

## **MINUTES**

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

#### **COMMITTEE ON FISH & GAME**

**Call to Order:** By **CHAIRMAN DOUG WAGNER**, on March 9, 1995, at  
3:00 p.m.

#### **ROLL CALL**

**Members Present:**

Rep. Douglas T. Wagner, Chairman (R)  
Rep. Charles R. Devaney (R)  
Rep. Jim Elliott (D)  
Rep. Daniel C. Fuchs (R)  
Rep. Marian W. Hanson (R)  
Rep. Hal Harper (D)  
Rep. Dick Knox (R)  
Rep. Rod Marshall (R)  
Rep. Brad Molnar (R)  
Rep. Robert J. "Bob" Pavlovich (D)  
Rep. Bob Raney (D)  
Rep. Robert R. "Bob" Ream (D)  
Rep. Paul Sliter (R)  
Rep. Bill Tash (R)  
Rep. Jack Wells (R)

**Members Excused:** Rep. William Rehbein, Jr. (R)  
Rep. Emily Swanson (D)  
Rep. Chase Hibbard (R)

**Members Absent:** None.

**Staff Present:** Doug Sternberg, Legislative Council  
Mary Riitano, Committee Secretary

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

**Committee Business Summary:**

Hearing: None.  
Executive Action: HB 349 REFERRED BACK TO SUBCOMMITTEE  
SB 210 BE CONCURRED IN AS AMENDED  
SB 303 BE CONCURRED IN AS AMENDED

{Tape: 1; Side: A; Approx. Counter: 000; Comments: N/A.}

**EXECUTIVE ACTION ON HB 349**

**Discussion:**

**REP. BILL TASH** stated that the subcommittee worked long and hard. They received more information about the proposed program. He recommended that they meet one or two more times to work on remaining details.

**REP. BOB RANEY** stated that a review panel composed of citizens had been put into the bill raising some concerns. The review panel would examine proposals and determine if they fit the criteria described in HB 349. The governor, through **Glenn Marx, policy director for Governor Marc Racicot**, felt that creating the panel may be adding too much bureaucracy to the process. In **REP. RANEY's** work with agricultural groups, they had indicated it was an important issue. If they had not endorsed the bill, then it would not work. **REP. RANEY** indicated that he was ready to move forward in executive action on the bill.

**REP. DICK KNOX** said the issue had been thoroughly discussed. The subcommittee felt that if a program of this magnitude was going to work, people who were familiar with agriculture needed to be involved. The bill could succeed or fail based on how it was accepted by people from the agricultural community. People with agricultural expertise needed to be on the review panel to examine the projects prior to being submitted to FWP.

**REP. TASH** commented that a major concern of the governor was in the appointment of another committee and whether it could be diverse enough to represent all interests. **REP. TASH** felt that the program was "better driven from the bottom up, rather than from the top down." He recommended that the bill needed more time in subcommittee and to visit with the governor.

**CHAIRMAN DOUG WAGNER** stated that action would be deferred for about one week. The subcommittee would take care of any remaining details.

**REP. CHARLES DEVANEY** asked if the committee could get a copy of the gray bill prior to executive action.

**REP. RANEY** suggested that executive action be done to move the bill. **REP. PAUL SLITER** said he did not want to do that.

**Doug Sternberg, Legislative Council** distributed a copy of the gray bill. **EXHIBIT 1**

**REP. RANEY** stated that on page 4, subsection (4), of the gray bill, language was stricken regarding the funding. This language was being examined and his proposal was for \$3.5 million per biennium. The money would come from the FWP general license

account. FWP would have control over the account, but a certain portion of the money would be appropriated. The reduction in the ending fund balance from now until 1999 would be due to capital improvements and inflationary costs. He distributed financial information regarding different scenarios on the ending fund balance. He also handed out a copy of proposed amendments. The amendments stated the program would be funded from unappropriated money in the ending fund balance. **EXHIBITS 2 AND 3**

**EXECUTIVE ACTION ON SB 210**

**Motion:** REP. JACK WELLS MOVED THAT SB 210 BE CONCURRED IN.

**Discussion:**

REP. WELLS handed out a copy of a proposed amendments. Military personnel transferred into the state were granted residency benefits for hunting and fishing. Some military personnel established their permanent residency in Montana. Concern was raised over Montana residents who were transferred out of state temporarily but their family remained in Montana. When those military personnel returned on leave, they were not considered residents. The proposed amendments would address this problem. **EXHIBIT 4**

**Motion/Vote:** REP. WELLS MOVED THE AMENDMENT DO PASS. Motion carried unanimously.

**Discussion:**

REP. DEVANEY referred to the proposed change in fines. He asked Beate Galda, Enforcement Division, Department of Fish, Wildlife, and Parks (FWP), if it was necessary to change the minimum fee issued for negligent violations. Ms. Galda said FWP proposed the increase as a deterrent and also because the fines had not been changed since 1977. Currently there were many misdemeanors that fell in the \$50 to \$100 range. FWP did not want to alter the proposed change.

**Motion:** REP. WELLS MOVE SB 210 BE CONCURRED IN AS AMENDED.

**Discussion:**

REP. TASH asked REP. DEVANEY about his suggestion regarding the minimum fine. REP. DEVANEY said that he was only interested in returning the minimum fine to \$50. He was not suggesting to change the proposed maximum fine. REP. TASH stated that this should still serve as a deterrent, and Ms. Galda agreed.

**Motion:** REP. DEVANEY MOVED TO AMEND THE BILL TO RETURN \$100 TO \$50 AS THE MINIMUM FINE FOR MISDEMEANORS.

**Discussion:**

**REP. BOB REAM** asked if there were other places in the bill that needed changes in the fines. **Ms. Galda** said no. Other statutes dealt with different violations. **REP. REAM** asked about the word "negligently." **Ms. Galda** said the intent was not to cover inadvertent violations. Most of those were dealt with by a warning. In a court case that involved a jury, sometimes a person was able to convince the jury that they did not know the violation was against the law. Juries have had a difficult time determining whether the act committed purposefully was done in knowing violation of the law. People are supposed to know what the laws are when they go hunting and fishing. The proposed language dealt with that situation. "Negligently" was added to create a new class of violations. **REP. REAM** commented that the language would not apply to people making honest mistakes.

**Vote:** **REP. DEVANEY AMENDMENT.** Motion carried 17 to 1 with **REP. REAM** voting no.

**Motion:** **REP. DEVANEY MOVED THAT SB 210 BE CONCURRED IN AS AMENDED.**

**Discussion:**

**REP. SLITER** referred to page 8, line 21. He understood that post-secondary education referred to any school after high school. The bill only included students under the age of 24. The age of the student should not matter. **Ms. Galda** stated that this subsection was intended to deal with "kids." Most adults that go back to school normally go nine months per year and then return. **REP. SLITER** stated that a nontraditional student was more likely to go year around. **Ms. Galda** stated there had to be some criteria. Concern was raised because of part-time students. They may be working and living out-of-state. The intent was to restrict it to youth.

**REP. TASH** agreed with **Ms. Galda**. Some students move to another state to get resident tuition for the school in that state.

*{Tape: 1; Side: B; Approx. Counter: 000; Comments: Lost 5 seconds.}*

**REP. SLITER** asked **Mr. Sternberg** if there was a place in statute that discussed permanent address or primary residence. **Mr. Sternberg** said there were other definitions that deal with residency. For instance, there were definitions found in the tax codes. Section 87-2-102 specifically established criteria for determining residency for a student. It was a specific and unique set of criteria that FWP used to determine if a person was a Montana resident for the purpose of obtaining hunting and fishing licenses.

**CHAIRMAN WAGNER** referred to the opening statements made in the committee at the beginning of the session. The Fish and Game

Committee was supposed to represent the citizens of Montana, while it was FWP's duty to enforce the laws. FWP made suggestions to update the law. He believed that "by adding the word negligent the committee was opening an incredible arena for Montana citizens." He explained a situation where he had loaded up a deer into his pickup and drove away. Shortly after leaving, he realized that the deer had not been tagged. He got out, tagged it, and continued on his way. Had a game warden stopped him before he tagged the deer, he would have been negligent. This was the type of situation that concerned him. It could make a terrible future for Montana sportsmen where this type of determination was at the discretion of attorneys.

**REP. BRAD MOLNAR** understood **CHAIRMAN WAGNER's** concern about the standards of "knowingly or negligently" but did not follow his example. **CHAIRMAN WAGNER** said a variety of cases were opened where people go to court saying that they did not know about a particular law. The jury did their duty in believing that person was innocent and letting them off. He believed that FWP did not like that the jury sided with the accused person and were willing to have the law changed to be able to prosecute people.

**Motion:** **REP. SLITER** MOVED TO STRIKE THE LANGUAGE "UNDER 24 YEARS OF AGE" ON PAGE 8, LINE 24.

**Discussion:**

**REP. WELLS** understood the amendment to cover all age groups of students. **REP. SLITER** said that the proposed language was discriminatory. Throughout Section 6, subsection (4), it referred to paying taxes and primary residence. If a person was a student, the age of that student should not matter.

**REP. WELLS** did not have a problem with the proposed amendment. He suggested adding language to prevent full-time students in an another state from applying in Montana as a resident if that student already possessed a license in the other state. **REP. REAM** referred to page 8, line 8, which addressed the concerns stated by **REP. WELLS**.

**REP. REAM** suggested that the language "full-time" be added after the word "enrolled" to limit benefits to full-time students.

**Motion** **REP. SLITER** MOVED TO AMEND HIS PRIOR AMENDMENT TO INCLUDE THE LANGUAGE "FULL TIME" AFTER THE WORD "ENROLLED."

**Discussion:**

**REP. MARIAN HANSON** commented that the amendment would allow a student to hunt during the hunting season if they returned to Montana. **REP. SLITER** said that was true.

**REP. TASH** spoke about the residency requirements for students. **REP. SLITER** stated that he was not striking language that dealt

with residency requirements, only the age requirement of a student. **REP. TASH** agreed with striking the age requirement. He expressed concern over the student being classified as a resident in both Montana and the state in which they were going to school. **REP. SLITER** stated that would not happen and that language in subsection (4)(d) on page 8 covered that situation.

**Vote:** **REP. SLITER'S AMENDMENT.** Motion carried unanimously.

**Motion:** **REP. SLITER MOVED SB 210 BE CONCURRED IN AS AMENDED.**

**Discussion:**

**REP. WELLS** stated that he once got a ticket from a "mean" game warden and went to court. The judge determined that he should have known better. "Negligently" was not in the law at the time but he still got the ticket. He agreed with **CHAIRMAN WAGNER** about it being unnecessary to add the language. There are times when the discretion of a warden applies. Adding the word "negligently tied the law down tighter than it needed to be."

**Substitute Motion:** **REP. BOB PAVLOVICH MOVED THAT SB 210 BE TABLED.** Motion failed 9 to 7 with **REPS. WAGNER, REHBEIN, DEVANEY, HANSON, KNOX, PAVLOVICH,** and **SLITER** voting yes.

**Discussion:**

**REP. JIM ELLIOTT** stated that a hunter was responsible for knowing where they were and on whose property they were hunting. He asked **Bob Lane, Legal Division, FWP,** if this was correct. **Mr. Lane** said yes. **REP. ELLIOTT** stated that if a hunter was on someone's property but did not know who it belonged to, that hunter was still responsible for their actions. **Mr. Lane** said that hunter was required to have permission to hunt on private property. "Knowingly and purposefully" rules would apply unless there was a dispute about the boundary lines.

**REP. ELLIOTT** believed that the word "negligently" was referring to these situations. This has happened to him. People have come down off of U.S. Forest Service land onto his property and shot an animal on his property. Even though he did not have a fence up, the hunter was responsible for knowing whose property they were on. Hunters would not be able to defend themselves by saying that they did not know that they were on his property if **REP. ELLIOTT** decided to press charges. The word "negligently" was inserted to cover situations as he described. The hunter was not on his property knowingly. **Mr. Lane** stated that was the reason "negligently" was included, to cover those situations where FWP felt it was a responsibility of the sportsmen to know the hunting season dates, property lines, and bag limits. Including the word "negligent" put the requirement on sportsmen to know the laws and look at the map. Currently, hunters have made their defense in court insisting they did not knowingly or

purposefully commit a crime. FWP's intent was to cover these situations.

**REP. WELLS** asked **Mr. Lane** if "ignorance of the law was no defense" rule still applied. **Mr. Lane** said FWP was trying to make that statement true. Ignorance of the law should be no excuse. A few years ago there was no mental requirement for fish and game violations. In some counties, the county attorney enforced fish and game violations as strict liability violations. If a person committed the crime, they were guilty. Other counties added the words purposefully, knowingly, or negligently when a person was cited. The statute was unclear. FWP voluntarily added those words a few years ago. FWP believed it was appropriate that the word "negligently" be included to make the statute workable and require that a person know the law.

**REP. WELLS** asked if **Mr. Lane** thought that the wardens would use less judgment and discretion, be more strict, or would they consider each individual case. **Mr. Lane** said he did not believe it would change how wardens issued citations currently. If a game warden believed a person was guilty, it would allow the game warden to issue a regular citation rather than a courtesy citation. This would make it easier to prove in a court case that the person was guilty.

**Motion:** **REP. PAVLOVICH** MOVED THAT THE WORD "NEGLIGENTLY" BE REMOVED FROM THE ENTIRE BILL.

**Discussion:**

**REP. ELLIOTT** expressed opposition to the amendment. It was very easy for a hunter to claim, "I didn't know." The word "negligently" needed to be in the bill. It protected landowners.

**REP. WELLS** stated that originally he was against the word but had changed his mind and agreed with **REP. ELLIOTT**.

**REP. PAVLOVICH** withdrew his motion.

**REP. SLITER** stated that ignorance of the law was no excuse. It was the basis for case law in the United States. He believed it was "silly" to have the word "negligently" in the bill.

**CHAIRMAN WAGNER** asked **Ms. Galda** about negligence cases that were dismissed by the judge, other than a case of someone accidentally crossing a person's land. **Ms. Galda** stated that judges were not the problem. They generally agreed that a person should have known the law and "known better." Juries sometimes do not understand this statute. People have been able to convince the jury that they did not knowingly or purposefully commit a crime. The language was meant to deal with this situation.

**CHAIRMAN WAGNER** directed his question to **Bob Winfield, Game Warden, FWP**, and stated that there were a number of different

instances where this has been a problem. The landowner issue was important and the word "negligently" addressed those concerns. There were other instances including a person who poached a moose and as a defense claimed that they did not know that they needed a license or that the season was not open. FWP lost those cases due to the negligence aspect. The word "negligent" has a fundamental purpose and included the responsibility that people who were using the natural resources be ethical. Part of their responsibility was to read the regulations. Simply because a person did not know and chose not to read regulations should not mean that they were exonerated from the law. He caught a person with 25 fish and who claimed that he did not know the limit. When that person asked about the limit, the game warden said it was in the regulations. The fisherman replied that he did not read the regulations. The defense attorney used it to defend the case. Game wardens were not trying to be picky and they did give a lot of benefit of the doubt. They were trying to protect the resources.

**Motion:** CHAIRMAN WAGNER MOVED THAT THE WORD "NEGLIGENT" BE REMOVED FROM THE ENTIRE BILL.

**Discussion:**

REP. TASH expressed opposition to the amendment. The bill, with the word "negligent" in it, would aid in enforcement.

*{Tape: 2; Side: A; Approx. Counter: 000; Comments: Lost 5 seconds.}*

This was a problem with some of the laws. They were difficult to enforce. He believed the word "negligent" should remain in the bill.

CHAIRMAN WAGNER reminded the committee that they had just raised fines up to \$1,000 for any "negligent" violation of any fish and game law. Juries have had the opportunity in the past to rule whether negligence was a defense. REP. WELLS stated that CHAIRMAN WAGNER's comments made it sound like if a person got a ticket, they would pay \$1,000 and have no defense. The \$1,000 was a maximum and would be appropriate for some of the more serious fish and game violations.

REP. KNOX stated that after hearing the discussion, he had changed his mind to support the word "negligent" being in the bill. He expressed opposition to the motion.

REP. DAN FUCHS stated that in the courts, there had been a lot of difficulty proving intent and negligence when the word "negligent" was not in the law. He was not interested in creating work for trial lawyers.

**Vote:** REP. WAGNER'S AMENDMENT. Motion failed 11 to 7 on a roll call vote with REPS. WAGNER, REHBEIN, DEVANEY, FUCHS, HANSON, PAVLOVICH, and SLITER voting yes.



**Motion:** REP. REAM MOVED THAT SB 210 BE CONCURRED IN AS AMENDED.

**Discussion:**

**CHAIRMAN WAGNER** expressed concern over the definition of "hunt" which was added in the bill on page 6, line 13. He gave the scenario of a dad and son on a four-wheeler and them seeing a grouse. If the son had his shotgun, got off the four-wheeler, and shot the grouse, would he be charged with a misdemeanor fine up to \$1,000 for pursuing a bird with motorized vehicle.

**REP. SLITER** asked about the definition of "pursue." **Mr. Sternberg** addressed the definition concerns. Many sections in the bill used words that needed definitions for clarification and also to establish some consistency. FWP attempted, in the definition section of the bill, to use one word "hunt" to describe "pursue, shoot, wound, kill, chase, lure, possess, or capture." One word would be used rather than five or six words. This was the case with several other words and their definitions.

**REP. SLITER** asked if a "definition would be needed for a definition." He asked **Mr. Sternberg** to define pursue. **Mr. Sternberg** said it was not a defined term. If a person was arrested for pursuing a game animal out of season, they would be charged with "hunting" out of season. "Hunting" would include "pursuing, shooting, wounding, killing, chasing, luring, possessing, or capturing" a game animal or bird.

**REP. ROD MARSHALL** asked **Mr. Winfield** about the scenario presented by **CHAIRMAN WAGNER** earlier. **Mr. Winfield** said it would not be construed as pursuing with a vehicle. It could possibly be considered driver harassment. **CHAIRMAN WAGNER** asked if this determination would be at the discretion of the warden. **Mr. Winfield** said no because the law did not vary from warden to warden. The warden was allowed the discretion, however, to issue the citation based on the level of determined guilt.

**REP. REAM** commented if everything else was legal in **CHAIRMAN WAGNER's** scenario, there would not be a problem.

**REP. WELLS** commented that if the grouse flew off in **CHAIRMAN WAGNER's** scenario and they chased it while riding on the four-wheeler, it may be considered pursuit and harassment.

**REP. TASH** stated that the game warden would be applying the "knowingly and purposefully" language found at the beginning of the bill in **CHAIRMAN WAGNER's** scenerio.

**Substitute Motion/Vote:** REP. FUCHS MADE A SUBSTITUTE MOTION THAT SB 210 BE TABLED. Motion failed 11 to 7 on a roll call vote with REPS. WAGNER, REHBEIN, DEVANEY, FUCHS, HANSON, PAVLOVICH, and SLITER voting yes.

Discussion:

REP. DEVANEY asked about the definition of a weapon. Mr. Sternberg stated that it was defined to mean, "any instrument, article, or substance that regardless of its primary function is readily capable of being used to produce death or serious bodily injury." REP. DEVANEY stated that because a person was carrying a gun, it did not mean that person was doing something illegal.

Motion/Vote: REP. ELLIOTT MOVED THE PREVIOUS QUESTION. Motion carried unanimously.

Vote: BE CONCURRED IN AS AMENDED. Motion carried 11 to 7 on a roll call vote with REPS. WAGNER, REHBEIN, DEVANEY, FUCHS, HANSON, PAVLOVICH, and SLITER voting no.

Discussion:

Mr. Sternberg responded to REP. DEVANEY's comment by stating that the definition of "hunt" included the possession of a weapon in the field. However, it also did not mean that a person was hunting. The whole definition needed to be considered.

REP. REAM carried the bill on the House floor.

EXECUTIVE ACTION ON SB 303

Motion: REP. FUCHS MOVED THAT SB 303 BE CONCURRED IN.

Motion: REP. SLITER MOVED TO AMEND THE BILL.

Discussion:

REP. SLITER stated that SEN. BOB PIPINICH had an amendment that would strike Section 2. It was SEN. PIPINICH's intent for the bill to affect personal watercraft but not all boats.

REP. HANSON asked for clarification. Mr. Sternberg said the amendment would strike Section 2 in its entirety and make the subsequent changes in the title.

Vote: AMENDMENT. Motion carried unanimously.

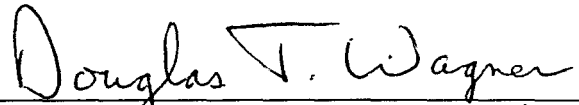
Motion/Vote: REP. DEVANEY MOVED THAT SB 303 BE CONCURRED IN AS AMENDED. Motion carried 16 to 2 with REPS. WAGNER and REHBEIN voting no.

Discussion:

REP. PAVLOVICH carried the bill on the House floor.

ADJOURNMENT

Adjournment: 4:45 p.m.



REP. DOUG WAGNER, Chairman



MARY RIITANO, Secretary

DW/MR

# HOUSE OF REPRESENTATIVES

## Fish and Game

ROLL CALL

DATE March 9, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Doug Wagner, Chairman	✓		
Rep. Bill Rehbein, Vice Chairman, Majority			✓
Rep. Emily Swanson, Vice Chairman, Minority			✓
Rep. Charles Devaney	✓		
Rep. Jim Elliott	✓		
Rep. Daniel Fuchs	✓		
Rep. Marian Hanson	✓		
Rep. Hal Harper	✓		
Rep. Chase Hibbard			✓
Rep. Dick Knox	✓		
Rep. Rod Marshall	✓		
Rep. Brad Molnar	✓		
Rep. Bob Pavlovich	✓		
Rep. Bob Raney	✓		
Rep. Bob Ream	✓		
Rep. Paul Sliter	✓		
Rep. Bili Tash	✓		
Rep. Jack Wells	✓		



## HOUSE STANDING COMMITTEE REPORT

March 10, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 210 (third reading copy -- blue) be concurred in as amended.

Signed: Douglas T. Wagner  
Doug Wagner, Chair

Carried by: Rep. Ream

And, that such amendments read:

1. Page 1, line 22.

Strike: "\$100"

Insert: "\$50"

2. Page 7, line 19.

Strike: "subsection"

Insert: "subsections"

Following: "(4)"

Insert: "(b) through (4)(e)"

3. Page 7, line 24.

Following: "section"

Insert: ", except that a reassigned member continues to qualify as a resident if the member's spouse and dependents continue to physically reside in Montana and the member continues to meet the residency criteria of subsections (4)(b) through (4)(e)"

4. Page 8, line 21.

Strike: "under 24 years of age"

Following: "enrolled"

Insert: "full-time"

-END-

Committee Vote:

Yes 11, No 7.

561301SC.Hbk



## HOUSE STANDING COMMITTEE REPORT

March 10, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 303 (third reading copy -- blue) be concurred in as amended.

Signed: Douglas T. Wagner  
Doug Wagner, Chair

Carried by: Rep. Pavlovich

And, that such amendments read:

1. Title, line 5.

Strike: "MOTORBOAT"

Insert: "PERSONAL WATERCRAFT"

2. Title, line 7.

Strike: ", WITH CERTAIN EXCEPTIONS"

3. Title, lines 8 and 9.

Following: "23-2-523" on line 8

Strike: remainder of line 8 through "23-2-525," on line 9

4. Page 3, line 17 through page 4, line 14.

Strike: section 2 in its entirety

Renumber: subsequent sections

-END-

Committee Vote:

Yes 16, No 2.

561302SC.Hbk

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Fish and Game Committee

DATE March 9, 1995 BILL NO. GB 210 NUMBER 1

MOTION: WAGNER AMEND - REMOVE NEGLIGENCE

NAME	AYE	NO
Rep. Doug Wagner, Chairman	✓	
Rep. Bill Rehbein, Vice Chairman, Majority	✓	
Rep. Emily Swanson, Vice Chairman, Minority		✓
Rep. Charles Devaney	✓	
Rep. Jim Elliott		✓
Rep. Daniel Fuchs	✓	
Rep. Marian Hanson	✓	
Rep. Hal Harper		✓
Rep. Chase Hibbard		✓
Rep. Dick Knox		✓
Rep. Rod Marshall		✓
Rep. Brad Molnar		✓
Rep. Bob Pavlovich	✓	
Rep. Bob Raney		✓
Rep. Bob Ream		✓
Rep. Paul Sliter	✓	
Rep. Bill Tash		✓
Rep. Jack Wells		✓

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Fish and Game Committee

DATE MARCH 9, 1995 BILL NO. <sup>SB</sup> 210 NUMBER 2

MOTION: TABLE

NAME	AYE	NO
Rep. Doug Wagner, Chairman	✓	
Rep. Bill Rehbein, Vice Chairman, Majority	✓	
Rep. Emily Swanson, Vice Chairman, Minority		✓
Rep. Charles Devaney	✓	
Rep. Jim Elliott		✓
Rep. Daniel Fuchs	✓	
Rep. Marian Hanson	✓	
Rep. Hal Harper		✓
Rep. Chase Hibbard		✓
Rep. Dick Knox		✓
Rep. Rod Marshall		✓
Rep. Brad Molnar		✓
Rep. Bob Pavlovich	✓	
Rep. Bob Raney		✓
Rep. Bob Ream		✓
Rep. Paul Sliter	✓	
Rep. Bill Tash		✓
Rep. Jack Wells		✓



# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Fish and Game Committee

DATE MARCH 9, 1995 BILL NO. SB210 NUMBER 3

MOTION: DO CONCUR AS AMENDED

NAME	AYE	NO
Rep. Doug Wagner, Chairman		✓
Rep. Bill Rehbein, Vice Chairman, Majority		✓
Rep. Emily Swanson, Vice Chairman, Minority	✓	
Rep. Charles Devaney		✓
Rep. Jim Elliott	✓	
Rep. Daniel Fuchs		✓
Rep. Marian Hanson		✓
Rep. Hal Harper	✓	
Rep. Chase Hibbard	✓	
Rep. Dick Knox	✓	
Rep. Rod Marshall	✓	
Rep. Brad Molnar	✓	
Rep. Bob Pavlovich		✓
Rep. Bob Raney	✓	
Rep. Bob Ream	✓	
Rep. Paul Sliter		✓
Rep. Bill Tash	✓	
Rep. Jack Wells	✓	

3/9/95

I hereby give my  
proxy to Dick Knight  
to vote on any  
and all matters  
to come before the  
House Fish & Game  
Committee on 3/9/95

Chris Hillard

~~349- [scribbles]~~  
~~[scribbles]~~

Now on SB 210  
as amended

Now on SB-303  
as amended

Parlovich

Doug Wagner

You have my proxy

3-9-95

Vote no with you  
the chairman

NO

on SB 210

Bill Rehbein fr

## FOR REFERENCE ONLY

DATE MARCH 9, 1995

(WITH SUBCOMMITTEE REVISIONS OF 3/6, 3/8 &amp; 3/9)

HB 349

HB0349.01

House Bill No. 349

Introduced By

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A Bill for an Act entitled: "An Act creating the future fisheries improvement program; providing for the protection and enhancement of Montana fisheries ~~by requiring~~ THROUGH VOLUNTARY enhancement of spawning streams and other habitats for the natural reproduction of fish and growth of populations of wild fish; directing a portion of state ~~and federal~~ fisheries money to fund the future fisheries improvement program; AUTHORIZING THE GOVERNOR TO APPOINT A FUTURE FISHERIES REVIEW PANEL AND ESTABLISHING THE DUTIES OF THE PANEL; directing the department of fish, wildlife, and parks to establish and administer the program; requiring the department to submit regular program progress reports to the fish, wildlife, and parks commission and to submit a progress report and the anticipated budget and related projections to the legislature; and providing an effective ~~date~~ DATES AND A TERMINATION DATE."

WHEREAS, the rivers and streams of Montana hold one of the state's most important and economically valuable resources--wild fish; and

WHEREAS, the loss of historic spawning areas and other crucial habitats of native fish species is one of the greatest

threats to the natural reproduction and propagation of the fish resource; and

WHEREAS, the state is presently in a position to address the key issue of these aquatic habitats in order to promote the future viability of Montana's wild fisheries before the continued loss of spawning areas and other habitats diminishes or destroys the resource; and,

~~WHEREAS, it is a fiscally sound state policy to develop natural spawning areas and other habitats in anticipation of being able to reduce future funding that would otherwise be necessary to cover the ever increasing costs of the fish hatchery program.~~

WHEREAS, a wild fisheries enhancement program will immensely benefit landowner-sportsperson relations; and

WHEREAS, a wild fisheries enhancement program will benefit Montana's economy; and

WHEREAS, it is fiscally sound state policy to enhance natural habitats and spawning areas to improve fishing opportunities now and preserve fishing opportunities for future generations; and

WHEREAS, voluntary cooperation between landowners, interested citizens, public and private organizations, and the department of fish, wildlife, and parks will help accomplish the purposes of the future fisheries improvement program.

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. Section 1. Future fisheries improvement program -- funding priority -- reports required. (1) In order to

enhance future fisheries through natural reproduction, the department shall establish and implement a statewide voluntary program that ensures that functioning promotes fishery habitats and spawning tributaries are available for each 10 river miles and each 10 stream miles areas for the rivers, streams, and lakes of Montana's cold-water fisheries.

(2) The department shall by April 1, 1996, and thereafter when projects are suggested by the future fisheries review panel, through a public hearing process and with the approval of the commission, prioritize projects that have been recommended by the review panel to be funded. Emphasis must be given to projects that enhance the historic habitat of native fish species. The department shall fund and implement the program regarding the long-term enhancement of streams and streambanks, instream flows, water leasing, lease or purchase of stored water, and other voluntary programs that deal with wild fish and aquatic habitats. A project conducted under the future fisheries improvement program may not restrict or interfere with the exercise of any water rights or property rights of the owners of streambeds and property adjacent to streambeds, streambanks, and lakes. The fact that a program project has been completed on private property does not create any right of public access to the private property unless that right is granted voluntarily by the property owner.

(3) The department shall work in cooperation with private landowners, conservation districts, irrigation districts, local officials, anglers, and other citizens to implement the future fisheries improvement program. Any department employee who is employed under this section to facilitate contact with landowners

must have experience in commercial or irrigated agriculture. The department shall encourage the use of volunteer labor and grants, matching grants, and private donations to accomplish program purposes. The department may use contracted services:

(a) for negotiations with landowners, local officials, citizens, and others;

(b) for coordination with other agencies that may be involved in projects conducted under this section; and

(c) to perform and supervise project work.

(4) The following amounts must be expended by the department to enhance future fisheries, as directed by subsection (1) this section, until the required number of spawning streams or other identified key habitats are established and enhanced:

(a) not less than 50% \$1.5 million of the amount unexpended fund balance in the state special revenue fund in 87-1-601 composed of fishing license fees;

(b) not less than 50% of federal funds allocated to the state for the conservation of fish; \$1.75 million redirected from the Blue Water hatchery phase II project for the 1996-97 biennium.

(c) not less than 50% of the funds in the river restoration account; and

(d) not less than 50% of any other funds allocated to the department for the conservation of fish, which funds are not statutorily mandated for other purposes.

(3) The department shall prioritize its efforts regarding the enhancement of streams and streambanks, instream flows, water leasing and purchase, fish hatcheries, and other programs that deal with wild fish and aquatic habitats to ensure that the



~~future fisheries improvement program established in this section receives full funding and prioritized department administration.~~

(5) Funds expended under this section must be used only for projects for the protection of the fisheries resource that have been identified by the review panel established in [section 2] and approved by the commission and may not be used for the acquisition of any interest in land.

~~(4)~~ (6)(a) The department shall report to the commission on the progress of the future fisheries improvement program every 6 12 months and post a copy of the report on the state electronic bulletin board to ensure public access to the report.

(b) The department shall also present a detailed report to each regular session of the legislature on the progress of the future fisheries improvement program. The legislative report must include the department's program activities and expenses since the last report and the project schedule schedules and budget schedule anticipated expenses for the ensuing 10 years' implementation of the future fisheries improvement program.

(c) In order to implement [sections 1 and 2], the department may expend revenue from the future fisheries improvement program for up to two additional full-time employees.

NEW SECTION. Section 2. Future fisheries review panel -- purpose -- appointment and duties. (1) The governor shall call for nominees for, accept and review recommendations for, and, by August 1, 1995, appoint a future fisheries review panel. The panel must consist of at least 10 members, including but not limited to:

(a) one member who is a representative of conservation

EXHIBIT 1  
DATE 3-9-95  
HB 349

districts;

(b) one member with expertise in commercial agriculture or silviculture;

(c) one member with expertise in irrigated agriculture;

(d) one member from the private sector who is a fisheries restoration professional;

(e) two members who are licensed Montana anglers;

(f) one member of the house of representatives, chosen by the speaker of the house;

(g) one member of the senate, chosen by the president of the senate;

(h) one member who is a representative of the governor's office; and

(i) one member who is a Montana high school student.

(2) A member appointed to the review panel shall serve a 2-year term and may be reappointed.

(3) The purpose of the review panel is to:

(a) review, at least every 6 months, proposed projects that have been submitted by public or private entities for funding;

(b) determine what projects are eligible for inclusion in the future fisheries improvement program;

(c) approve or reject proposed projects; and

(d) forward a list of approved projects to the department.

(4) To be eligible for funding, a project must be generated at the local level and must be developed and presented to the review panel by the department, local landowners, conservation districts, or other interested citizens. Before consideration of any project that involves streambed or streambank restoration, a change in the use of water, or any other purpose that involves a

particular property owner's interest in land or water, the review panel must find that the project is being proposed for funding with the voluntary approval of the participating property owner.

NEW SECTION. Section 3. Codification instruction.

~~[Section 1~~ Sections 1 and 2] ~~is~~ are intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to ~~[section 1~~ sections 1 and 2].

NEW SECTION. Section 4. Termination. [This act] terminates July 1, 2005.

NEW SECTION. Section 5. Effective date dates. (1) ~~[This act~~ Section 1] is effective July 1, 1995.

(2) [Sections 2 through 4 and this section] are effective on passage and approval.

-END-

EXHIBIT  
DATE 3-9-95  
HB 349

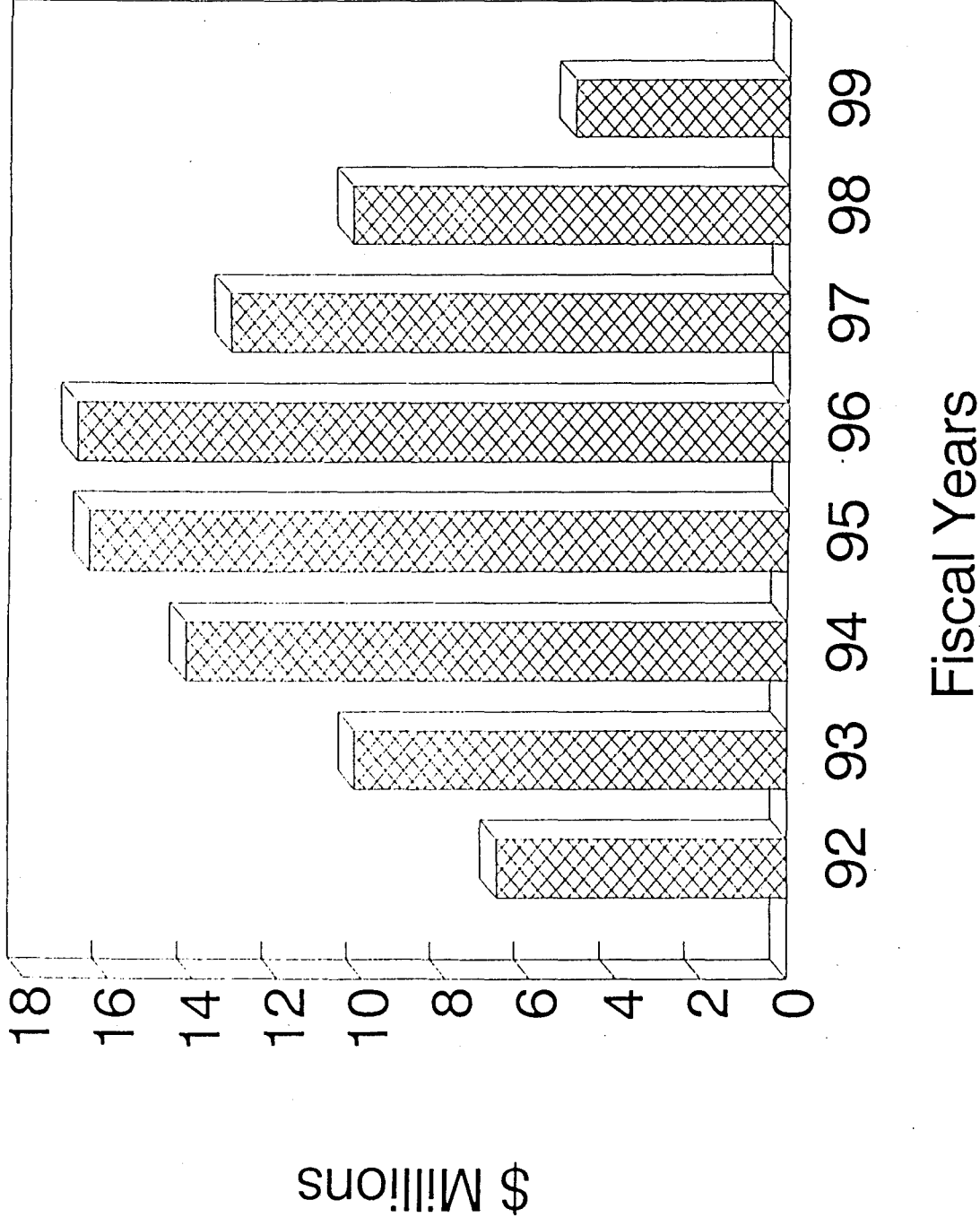
3-4-95 New Original

License Acct 02409	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
Beginning Fund Balance								
Prior Year Expenditures	\$5,319,663	\$6,822,758	\$10,176,690	\$14,209,772	\$16,507,217	\$16,775,739	\$13,243,281	\$10,377,820
Prior Year Expenditures (5211)	(\$119,770)	(\$84,834)	(\$168,519)					
NB Expenditures		(\$69,152)	(\$52,580)					
NB Prior Year Expenditures		\$16,028	\$0					
Prior Year Revenue	(\$62,235)	\$47,967	\$13,843					
Direct Entry to Fund Balance		\$72,407	\$3,730	\$0	\$0	\$0	\$0	\$0
Bond Interest Earnings	\$238,300	\$0	\$0					
	\$5,375,959	\$6,788,561	\$9,973,164	\$14,209,772	\$16,507,217	\$16,775,739	\$13,243,281	\$10,377,820
Estimated Revenue								
Base	\$18,425,728	\$21,132,251	\$21,986,248	\$21,648,533	\$20,552,462	\$19,792,058	\$19,709,912	\$19,709,912
Administrative Cost Reimbursement (SOH)		\$0	\$513,715	\$1,172,384	\$793,573	\$757,165	\$757,165	\$757,165
SUBTOTAL	\$18,425,728	\$21,132,251	\$22,499,963	\$22,820,917	\$21,346,035	\$20,549,223	\$20,467,077	\$20,467,077
Interest	\$172,137	\$378,855	\$509,759	\$607,094	\$733,862	\$720,663	\$493,845	\$202,930
Interest from Drawing Account		\$0	\$0	\$1,221	\$1,221	\$1,221	\$1,221	\$1,221
Total Revenue	\$18,597,865	\$21,511,105	\$23,009,723	\$23,429,232	\$22,081,118	\$21,271,107	\$20,962,143	\$20,871,227
Funds Available	\$23,973,823	\$28,299,806	\$32,982,886	\$37,639,004	\$38,588,335	\$38,046,846	\$34,205,424	\$31,049,048
Expenditures:								
SFCAP Assessment			\$0	(\$51,442)	\$0	\$0	\$0	\$0
Administration and Finance	(\$1,905,827)	(\$2,268,454)	(\$2,788,470)	(\$3,135,519)	(\$3,378,246)	(\$3,319,842)	(\$3,648,506)	(\$3,585,213)
Field Services and Region 8	(\$1,615,051)	(\$1,769,161)	(\$1,521,836)	(\$1,689,590)	(\$1,761,352)	(\$1,815,611)	(\$1,902,260)	(\$1,960,860)
Fisheries	(\$2,709,813)	(\$2,825,663)	(\$2,648,686)	(\$2,604,130)	(\$2,820,057)	(\$2,737,789)	(\$3,045,662)	(\$2,956,812)
Law Enforcement	(\$4,063,208)	(\$4,423,572)	(\$4,491,661)	(\$4,476,907)	(\$4,761,508)	(\$4,579,842)	(\$3,142,420)	(\$4,946,229)
Wildlife	(\$2,486,039)	(\$2,466,289)	(\$2,529,015)	(\$2,609,388)	(\$2,595,059)	(\$2,557,627)	(\$2,802,664)	(\$2,762,237)
Parks	(\$584,908)	(\$630,903)	(\$588,710)	(\$655,978)	(\$649,285)	(\$673,170)	(\$701,228)	(\$727,024)
Conservation Education	(\$1,247,075)	(\$1,398,752)	(\$1,383,964)	(\$1,422,803)	(\$1,429,034)	(\$1,313,589)	(\$1,543,357)	(\$1,418,675)
Department Management	(\$1,809,864)	(\$1,925,352)	(\$2,114,879)	(\$2,084,279)	(\$2,504,925)	(\$2,558,906)	(\$2,770,119)	(\$2,763,618)
Budget Modifications					\$0	\$0	\$0	\$0
Add back FTE								
2.5/3.2% pay plan					(\$437,000)	(\$999,000)	(\$1,038,960)	(\$1,080,518)
	(\$16,421,785)	(\$17,508,144)	(\$18,067,221)	(\$18,729,836)	(\$20,306,466)	(\$20,555,175)	(\$22,595,183)	(\$22,201,187)
Subtotal Operations								
Capital:								
Cash								
Old	(\$226,107)	(\$179,968)	(\$295,195)	(\$745,038)	\$0	\$0	\$0	\$0
1993 Session			\$0	(\$1,622,875)	\$0	\$0	\$0	\$0
1995 Session					(\$1,418,130)	(\$4,248,390)	(\$1,232,420)	(\$3,697,261)
Bonds								
1983 Series	(\$43,575)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1985 Series	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1989 Series	(\$460,668)	(\$434,865)	(\$410,698)	(\$34,037)	\$0	\$0	\$0	\$0
	(\$730,350)	(\$614,833)	(\$705,893)	(\$2,401,950)	(\$1,416,130)	(\$4,248,390)	(\$1,232,420)	(\$3,697,261)
Subtotal Capital								
Total Expenditures (ops + capital)	(\$17,152,135)	(\$18,122,976)	(\$18,773,114)	(\$21,131,788)	(\$21,812,596)	(\$24,803,565)	(\$23,827,604)	(\$25,898,449)
Residual Equity Transfer	\$1,069							
Ending Fund Balance	\$6,822,758	\$10,176,690	\$14,209,772	\$16,507,217	\$16,775,739	\$13,243,281	\$10,377,820	\$5,150,599

Interest changed  
bond on 1/1  
change in  
city plan  
estimates

change in  
pay plan  
estimates

GENERAL LICENSE FUND BALANCE  
Without Transfer of \$3.5M Fund Balance



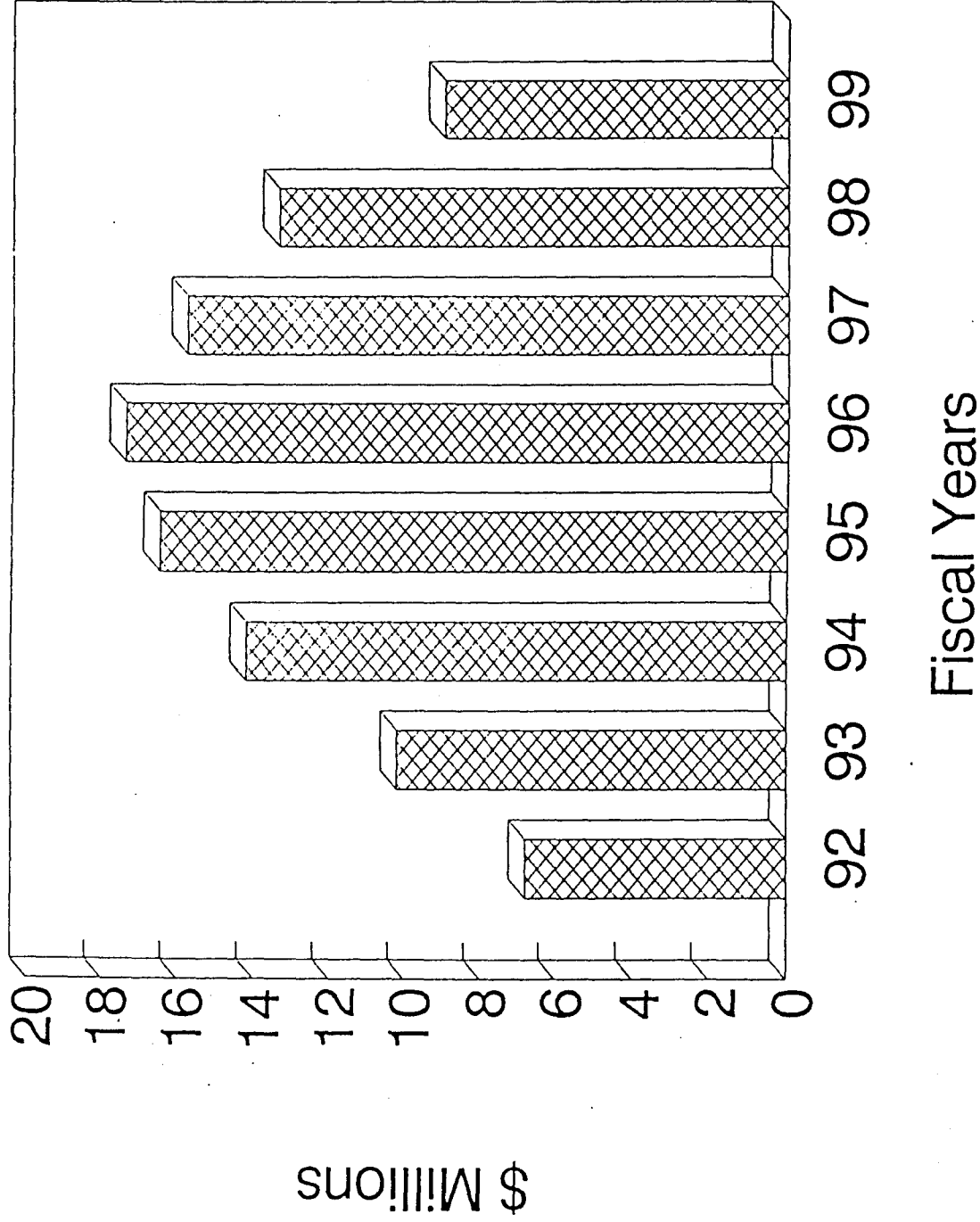
Assumption - Blue water fish hatchery is over

96/97 = 2.5 million split at '25/75 thru years  
98/99 = 750,000 split at 25/75 thru years

EXHIBIT 2  
DATE 3-9-95  
HB 349

License Acct 02409	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
Beginning Fund Balance								
Prior Year Expenditures	\$5,319,663	\$6,822,758	\$10,176,690	\$14,209,772	\$16,507,217	\$17,415,259	\$15,837,773	\$13,354,379
Prior Year Expenditures (5211)	(\$119,770)	(\$84,834)	(\$168,519)					
NB Expenditures		(\$10,813)	(\$52,580)					
NB Prior Year Expenditures		(\$69,152)						
Prior Year Revenue	(\$62,235)	\$16,028	\$0					
Direct Entry to Fund Balance		\$47,967	\$13,843					
Bond Interest Earnings	\$238,300	\$72,407	\$3,730	\$0	\$0	\$0	\$0	\$0
		\$0	\$0					
Estimated Revenue								
Base								
Administrative Cost Reimbursement (SOH)	\$18,425,728	\$21,132,251	\$21,086,248	\$21,048,533	\$20,552,462	\$19,792,058	\$19,706,912	\$19,709,912
SUBTOTAL	\$18,425,728	\$21,132,251	\$22,499,963	\$22,820,917	\$21,346,035	\$20,549,223	\$20,467,077	\$20,467,077
Interest	\$172,137	\$378,855	\$509,759	\$607,064	\$748,382	\$900,635	\$673,413	\$487,168
Interest from Drawing Account		\$0	\$0	\$1,221	\$1,221	\$1,221	\$1,221	\$1,221
Total Revenue	\$18,597,865	\$21,511,105	\$23,009,723	\$23,429,232	\$22,095,638	\$21,351,078	\$21,141,711	\$20,955,460
Funds Available	\$23,973,823	\$28,299,066	\$32,982,886	\$37,639,004	\$38,602,855	\$38,766,338	\$36,979,483	\$34,309,845
Expenditures:								
Operations:								
SFCAP Assessment			\$0	(\$51,442)	\$0	\$0	\$0	\$0
Administration and Finance	(\$1,905,827)	(\$2,268,454)	(\$2,788,470)	(\$3,135,519)	(\$3,376,246)	(\$3,319,642)	(\$3,048,506)	(\$3,585,213)
Field Services and Region 8	(\$1,815,051)	(\$1,769,161)	(\$1,521,836)	(\$1,689,590)	(\$1,761,352)	(\$1,815,611)	(\$1,902,260)	(\$1,900,890)
Fisheries	(\$2,709,813)	(\$2,625,663)	(\$2,648,686)	(\$2,604,130)	(\$2,820,057)	(\$2,737,789)	(\$3,045,662)	(\$2,956,812)
Law Enforcement	(\$4,063,208)	(\$4,423,572)	(\$4,491,661)	(\$4,476,907)	(\$4,761,508)	(\$4,579,842)	(\$5,142,429)	(\$4,046,220)
Wildlife	(\$2,486,039)	(\$2,466,286)	(\$2,529,015)	(\$2,609,388)	(\$2,595,059)	(\$2,557,627)	(\$2,802,664)	(\$2,762,237)
Parks	(\$594,908)	(\$630,903)	(\$588,710)	(\$655,978)	(\$649,285)	(\$673,170)	(\$701,228)	(\$727,024)
Conservation Education	(\$1,247,075)	(\$1,398,752)	(\$1,383,964)	(\$1,422,603)	(\$1,429,034)	(\$1,313,588)	(\$1,543,357)	(\$1,418,675)
Department Management	(\$1,809,864)	(\$1,925,352)	(\$2,114,879)	(\$2,084,279)	(\$2,564,925)	(\$2,558,906)	(\$2,770,119)	(\$2,763,618)
Budget Modifications					\$0	\$0	\$0	\$0
Add back FTE								
2.5/3.2% pay plan					(\$437,000)	(\$699,000)	(\$1,038,960)	(\$1,080,518)
Subtotal Operations	(\$16,421,785)	(\$17,508,144)	(\$18,067,221)	(\$18,729,836)	(\$20,396,466)	(\$20,555,175)	(\$22,595,183)	(\$22,201,187)
Capital:								
Cash								
Old	(\$226,107)	(\$179,968)	(\$295,195)	(\$745,038)	\$0	\$0	\$0	\$0
1993 Session			\$0	(\$1,622,875)	\$0	\$0	\$0	\$0
1995 Session					(\$791,130)	(\$2,373,390)	(\$1,029,920)	(\$3,089,761)
Bonds								
1983 Series	(\$43,575)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1985 Series	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1989 Series	(\$460,668)	(\$434,865)	(\$410,698)	(\$34,037)	\$0	\$0	\$0	\$0
Subtotal Capital	(\$730,350)	(\$614,833)	(\$705,893)	(\$2,401,950)	(\$791,130)	(\$2,373,390)	(\$1,029,920)	(\$3,089,761)
Total Expenditures (ops + capital)	(\$17,152,135)	(\$18,122,976)	(\$18,773,114)	(\$21,131,786)	(\$21,187,596)	(\$22,928,565)	(\$23,625,104)	(\$25,290,949)
Residual Equity Transfer	\$1,069							
Ending Fund Balance	\$6,822,758	\$10,176,690	\$14,209,772	\$16,507,217	\$17,415,259	\$15,837,773	\$13,354,379	\$9,018,897

# GENERAL LICENSE FUND BALANCE Without Transfer of \$3.5M Fund Balance



ASSUMPTIONS: Bluewater Fish Hatchery is not included.

Assumption - Blue water out of no capital outlay in 77 10 and 79

EXHIBIT

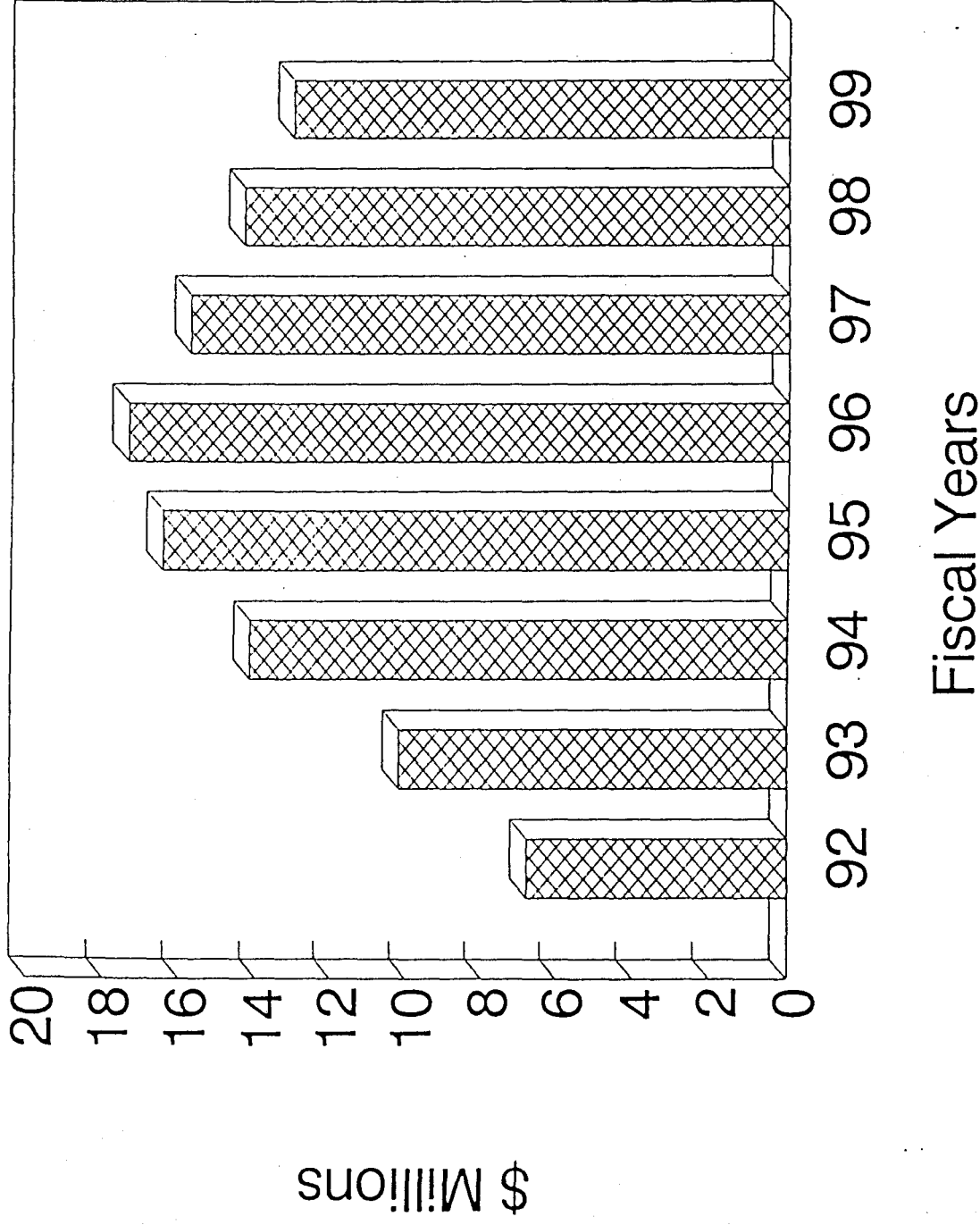
DATE 3-9-95

HB 349

License Acct 02409	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
Beginning Fund Balance								
Prior Year Expenditures	\$5,319,663	\$6,822,758	\$10,176,690	\$14,209,772	\$16,507,217	\$17,415,259	\$15,837,773	\$14,384,300
Prior Year Expenditures (\$211)	(\$119,770)	(\$84,834)	(\$168,519)					
NB Expenditures		(\$16,613)	(\$52,560)					
NB Prior Year Expenditures		(\$69,152)						
Prior Year Revenue	(\$62,235)	\$47,967	\$13,843	\$0	\$0	\$0	\$0	\$0
Direct Entry to Fund Balance		\$72,407	\$3,730					
Bond Interest Earnings	\$238,300	\$0	\$0					
<b>Estimated Revenue</b>	<b>\$5,375,959</b>	<b>\$6,788,561</b>	<b>\$9,973,164</b>	<b>\$14,209,772</b>	<b>\$16,507,217</b>	<b>\$17,415,259</b>	<b>\$15,837,773</b>	<b>\$14,384,300</b>
Base								
Administrative Cost Reimbursement (SOH)	\$18,425,728	\$21,132,251	\$21,986,248	\$21,648,533	\$20,552,462	\$19,792,058	\$19,706,912	\$19,700,912
SUBTOTAL	\$18,425,728	\$21,132,251	\$22,499,903	\$22,820,917	\$21,346,035	\$20,549,223	\$20,487,077	\$20,487,077
Interest	\$172,137	\$378,855	\$509,759	\$607,094	\$748,382	\$800,635	\$973,413	\$487,168
Interest from Drawing Account		\$0	\$0	\$1,221	\$1,221	\$1,221	\$1,221	\$1,221
<b>Total Revenue</b>	<b>\$18,597,865</b>	<b>\$21,511,105</b>	<b>\$23,009,723</b>	<b>\$23,429,232</b>	<b>\$22,095,638</b>	<b>\$21,351,078</b>	<b>\$21,141,711</b>	<b>\$20,955,466</b>
<b>Funds Available</b>	<b>\$23,973,823</b>	<b>\$28,209,666</b>	<b>\$32,982,866</b>	<b>\$37,639,004</b>	<b>\$38,602,855</b>	<b>\$38,766,338</b>	<b>\$36,979,483</b>	<b>\$35,339,766</b>
<b>Expenditures:</b>								
Operations:								
SFCAP Assessment								
Administration and Finance								
Field Services and Region 8								
Fisheries								
Law Enforcement								
Wildlife								
Parks								
Conservation Education								
Department Management								
Budget Modifications								
Add back FTE								
2.5/3.2% pay plan								
<b>Subtotal Operations</b>	<b>(\$16,421,785)</b>	<b>(\$17,508,144)</b>	<b>(\$18,067,221)</b>	<b>(\$18,729,836)</b>	<b>(\$20,396,466)</b>	<b>(\$20,555,175)</b>	<b>(\$22,595,183)</b>	<b>(\$22,201,187)</b>
<b>Capital:</b>								
Cash								
Old								
1993 Session								
1995 Session								
Bonds								
1983 Series								
1985 Series								
1989 Series								
<b>Subtotal Capital</b>	<b>(\$730,350)</b>	<b>(\$614,833)</b>	<b>(\$705,893)</b>	<b>(\$2,401,950)</b>	<b>(\$791,130)</b>	<b>(\$2,373,390)</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Expenditures (ops + capital)</b>	<b>(\$17,152,135)</b>	<b>(\$18,122,976)</b>	<b>(\$18,773,114)</b>	<b>(\$21,131,786)</b>	<b>(\$21,187,596)</b>	<b>(\$22,928,565)</b>	<b>(\$22,595,183)</b>	<b>(\$22,201,187)</b>
<b>Residual Equity Transfer</b>	<b>\$1,069</b>							
<b>Ending Fund Balance</b>	<b>\$6,822,758</b>	<b>\$10,176,690</b>	<b>\$14,209,772</b>	<b>\$16,507,217</b>	<b>\$17,415,259</b>	<b>\$15,837,773</b>	<b>\$14,384,300</b>	<b>\$13,138,578</b>



# GENERAL LICENSE FUND BALANCE Without Transfer of \$3.5M Fund Balance



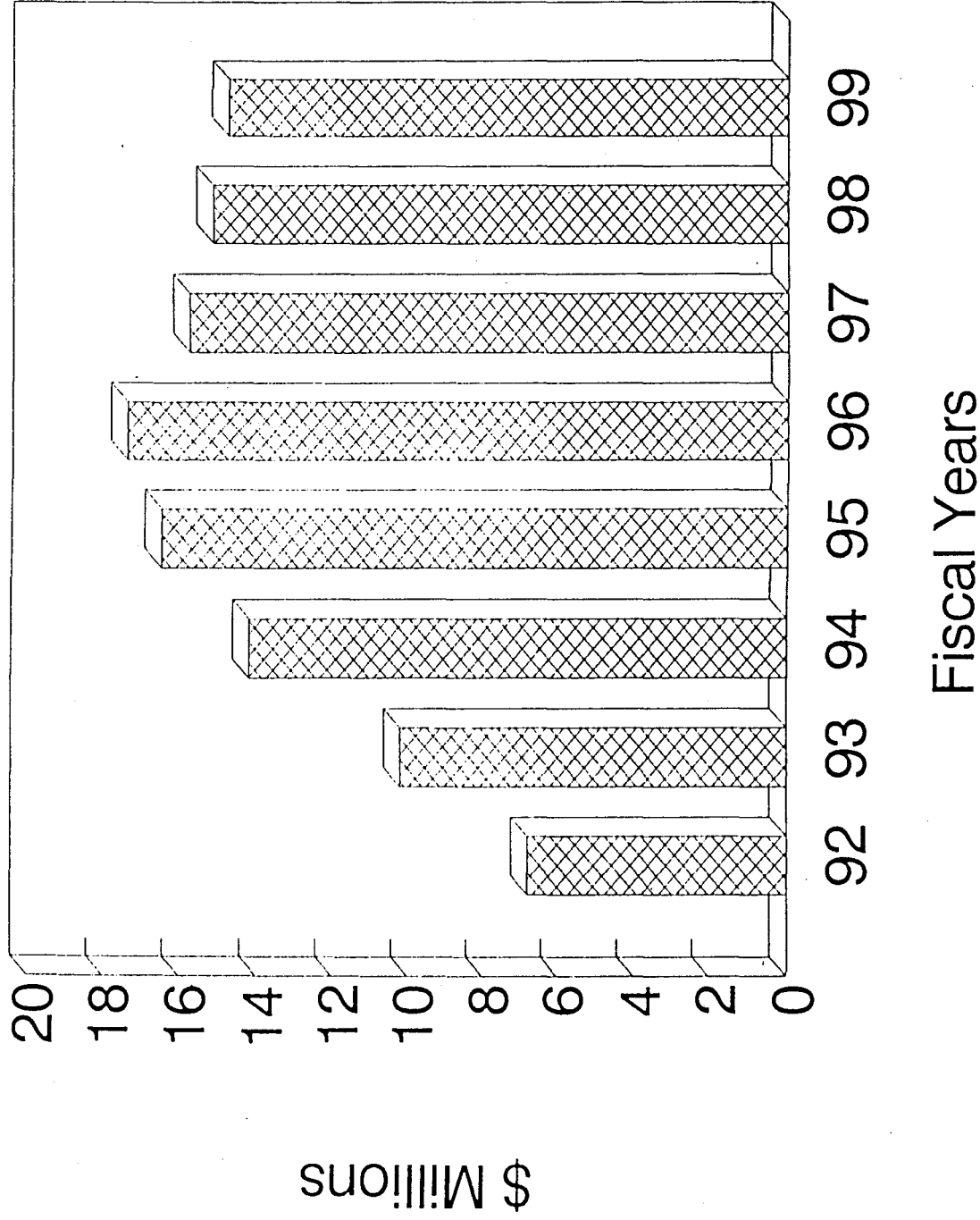
ASSUMPTIONS: Bluewater Fish Hatchery is not included and no capital outlay in FY 1998 and 1999.

Assumptions: Blue wages Out, no capital outlay 74.45 x 49,  
And expenditure inflation at 2% 74.91 x 99

EXHIBIT 2  
DATE 3-9-95  
L HB 349

License Acct. 02409	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
Beginning Fund Balance								
Prior Year Expenditures	\$5,319,663	\$6,822,758	\$10,176,690	\$14,209,772	\$16,507,217	\$17,415,259	\$15,837,773	\$15,200,340
Prior Year Expenditures (5211)	(\$119,770)	(\$84,834)	(\$168,519)					
NB Expenditures		(\$16,613)	(\$52,580)					
NB Expenditures		(\$69,152)						
NB Prior Year Expenditures		\$16,028	\$0					
Prior Year Revenue	(\$62,235)	\$47,967	\$13,843					
Direct Entry to Fund Balance		\$72,407	\$3,730	\$0	\$0	\$0	\$0	\$0
Bond Interest Earnings	\$238,300	\$0	\$0					
Estimated Revenue								
Base								
Administrative Cost Reimbursement (SOH)	\$18,425,728	\$21,132,251	\$21,986,248	\$21,048,533	\$20,552,462	\$19,792,058	\$19,706,912	\$19,709,912
SUBTOTAL	\$18,425,728	\$21,132,251	\$513,715	\$1,172,384	\$793,573	\$757,165	\$757,165	\$757,165
Interest	\$172,137	\$378,855	\$22,499,963	\$22,820,917	\$21,346,035	\$20,549,223	\$20,467,077	\$20,467,077
Interest from Drawing Account		\$0	\$509,759	\$607,094	\$748,382	\$800,635	\$691,075	\$546,046
		\$0	\$0	\$1,221	\$1,221	\$1,221	\$1,221	\$1,221
Total Revenue	\$18,597,865	\$21,511,105	\$23,000,723	\$23,429,232	\$22,095,638	\$21,351,078	\$21,159,372	\$21,014,344
Funds Available	\$23,973,823	\$28,299,666	\$32,982,886	\$37,639,004	\$38,602,855	\$38,766,338	\$36,997,145	\$36,214,684
Expenditures:								
Operations:								
SFCAP Assessment			\$0	(\$51,442)	\$0	\$0	\$0	\$0
Administration and Finance	(\$1,905,827)	(\$2,268,454)	(\$2,788,470)	(\$3,135,519)	(\$3,378,246)	(\$3,319,642)	(\$3,513,378)	(\$3,452,428)
Field Services and Region 8	(\$1,615,051)	(\$1,769,161)	(\$1,521,836)	(\$1,689,590)	(\$1,761,352)	(\$1,815,611)	(\$1,831,806)	(\$1,888,235)
Fisheries	\$2,709,813)	(\$2,625,683)	(\$2,648,686)	(\$2,604,130)	(\$2,820,057)	(\$2,737,789)	(\$2,932,859)	(\$2,847,301)
Law Enforcement	(\$4,063,208)	(\$4,423,572)	(\$4,491,661)	(\$4,476,007)	(\$4,761,508)	(\$4,579,842)	(\$4,951,968)	(\$4,763,036)
Wildlife	(\$2,486,039)	(\$2,466,286)	(\$2,529,015)	(\$2,609,388)	(\$2,595,059)	(\$2,557,627)	(\$2,698,861)	(\$2,659,932)
Parks	(\$584,908)	(\$630,903)	(\$588,710)	(\$655,078)	(\$649,285)	(\$673,170)	(\$675,256)	(\$700,097)
Conservation Education	(\$1,247,075)	(\$1,398,752)	(\$1,363,964)	(\$1,422,603)	(\$1,429,034)	(\$1,313,588)	(\$1,486,195)	(\$1,366,132)
Department Management	(\$1,809,864)	(\$1,925,352)	(\$2,114,879)	(\$2,084,279)	(\$2,564,925)	(\$2,558,906)	(\$2,667,522)	(\$2,661,262)
Budget Modifications					\$0	\$0	\$0	\$0
Add Back FTE								
2.5/3.2% pay plan					(\$437,000)	(\$999,000)	(\$1,038,960)	(\$1,080,518)
Subtotal Operations	(\$16,421,785)	(\$17,508,144)	(\$18,067,221)	(\$18,729,836)	(\$20,396,466)	(\$20,555,175)	(\$21,796,805)	(\$21,418,940)
Capital:								
Cash								
Old								
1993 Session	(\$226,107)	(\$179,968)	(\$295,195)	(\$745,038)	\$0	\$0	\$0	\$0
1995 Session			\$0	(\$1,622,875)	\$0	\$0	\$0	\$0
Bonds					(\$791,130)	(\$2,373,390)	\$0	\$0
1983 Series	(\$43,575)	\$0						
1985 Series	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1989 Series	(\$480,668)	(\$434,865)	(\$410,698)	(\$34,037)	\$0	\$0	\$0	\$0
Subtotal Capital	(\$730,350)	(\$614,833)	(\$705,893)	(\$2,401,950)	(\$791,130)	(\$2,373,390)	\$0	\$0
Total Expenditures (ops+capital)	(\$17,152,135)	(\$18,122,978)	(\$18,773,114)	(\$21,131,786)	(\$21,187,596)	(\$22,928,565)	(\$21,796,805)	(\$21,418,940)
Residual Equity Transfer	\$1,069							
Ending Fund Balance	\$6,822,758	\$10,176,690	\$14,209,772	\$16,507,217	\$17,415,259	\$15,837,773	\$15,200,340	\$14,795,744
			(0)					

# GENERAL LICENSE FUND BALANCE Without Transfer of \$3.5M Fund Balance



ASSUMPTIONS: Bluewater Fish Hatchery is not included, no capital outlay in FY 1998 and 1999, and expenditures are projected at 2% inflation for FY 1998 and FY 1999.

Amendments to House Bill No. 349  
Introduced Reading Copy

Requested by Rep. Raney  
For the Committee on Fish & Game

Prepared by Doug Sternberg  
March 9, 1995

1. Title, line 4.  
Following: "PROGRAM"  
Insert: "AND THE FUTURE FISHERIES ACCOUNT"
2. Title, line 8.  
Following: "PROGRAM"  
Insert: "AND STATUTORILY APPROPRIATING THAT MONEY TO PAY EXPENSES  
INCURRED UNDER THE PROGRAM"
3. Title, line 12.  
Following: "LEGISLATURE;"  
Insert: "AMENDING SECTION 17-7-502, MCA;"
4. Page 2, lines 1 through 9.  
Following: "(2)"  
Strike: remainder of line 1 through "purposes" on line 9  
Insert: "The amount of \$1.75 million of fishing license revenue  
transferred to the department as provided in 87-1-601 must  
be deposited annually in the future fisheries account  
established in [section 2] and expended by the department  
for expenses incurred under the future fisheries improvement  
program as provided in this section."
5. Page 2, line 20.  
Insert: "**NEW SECTION. Section 2. Future fisheries account  
established -- statutory appropriation and expenditure of  
account.** There is a future fisheries account in the state  
special revenue fund. Money transferred under [section 1(2)]  
must be deposited in the account to the credit of the  
department. Money in the account is statutorily  
appropriated, as provided in 17-7-502, and may be expended  
by the department to pay expenses incurred under the future  
fisheries improvement program established in [section 1].
- Section 3.** Section 17-7-502, MCA, is amended to read:  
"17-7-502. **Statutory appropriations -- definition --  
requisites for validity.** (1) A statutory appropriation is an  
appropriation made by permanent law that authorizes spending by a  
state agency without the need for a biennial legislative  
appropriation or budget amendment.  
(2) Except as provided in subsection (4), to be effective,  
a statutory appropriation must comply with both of the following  
provisions:  
(a) The law containing the statutory authority must be  
listed in subsection (3).  
(b) The law or portion of the law making a statutory

appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201; 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403; 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222; 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; [section 2], 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates July 1, 1995.)"

Renumber: subsequent sections

6. Page 2, line 21.

Strike: "Section"

Insert: "Sections"

Following: "1"

Insert: "and 2"

7. Page 2, line 23.

Strike: "section"

Insert: "sections"

Following: "1"

Insert: "and 2"

Amendments to Senate Bill No. 210  
Third Reading Copy

For the Committee on Fish & Game

Prepared by Doug Sternberg  
March 7, 1995

1. Page 7, line 19.

Strike: "subsection"

Insert: "subsections"

Following: "(4)"

Insert: "(b) through (4) (e) "

2. Page 7, line 24.

Following: "section"

Insert: ", except that a reassigned member will continue to  
qualify as a resident if the member's spouse and dependents  
continue to physically reside in Montana and the member  
continues to meet the residency criteria of subsections  
(4) (b) through (4) (e) "

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

## FISH BGAME

COMMITTEE

DATE MARCH 9, 1995

BILL NO. <sup>4B</sup> 349

SPONSOR(S) RANEY

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[illegible]

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

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