

Senate Bill 51

In The Senate

January 5, 1981	Introduced and referred to Committee on Fish and Wildlife.
January 6, 1981	Fiscal note requested.
January 9, 1981	Fiscal note returned.
February 17, 1981	Committee recommend bill do not pass.

1 SENATE BILL NO. 51
2 INTRODUCTION BY GALT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE COMPENSATION
5 FOR QUALIFYING FISH AND GAME WARDENS FOR HOURS WORKED IN
6 EXCESS OF 40 HOURS PER WEEK BY PAYING A PREMIUM IN 26 EQUAL
7 PARTS ANNUALLY OVER AND ABOVE THE WARDEN'S NORMAL SALARY; TO
8 OBTAIN PREMIUM PAY FUNDS FROM FUNDS GENERATED FROM THE SALE
9 OF NONRESIDENT HUNTING AND FISHING LICENSES; AMENDING
10 SECTIONS 87-1-601 AND 87-1-602, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Premium pay. (1) Every
14 permanent fish and game warden below the rank of sergeant
15 shall be compensated for the hours he works in excess of 40
16 hours per week solely by means of premium pay equivalent to
17 15% of the annual gross salary of a permanent state fish and
18 game field warden with 10 years' service.

19 (2) Premium pay shall be disbursed in 26 equal payments
20 annually to each qualifying fish and game warden.

21 (3) Premium pay shall be paid out of the proceeds from
22 the sale of nonresident hunting and fishing licenses.

23 Section 2. Section 87-1-601, MCA, is amended to read:
24 "87-1-601. Use of fish and game moneys. (1) All moneys
25 collected or received from the sale of hunting and fishing

1 licenses or permits, from the sale of seized game or hides,
2 or from damages collected for violations of the fish and
3 game laws of this state, from appropriations, or received by
4 the department from any other state source shall be turned
5 over to the state treasurer and placed by him in the
6 earmarked revenue fund to the credit of the department. Any
7 moneys received from federal sources shall be deposited in
8 the federal and private revenue fund to the credit of the
9 department.

10 (2) ~~Those~~ Subject to subsection (3) of [section 1],
11 those moneys shall be exclusively set apart and made
12 available for the payment of all salaries, premium pay, per
13 diem, fees, expenses, and expenditures authorized to be made
14 by the department under the terms of this title. Those
15 moneys shall be spent for those purposes by the department,
16 subject to appropriation by the legislature.

17 (3) Any reference to the fish and game fund in this
18 code means fish and game moneys in the earmarked revenue
19 fund and federal and private revenue fund.

20 (4) All money collected or received from fines and
21 forfeited bonds relating to violations of state fish and
22 game laws under title 37 shall be deposited by the state
23 treasurer and credited to the department of fish, wildlife,
24 and parks in an earmarked revenue fund account for this
25 purpose. Out of any fine imposed by a court for the

LC 0090/01

1 violation of the fish and game laws, the costs of
2 prosecution shall be paid to the county where the trial was
3 held in any case where the fine is not imposed in addition
4 to the costs of prosecution."

5 Section 3. Section 87-1-602, MCA, is amended to read:

6 "87-1-602. Payment of salaries, per diem, and expenses.

7 ~~*** Subject to subsection (3) of [section 1],~~ salaries,
8 ~~premium pay,~~ per diem, expenses, and claims incurred by the
9 department or a person appointed or employed by it shall be
10 paid out of fish and game moneys in the general fund,
11 federal and private revenue fund, earmarked revenue fund, or
12 other applicable fund upon warrants properly drawn on those
13 funds."

14 Section 4. Codification instruction. Section 1 is
15 intended to be codified as an integral part of Title 87, and
16 the provisions of Title 87 apply to section 1.

-End-

STATE OF MONTANA

REQUEST NO. _____

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 51 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation:

An act to provide compensation for qualifying fish and game wardens for hours worked in excess of 40 hours per week by paying a premium in 26 equal parts annually over and above the warden's normal salary.

Assumptions:

1. Approximately 70 wardens will be eligible to draw compensation under the proposed legislation.
2. It is assumed all eligible wardens will work in excess of 40 hours per week.
3. State employees will receive approximately a 12% pay increase during each of the fiscal years.
4. A permanent state fish and game warden with 10 years service will be paid \$2,093 during FY82 and \$22,504 during FY83. Fifteen percent premium pay per man FY82 - \$3,013; FY83 - \$3,375.

Fiscal Impact:

	FY 82	FY 83
Expenditures under proposed law		
Personal Services	\$1,617,420	\$1,811,530
Less expenditures under current law		
Personal Services	\$1,406,510	\$1,575,280
Increased expenditures under proposed law		
Personal Services	\$ 210,910	\$ 236,250
FWP nonresident license fees ERA	\$ 210,910	\$ 236,250

Comments:

Enactment of SB51 will increase the enforcement division's budget by \$210,910 in FY 82 and \$236,250 in FY 83. The bill provides funding from the sale of nonresident hunting & fishing licenses, but does not indicate a budget increase or earmarking of nonresident fees to meet that budget increase. The present proposed budget could not absorb the increases without a reduction in manpower.

David Lewis

The bill does not give any qualifying conditions for the premium pay in relation to wardens working exactly 40 hours per week or the number of hours in excess of 40 hours. Also, SB51 does not indicate that compensatory time will be deleted.

BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1-9-81