney position to 1.00 FTE. This position was upgraded from a grade 15 to a grade 17. 29,541 29,694
C. The executive includes 1.00 additional FTE above the amount authorized by the 1991 Legislature for regional office support and reduces its operations request by \$4,486 in fiscal 1994 and \$4,501 in fiscal 1995 from the \$10,000 spent for this activity in fiscal 1992 (see item below). *Deryn - passed* 19,486 19,501

REGIONAL SUPPORT—The LFA current level reflects the \$10,000 of actual expenditures for this item in fiscal 1992. The executive requests \$4,486 in fiscal 1994 and \$4,501 in fiscal 1995 less than this amount but requests additional 1.00 FTE (see "C" above). The 1991 Legislature authorized a \$75,000 per year budget modification for this purpose. (4,486) (4,501)

NATIVE AMERICAN LIAISON & TECHNICAL ASSISTANCE—The LFA current level reflects the fiscal 1992 actual expenditures of \$15,300 for this item. The 1991 Legislature authorized a \$40,000 per year budget modification for this purpose. *Deryn - Passed* 24,700 24,700

ENDANGERED SPECIES—The LFA current level reflects fiscal 1992 actual expenditures for policy research and position development on endangered species. *Johnson - passed* 20,000 20,000

ATTORNEY OPERATIONS—The LFA current level reflects additional operating expenses for an attorney position authorized by the 1991 Legislature that was unfilled in fiscal 1992. (1,000) (1,000)

HEADQUARTER FIXED COSTS—The LFA current level reflects fiscal 1992 actual expenditures of \$121,073 for fixed costs associated with the eight regional headquarters. The 1991 Legislature authorized an additional \$30,000 over the base for fixed costs associated with the new headquarters in Miles City and Billings. *Johnson - passed* 38,927 38,927

TRAINING—The LFA current level eliminates \$10,181 of special training costs. Historical actual training costs are: 1990—\$7,500 1991—\$11,579 1992—\$22,535. The budget as approved by the 1991 Legislature included \$7,500 for training costs. The LFA current level contains \$12,354. *Johnson - Passed* 10,181 10,181

SIKES ACT—The LFA current level includes a \$150,000 state special revenue biennial appropriation in fiscal 1994. It does not include the \$20,000 federal biennial appropriation requested by the executive. For fiscal 1992, the 1991 Legislature authorized a \$170,000 biennial appropriation (\$150,000 state special and \$20,000 federal). The federal authority was not needed. In fiscal 1992, \$36,552 was spent from the \$150,000 biennial appropriation. Authority is incorrectly budgeted in the LFA fiscal 1995 since this is a biennial appropriation. 20,000 (11,000)

EQUIPMENT—The LFA reduces the department request to an amount more reflective of the 3-year average. *Heulen - Passed* 11,000 (368)
Johnson - failed

LCA - See LFA Budget Analysis pages C 13-15 for a discussion of this issue.

MINOR DIFFERENCES

INFLATION (Non-voting item)

TOTAL CURRENT LEVEL DIFFERENCES

Budget Modifications

GEOGRAPHICAL INFORMATION SYSTEM - The executive recommends funding of a GIS begun by a budget modification approved by the 1991 Legislature (\$50,000 in fiscal 1992 and \$40,000 in fiscal 1993) but required to not be included in the department's 1995 biennium current level request. The University of Montana would receive a \$10,000 per year grant. See page C-12. *Devin Rosen*

CLERICAL/PUBLIC ASSISTANCE - The executive recommends 1.00 additional staff and funding to provide information to the public at the Helena Headquarters and for clerical assistance to the Law Enforcement Division. See page C-12. *Devin Rosen*

RESTORE 5% REDUCTION - The executive recommends restoration of 3.50 FTE eliminated in response to the 5% personal services reduction.

LEGISLATIVE CONTRACT AUTHORITY - The executive recommends \$157,500 each year in legislative contract authority. The executive budget also requests \$157,500 per year LCA in current level.

TOTAL MODIFIED LEVEL

Language and Other Issues

A. Both the LFA and executive current levels contain \$110,000 per year of hunting and fishing license revenue to grant to the Department of Livestock for predator control. To achieve the purpose of bettering landowner-sportsman relations, the funds may be better used in the block management program. See LFA Budget Analysis pages C 18-19 for a discussion of this issue.

B. The January 1992 special session added the following language to House Bill 2: "Fish, Wildlife and Parks Commission commissioners cannot be flown to or from Fish, Wildlife, and Parks commission meetings in state-owned aircraft unless documented cost savings over other transportation options can be achieved."

Devin Rosen

157,500	157,500
(1,760)	(1,760)
526	
150,162	108,107

45,000	45,000
40,000	40,000
174,453	174,671
157,500	157,500
416,953	417,171

DEPARTMENT OF FISH, WILDLIFE AND PARKS
Department Management

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

EXHIBIT 9
DATE 2-10-93

Position #	Position Description	Total Personal Services		FTE		Total FTE Removed	Non-Approp. FTE
		Fiscal 1994	Fiscal 1995	Removed by 5% Reduction	Removed by Being Vacant		
All or Partial General Fund Positions							
None							
Sub-Total		0	0	0.00	0.00	0.00	0.00
Non-General Fund Positions							
18610	FWP Regional Manager <i>Weed</i>	25,339	25,356	0.50	4.50	5.00	
19805	Executive Staff Assistant <i>Weed</i>	57,251	57,288	1.00		1.00	
18802	Career Executive Assignment <i>Seelye</i>	56,124	56,160	1.00		1.00	
18810	Economist <i>Jensen</i>	35,741	35,778	1.00		1.00	
18510	FWP Regional Manager <i>Seelye</i>	42,364	42,398		1.00	1.00	
18613	Maintenance Worker <i>Weed</i>	15,514	15,622		0.60	0.60	
28808	Not Yet Classified <i>Johnson</i>	1,563	1,595		0.11	0.11	
Sub-Total		233,896	234,197	3.50	1.71	5.21	0.00
TOTAL		233,896	234,197	3.50	1.71	5.21	0.00

O failed

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

NATURAL RESOURCES SUB-COMMITTEE

BILL NO. 131

DATE 2-10-93 SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
AL ELSEK	FWP		
BILL HANGAS	FWP		
Dave Mott	FWP		
Patrick Durbin	FWP		
TERRELL WELLS	FWP		
Pat Givhan			
Larry Peterson	FWP		
GARY S. MARBUT	NRA, GOA, CCRKSA, MSSA, WMFGA, BSPSC	✓	

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.