

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON APPROPRIATIONS**

**Call to Order:** By **CHAIRMAN TOM ZOOK**, on January 20, 1995, at  
3:00 p.m.

#### **ROLL CALL**

##### **Members Present:**

Rep. Tom Zook, Chairman (R)  
Rep. Edward J. "Ed" Grady, Vice Chairman (Majority) (R)  
Rep. Joe Quilici, Vice Chairman (Minority) (D)  
Rep. Beverly Barnhart (D)  
Rep. Ernest Bergsagel (R)  
Rep. John Cobb (R)  
Rep. Roger Debruycker (R)  
Rep. Gary Feland (R)  
Rep. Marjorie I. Fisher (R)  
Rep. Don Holland (R)  
Rep. Royal C. Johnson (R)  
Rep. John Johnson (D)  
Rep. Mike Kadas (D)  
Rep. Betty Lou Kasten (R)  
Rep. Matt McCann (D)  
Rep. William T. "Red" Menahan (D)  
Rep. Steve Vick (R)  
Rep. William R. Wiseman (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Clayton Schenck, Legislative Fiscal Analyst  
Marjorie Peterson, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 142, HB 222, HB 224  
Executive Action: HB 16 DO PASS AS AMENDED

HEARING ON HB 142Opening Statement by Sponsor:

REP. ROGER SOMERVILLE, HD 78, Kalispell, opened the hearing on HB 142 which deals with creating a disaster and emergency fund for incidents to be used to prevent or minimize loss of life or damage to property or natural resources. This bill would provide a separate appropriation for such incidents. Current law requires the Governor to declare a disaster or emergency before these funds can be used. As a side note, REP. SOMERVILLE noted that the wording had been changed on the bill throughout where "he" was used before, the words now are "the governor" in the event a woman is governor in the future. A new section had also been added which deals with incident response. REP. SOMERVILLE stated the bottom line is the Governor can delegate up to \$10,000 per incident/up to \$100,000 per biennium for the state to respond to local government requests for assistance in emergencies. These funds would be used for state costs and not used to reimburse local governments for their costs for normal aid. For example, state costs may include the National Guard or other resources needed. He also noted that recovery costs would not be authorized under this bill. Local government requests could include hazardous material recovery as well as transporting hazardous material from one county to another. To define disaster, REP. SOMERVILLE noted that it would include the threat of severe damage, injury, or loss of life or property resulting from occurrences such as tornados, floods, earthquakes, fires, or other emergency situations. EXHIBIT 1.

{Tape: 1; Side: A; Approx. Counter: 8.1.}

Proponents' Testimony:

Jim Greene, Administrator, Disaster and Emergency Services, Department of Military Affairs, Helena, stated this bill allows the state to more properly assist in incidents at the request of local government. This bill is two-fold in that it defines the word "incident" and gives authority to the Governor to authorize local disaster emergency responses of up to \$100,000 per biennium. There are many unknowns in an emergency situation and time is critical. The ultimate result of a quick response can be a reduction of lives lost, a reduction of personal property loss, and a savings to taxpayers by reducing problems. Mr. Greene referred to a situation last summer where the Libby water supply was in jeopardy when a helicopter crashed in the lake. There were materials stored in Missoula that had to be flown up to Libby. Mr. Greene also noted that his department has the usual change in staff and that it can take several years to train staff with enough experience for damage assessment and procedures. In summary, he reiterated that this bill allows them to be more

responsive to local governments and that the Governor also supports this bill. **EXHIBITS 2 and 3.**

**Chuck O'Reilly, Sheriff of Lewis and Clark County, and representing the Montana Sheriffs and Peace Officers Association, Helena,** handed out an amendment to the bill which stated that the official response should be requested by the local governing body where the incident occurs. They fully support this bill with the amendments. **EXHIBIT 4.**

**James Lofftuc, President, Montana Fireman Association,** stated that his association also supports this bill.

**John Allhands, Madison County DES Coordinator,** likes the bill as it would speed up actions by the state. It now can take up to two to three days for a response in some locations, depending on the seriousness of the incident. He feels that response time is a vital part of this bill.

**Major Loren Oelkers, Military Support Officer, Army National Guard,** stated his department is in favor of this proposal. The legislation has little effect on the National Guard since the Guard can sometimes be the last responder in certain situations.

**Opponents' Testimony:**

None.

*{Tape: 1; Side: A; Approx. Counter: 18.1.}*

**Questions From Committee Members and Responses:**

**REP. ROYAL JOHNSON, HD 10, Billings,** asked **Mr. Greene** about the general funding expenditures and noted that the Governor has his emergency budget already. **REP. JOHNSON** wanted to know if the Governor could take up to \$10,000 out of the general fund rather than take it out of the emergency budget. **Mr. Greene's** understanding is that the Governor cannot take the money out of the emergency budget. **REP. JOHNSON** asked for clarification on Item 3 of the amendment which stated the amount could not exceed \$500,000 in a biennium. **Mr. Greene** stated the Governor has the authority to spend the general fund appropriation up to \$2 million. This bill would allow him to delegate appropriations for an incident up to \$10,000, not to exceed the \$2 million.

**REP. BETTY LOU KASTEN, HD 99, Brockway,** asked if five major incidents were to occur which totaled \$100,000, would the sixth one be ignored. **Mr. Greene** said if some of the money was spent earlier it is possible they would have recouped it already from the responsible parties. If there were 11 incidents and ran out of money, the Governor would have to declare an emergency or disaster. In general, the cities and counties are handling 99

percent of their incidents without further assistance at this time. **REP. KASTEN** then asked if he had the money and an emergency was declared, the definition could be in the law without making a specific appropriation in the statute. **Mr. Greene** said they took a more conservative approach and didn't expect to exceed the \$100,000 in a biennium. **REP. KASTEN** then asked if the Governor could exceed his authority to decide incidents on only the definition. **Mr. Greene** answered that the Governor could declare any incident an emergency. What this bill does is allows the response teams to get a jump start without having to go through that process. The Governor can delegate to the department at the beginning of the year for any future incidents that might occur.

{Tape: 1; Side: A; Approx. Counter: 23.3.}

Closing by Sponsor:

**REP. SOMERVILLE** closed by stating that this bill is needed to allow the Department of Emergency Services to respond to local governments in emergency situations or incidents that might lead to a disaster.

HEARING ON HB 222

Opening Statement by Sponsor:

**REP. DIANE WYATT, HD 43, Great Falls,** introduced HB 222 which authorizes the issuance of child health and protection license plates. The fees from these plates would be distributed to the MIAMI project, the Montana Initiative for Abatement of Mortality in Infants. Some of these infants have low birth weight, some are the victims of alcohol and drug abuse. This bill was proposed to **REP. WYATT** by the American Association of University Women and the Junior League across the United States and would donate \$20 per year per plate for the benefit of this project.

{Tape: 1; Side: A; Approx. Counter: 30.2.}

Proponents' Testimony:

**Joanne Dawson, Nurse for the MIAMI Project,** thanked **REP. WYATT** for bringing this issue before the legislature. They have written a full report on the MIAMI project and could make it available to all the members of the House and Senate.

**Bud Schoen, Chief, Motor Vehicle Division,** stated that they would be doing all the work on these license plates and fully support the bill.

{Tape: 1; Side: A; Approx. Counter: 32.1.}

**Opponents' Testimony:**

Courtney Harrington, Montana County Treasurers Association, said the county treasurers are opposed to this bill and any bill that would add additional license plates. They maintain a supply of all the regular license plates for motor vehicles, trucks, trailers, motorcycles, etc. Some counties also keep a supply of special license plates for their city police, for schools, disabled veterans, handicap persons, national guard, and more. He said the county treasurers had no objection to the MIAMI project but were concerned only with the additional work and finding a place to store the plates. He suggested that the legislature find another way to fund this project.

{Tape: 1; Side: A; Approx. Counter: 36.3.}

**Questions From Committee Members and Responses:**

REP. JOHN COBB, HD 50, Augusta, asked Mr. Harrington if he knew if other states were doing this differently. It seemed like an archaic system to have so many boxes of license plates at all the county offices. Mr. Schoen answered that it would require a change in the statute to allow motor vehicles to change the registration laws. Mr. Schoen also stated that there is an additional fee of \$25 for special license plates, so the county treasurers take in a lot of revenue. REP. COBB asked if the county could only keep the regular plates and all the special ones would be kept in one place for the whole state. Mr. Schoen said that there would probably be no change in fee if they were just kept in one place.

REP. JOE QUILICI, HD 36, Butte, asked how much revenue this bill would generate for the MIAMI project. REP. WYATT apologized for not having the fiscal note ready for this hearing. She did mention that the MIAMI project was a non-profit organization.

REP. EDWARD GRADY, HD 55, Canyon Creek, asked if the registrar's office had to add FTEs to handle the additional workload. Mr. Schoen told the committee that his FTEs had dropped from 72 in 1991 to 57 in 1994 and the volume of work has increased 20 percent.

**Closing by Sponsor:**

REP. WYATT reiterated that the MIAMI project was a worthwhile project and that she would get the committee any necessary fiscal information.

{Tape: 1; Side: A; Approx. Counter: 44.7.}

HEARING ON HB 224

Opening Statement by Sponsor:

REP. DIANE WYATT, HD 43, Great Falls, opened the hearing on HB 224 by stating that this bill would appropriate money to the Department of Fish, Wildlife and Parks (DFWP) to establish and improve shooting ranges and establish shooting range development grants. This would organize shooting ranges for Montana citizens to use and would help protect the environment by keeping people from shooting road signs and other highway markers. REP. WYATT said the applicants for this grant would have to provide matching funds with a minimum of 25 percent in cash. The applicants should also be non-profit organizations.

{Tape: 1; Side: A; Approx. Counter: 48.1.}

Proponents' Testimony:

Gary Marbut, President of the Montana Shooting Sports, Missoula, stated that every community in Montana should have a safe, sound shooting facility. He also stated that the committee could put statutory language in so the legislature doesn't have to hear this bill every year. He said there are some small shooting clubs around the state who are "snowed under" with too many people wanting to use the clubs. His association feels that DFWP should agree with this bill.

{Tape: 1; Side: A; Approx. Counter: 55.4.}

Opponents' Testimony:

Bob Martinka, Department of Fish, Wildlife and Parks, Helena, said the department supports shooting range development in Montana but opposes HB 224. They have administered this program for the last six years and strongly support the need for such a program. Their opposition, he stated, arises from the issue of earmarking specific license fees as noted in Section 5 of the bill, page 3. If a program is approved by the legislature, they could do so without earmarking funds. EXHIBIT 5.

{Tape: 1; Side: A; Approx. Counter: 60.0.}

Questions From Committee Members and Responses:

REP. BEVERLY BARNHART, HD 29, Bozeman, asked if the fiscal note from DFWP was official. CHAIRMAN ZOOK said that it should be deleted as it was not official until the sponsor has signed it or

the budget office has seen it. The amendment was attached to the department's testimony and no one in the budget office had seen it yet.

**REP. WILLIAM WISEMAN, HD 41, Great Falls,** asked **Mr. Martinka** if the 37 projects requested were across the state and he answered yes.

**REP. STEVE VICK, HD 31, Belgrade,** asked **Mr. Marbut** if this will raise hunting license fees. **Mr. Marbut** said that was not the intent of the bill. **REP. VICK** then asked if **Mr. Marbut** had a specific problem with the way the department presently handles the shooting ranges. He said no, but felt that the department did not put enough money into shooting ranges. **REP. VICK** wanted to know if the grant money match would be a practical way to handle this issue and **Mr. Marbut** agreed it would.

**REP. JOHN JOHNSON, HD 2, Glendive,** was unsure that if the money was taken from the department's license fees, who would manage or oversee awarding the grants. The department would still manage as they are now. **REP. JOHNSON** asked if he knew where all the shooting clubs were now and **Mr. Marbut** noted that there were a lot of Montana communities who did not have shooting ranges at this time. **Mr. Martinka** stated that DFWP would still supervise these clubs, but the legislation in this bill would specifically reduce the flexibility on how this program is administered.

**REP. EDWARD GRADY, HD 55, Canyon Creek,** asked how much of these funds are earmarked at the present time. **Mr. Martinka** said about 30 to 40 percent. **REP. GRADY** clarified that this bill would be in addition to that amount. **REP. GRADY** then reminded **REP. WYATT** that the trend in this legislature is to de-earmark spending and that this bill was contrary to that. **REP. WYATT** said she had a responsibility to represent her constituents in her district and that they feel more shooting ranges are needed. This issue is important because of the safety issue to the public. **REP. GRADY** also asked her if she felt earmarking funds would restrict the department's ability to function and she agreed that it probably would.

*{Tape: 1; Side: A; Approx. Counter: 71.4.}*

**REP. WISEMAN** wanted to clarify that the money raised in Section 5 is 'over and above' the \$200,000 per year available to shooting ranges now. **REP. WYATT** stated that was not the intent of this bill. That question had been raised in other conversations and it was not the intent of the bill. **Mr. Martinka** answered that DFWP's appropriation request to the legislature was already prepared and that this amount would definitely be over the \$150,000 presently appropriated.

**REP. MATT MCCANN, HD 92, Blaine,** asked why the bill had not made it through Appropriations before and **Mr. Marbut** did not know.

REP. JOHN JOHNSON stated his question earlier was similar to the one asked by REP. WISEMAN and Mr. Marbut gave him a different answer. Mr. Marbut said the intent of the bill was not to have an additional \$200,000. There intent was not to pass a revenue funded bill. REP. JOHNSON then asked Mr. Martinka if they had a surplus of applications for shooting ranges and Mr. Martinka said no, not at this time.

REP. GRADY again asked Mr. Marbut if they wanted more than the \$150,000 to accomplish what they wanted. Mr. Marbut said if this bill passed they could even use more than what was appropriated. REP. GRADY asked if DFWP had to get involved in this program and Mr. Marbut agreed. They would have administrative costs but not construction costs.

REP. VICK asked why have they earmarked shooting ranges a priority over other projects for DFWP. Mr. Marbut answered that they need safe places for shooting ranges and he didn't think the money would be taken away from other projects.

{Tape: 1; Side: A; Approx. Counter: 79.7.}

Closing by Sponsor:

REP. WYATT closed by stating that she felt this bill was important to her constituents in her district. They don't have daily access to any shooting ranges only state parks. She feels the department could have more shooting ranges across the state.

EXECUTIVE ACTION ON HB 16

CHAIRMAN ZOOK asked the committee to consider the amendment to HB 16 that was heard on January 12, 1995. Line 12 and 13 of HB 16 would be deleted: ...the unspent balance of the appropriation must revert to the general fund. The money must stay with the Department of Revenue for five years, so the amendment would delete those unnecessary lines.

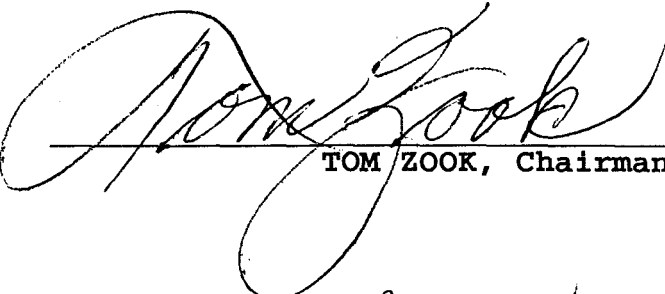
Motion/Vote: REP. KADAS MOVED HB 16 AMENDMENT DO PASS. Motion carried unanimously.

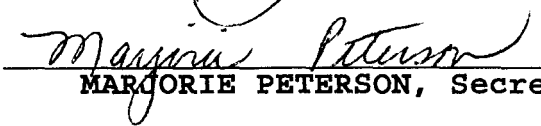
Motion/Vote: REP. QUILICI MOVED HB 16 DO PASS AS AMENDED. Motion carried 17 - 1, with REP. DEBRUYCKER voting no.



ADJOURNMENT

Adjournment: 5:45 p.m.

  
TOM ZOOK, Chairman

  
MARJORIE PETERSON, Secretary

TZ/mp

# HOUSE OF REPRESENTATIVES

## Appropriations

ROLL CALL

DATE 1-20-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Tom Zook, Chairman	✓		
Rep. Ed Grady, Vice Chairman, Majority	✓		
Rep. Joe Quilici, Vice Chairman, Minority	✓		
Rep. Beverly Barnhart	✓		
Rep. Ernest Bergsagel	✓		
Rep. John Cobb	✓		
Rep. Roger DeBruycker	✓		
Rep. Gary Feland	✓		
Rep. Marj Fisher	✓		
Rep. Don Holland	✓		
Rep. John Johnson	✓		
Rep. Royal Johnson	✓		
Rep. Mike Kadas	✓		
Rep. Betty Lou Kasten	✓		
Rep. Matt McCann	✓		
Rep. Red Menahan	✓		
Rep. Steve Vick	✓		
Rep. Bill Wiseman	✓		



## HOUSE STANDING COMMITTEE REPORT

January 23, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that **House Bill 16** (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

*Tom Zook*  
Tom Zook, Chair

And, that such amendments read:

1. Page 1, lines 12 and 13.

Following: "." on line 12

Strike: remainder of line 12 through "." on line 13

-END-

Committee Vote:  
Yes 15, No 1.

191137SC.HDH

Amendments to House Bill No. 142  
First Reading Copy

Requested by Rep. Somerville  
For the Joint Subcommittee

Prepared by David S. Niss  
January 18, 1995

1. Title, line 8.

Following: "10-3-305,"

Insert: "10-3-312,"

2. Page 6.

Following: line 5

Insert: "Section 7. Section 10-3-312, MCA, is amended to read:

"10-3-312. **Maximum expenditure by governor --**  
**appropriation.** (1) (a) Whenever an emergency or disaster is  
declared by the governor, there is statutorily appropriated to  
the office of the governor, as provided in 17-7-502, and the  
governor is authorized to expend from the general fund, an amount  
not to exceed \$2 million in any biennium, minus any amount  
appropriated pursuant to [section 8] in the same biennium.

(b) Whenever an emergency or disaster due to fire is  
declared by the governor, there is statutorily appropriated to  
the office of the governor, as provided in 17-7-502, and the  
governor is authorized to expend from the general fund, an amount  
not to exceed \$3 million in any biennium. The amount appropriated  
in this subsection (b) may be combined with the amount  
appropriated in subsection (1)(a) for an emergency or disaster  
due to fire.

(2) In the event of the recovery of money expended under  
this section, the spending authority must be reinstated to a  
level reflecting the recovery.

(3) If a disaster is declared by the president of the  
United States, there is statutorily appropriated to the office of  
the governor, as provided in 17-7-502, and ~~he~~ the governor is  
authorized to expend from the general fund, an amount not to  
exceed \$500,000 during the biennium to meet the state's share of  
the individual and family grant programs as provided in 42 U.S.C.  
5178."

{ Internal References to 10-3-312:  
x10-3-101 x17-7-502 }

Renumber: subsequent sections

3. Page 7, line 7.

Strike: "7"

Insert: "8"

4. Page 7, lines 28 and 30.

Strike: "7"

Insert: "8"

January 20, 1995

FC 061

Mr. Chairman and Members of the Committee, I am Jim Greene, Administrator of the Disaster and Emergency Services, Department of Military Affairs.

This bill essentially allows the State to more rapidly assist or help with an assessment of a local emergency, at the request of local government.

A. The bill does this by:

1. Adding a definition of an "incident" (Page 2, Line 3).
2. Giving authority to the Governor to pre-delegate and pre-authorize the Department of Military Affairs (DMA), Disaster and Emergency Services Division (DES) to respond by committing up to \$10,000 per incident or \$100,000 per biennium out of the Governor's existing \$2,000,000 authority.

B. Why do we want to do this?

1. Title 10 law encourages us to be proactive, but there is no funding mechanism unless the Governor declares an emergency or disaster.

2. During emerging incidents there are many unknowns and time becomes critical. It is true that sometimes when the situation is done and over with, all the resources were not needed, but if you hesitate and the situation becomes worse, then you are behind the power curve and may never catch up. The ultimate results of a quick response are reduction of lives lost, reduction of property or environmental damage, and a savings of dollars to the tax payers.

As seen in Japan right now, a perceived hesitation by government is creating problems. It is our goal that State hesitation/bureaucracy is not a contributor to an emergency.

3. A few examples of how we might use this authority are:
  - a. To fly hazmat cleanup materials to a county. Trying to figure out who is responsible to pay for the transportation may take hours or days. We would commit the dollars and bill the responsible party later. This situation happened in Libby this last summer.

- b. 10-20% of local DES coordinators change every year.

To fully understand declaration procedures at the local, State and Federal level usually takes several years of training and experience. If a county had a flood we might send one of our staff, at local governments request, to assist with damage assessment and moving through the declaration process.

- C. Local government reports 250-300 incidents to our office per year. About 200 of these are hazardous materials incidents. We would expect 1 to 3 of all these incidents might result in us using this authority. A key point to this is that priority for State assistance is to use:

- 1) State agencies or adjacent willing counties.
- 2) Private contractors.
- 3) National Guard

If expenses look like they may approach \$10,000 or the county is looking to obtain financial assistance, then the normal declaration by the Governor would be required.



**D. Summary.**

**This bill allows us to be more responsive to local government and potentially could reduce suffering and save dollars. We have coordinated with and have support of the Governor's Office and the Association of Disaster and Emergency Services Coordinators.**

**Thank you.**

DATE 1-20-95HB 142

# County of Yellowstone

## EMERGENCY & GENERAL SERVICES

Box 35004  
Billings, MT 59107

(406) 256-2775  
Fax (406) 256-2736



**DATE:** January 19, 1995

**TO:** Representative Roger Somerville

**FROM:** James L. Kraft, Director

**SUBJ:** HB 142, Creating a Disaster & Emergency Fund for Incidents

I have reviewed HB 142 and am a strong PROPONENT of such legislation. There have been many times in my 20 years of experience with the Disaster & Emergency Services (DES) program where I could have used more State DES help. If the State DES had a fund to draw upon to assist us, help would be quicker and the results less disastrous. In my Yellowstone County budget, I have similar authorization to expend funds without approval of the Commissioners. This has been very helpful during the first 12 hours of the emergency.

In an emergency, the legislature should not tie the hands of its responders and responsible agencies by not authorizing them expenditure authority. The very citizens we're serving would think that was ludicrous.

I understand this HB 142 is having its first reading on January 20, 1995. I cannot attend the hearing, but want to go on record as a PROPONENT.

Thank you.

JLK/pf

cc: Jim Greene, Administrator, State DES

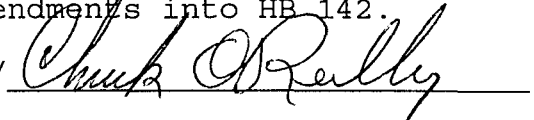
EXHIBIT 4  
DATE 1-20-95  
HB 142

PROPOSED AMENDMENTS  
TO  
HB 142

1. page 2, line 3 - after "occurrence" insert "beyond the capability of local government to handle"
2. page 6, line 10 - after "." insert "Official response to an incident shall only be upon the request of the local governing body in which the incident is taking place."

The Montana Sheriffs & Peace Officers Association respectfully requests the adoption of the above amendments into HB 142.

/s/



Sheriff, Lewis & Clark Co.  
Chairman, Legislative Com.  
MSPOA

EXHIBIT 5  
DATE 1-20-95  
HB 224

THB2240.H

Bill No. 224  
January 20, 1995  
Testimony presented by Robert Martinka  
Montana Fish, Wildlife & Parks  
before the House Appropriations Committee

The Department appears today in support of shooting range development but in opposition to HB 224. We have administered a shooting range development program for the last six years and strongly support the need for continued funding for such a program.

As background:

- The past three legislatures have authorized \$150,000 per biennium for the development of shooting ranges.
- The dollars have been distributed to 37 projects at 24 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 from the general license account for matching grants for the continuation of the shooting range development program.

Our opposition to HB 224 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. We presently administer 28 earmarked accounts. 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 224 allows. Working with a committee made up of interested publics, we have developed policies and guidelines specific to the administration of our 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.

We are concerned with establishing the following specific criteria by law:

- 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. Those grant application expenses that are reimbursable should be clarified. For example, architectural and engineering expenses are allowed, but fees associated with putting a grant together are typically not funded.

- 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 Montana Fish, Wildlife & 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.

While we have problems with this legislation, we appreciate the support for continuation 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 six years.

## STATE OF MONTANA - FISCAL NOTE

EXHIBIT 5DATE 1-20-95Fiscal Note for HB224, as introducedHB 224DESCRIPTION OF PROPOSED LEGISLATION:

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 the grants; and providing for an effective date.

ASSUMPTIONS:

1. DFWP has not issued any non-resident deer A licenses (B-7) since 1988, and will not issue any in FY96 or FY97.
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.

EXPENDITURES:

	FY96	FY97
Shooting Range Grants	\$182,325	\$182,325
Shooting Range Operations	\$ 32,175	\$ 32,175
Funding		
State Special Revenue	\$214,500	\$214,500

REVENUE:

No effect on revenue except that a portion of license revenue will be earmarked for the shooting range development grant program. This will reduce the amount of license revenue available to fund other department programs. The license revenue to be earmarked is identified below:

License Type	FY94 Quantity	FY95 Quantity	To Grants	FY94 Revenue	FY95 Revenue
AAA - Sportman's	17,000	17,000	\$1.00	17,000	17,000
A-3 - Resident Deer A	150,000	150,000	\$0.50	75,000	75,000
A-4 - Resident Deer B	75,000	75,000	\$0.50	37,500	37,500
A-5 - Resident Elk tag	110,000	110,000	\$0.50	55,000	55,000
B-8 - Nonresident Deer B	20,000	20,000	\$0.50	10,000	10,000
B-10 - NR Big Game Combo	17,000	17,000	\$1.00	17,000	17,000
B-11 - NR Deer Combo	6,000	6,000	\$0.50	3,000	3,000
				\$214,500	\$214,500

DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

DIANA E. WYATT, PRIMARY SPONSOR      DATE

Fiscal Note for HB224, as introduced

NET IMPACT:

\$214,500 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, 1996 to coincide with department's license year.

There is currently in the Governor's budget a \$150,000 biennial appropriation for shooting ranges funded with license dollars.

Fiscal Note Prepared by: David Clark-Snustad  
Agency: Fish, Wildlife & Parks  
Telephone Number: 444-4776 / 933-5636 (H)

EXHIBIT 5  
DATE 1-20-95  
HB 224



HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Appropriations COMMITTEE BILL NO. NB 142  
 DATE 1-20-95 SPONSOR(S) NB 222  
NB 224

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Chuck Reilly	MT Sheriff & Peace Officers	142		w/x Amendment 5
JAMES A LOFFTUC	MT FIRE DIST ASSN	142		✓
Bud Schoen	Motor Vehicle Div.	NB 222	neutral	
Jim Green	MT Disaster + Emergency Services	142		✓
John Allhands	Mzd. CO DES	142		✓
Doug Booker				
Doug Booker	Military Affairs	142		
Dan Lieben	MT Disaster + Emergency Serv	142		✓
Loren Belkers	Military Affairs	142		✓
Pvt Martink	Fish, Wildlife & Parks	224	✓	
Colt Harrington	MT County Treasurers	222	✓	
ROGER A HAGAN	ENLISTED + OFFICER ASSOC. OF N.G.	142		w/Amendment 5 ✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.