

SENATE BILL NO. 193

INTRODUCED BY L. JENT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SALARY INCREASES FOR GAME WARDENS FUNDED BY INCREASED NONRESIDENT WILDLIFE CONSERVATION LICENSE FEES; ESTABLISHING COMPENSATION RATES; AMENDING SECTIONS 2-18-303, 2-18-304, 44-1-504, 87-1-601, 87-1-602, AND 87-2-202, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. Section 1. Special revenue account to partially fund game warden salaries. (1)

There is an account in the state special revenue fund provided for in 17-2-102.

(2) The money in the account is to be used by the department of fish, wildlife, and parks to fund game warden salaries pursuant to 2-18-303.

(3) Any money in the account that is unspent or unencumbered at the end of a fiscal year must remain in the account.

Section 2. Section 2-18-303, MCA, is amended to read:

"2-18-303. Procedures for administering broadband pay plan. (1) On the first day of the first complete pay period in fiscal year ~~2010~~ 2014, each employee is entitled to the amount of the employee's base salary as it was on June 30, ~~2009~~ 2013.

(2) An employee's base salary may be no less than the minimum salary of the pay band to which the employee's position is allocated.

~~(3) All full-time employees whose base pay is \$45,000 or less annually will receive a one-time lump-sum payment of \$450 for the first full pay period after July 1, 2009. All part-time employees who are regularly scheduled to work 20 hours or more per week and whose base pay is \$21.635 per hour or less will receive a one-time lump-sum payment of \$225 for the first full pay period after July 1, 2009.~~

~~(4)(3)~~ (a) (i) A member of a bargaining unit may not receive ~~the a~~ pay adjustment ~~provided for in subsection (3)~~ until the employer's collective bargaining representative receives written notice that the employee's collective bargaining unit has ratified a collective bargaining agreement.

(ii) If ratification of a collective bargaining agreement, as required by subsection ~~(4)(a)(i)~~ (3)(a)(i), is not completed by the date on which a legislatively authorized pay increase is implemented, members of the bargaining unit must continue to receive the compensation that they were receiving until an agreement is ratified.

(b) Methods of administration consistent with the purpose of this part and necessary to properly implement the pay adjustments provided for in this section may be provided for in collective bargaining agreements.

(4) (a) Subject to subsection (6), on and after the date of the first full pay period of July 2014, the following compensation rates for game wardens are established as a percentage of the base pay for a game warden captain:

(i) 65% for the entry-level salary of a probationary game warden;

(ii) 70% for a nonprobationary game warden with more than 1 but less than 5 years of service;

(iii) 75% for a game warden with more than 5 but less than 10 years of service;

(iv) 80% for a game warden with more than 10 but less than 15 years of service;

(v) 85% for a game warden with more than 15 but less than 20 years of service;

(vi) 87% for a game warden with more than 20 years of service; and

(vii) 90% for a game warden regional investigator or covert investigator.

(b) Game wardens who are compensated pursuant to subsection (4)(a) are not eligible to receive the longevity allowance provided in 2-18-304.

(c) For the purposes of this subsection (4), the term "game warden" means an employee of the department of fish, wildlife, and parks who is subject to the provisions of 87-1-502.

(5) To the extent that the provisions of subsection (4) apply to employees within a collective bargaining unit, the implementation of the plan is a negotiable subject under 39-31-305.

(6) The provisions of subsection (4) are subject to the amount of money available in the account established in [section 1]. If the account contains less than 100% of the money necessary to fund the provisions of subsection (4), the salary provisions of subsection (4)(a) must be funded in a percentage equal to the percent of funds available.

(7) Base or biennial salary increases provided pursuant to subsection (4) are exclusive of and not in addition to any increases otherwise awarded to other state employees after July 1, 2014.

(8) If, as a result of a study conducted pursuant to 19-2-405(5), a salary increase or change in the cost of a benefit provided pursuant to subsections (4) through (7) is shown to adversely impact the game wardens'

1 and peace officers' retirement system, the difference in the normal cost of the benefit must be paid out of the
2 account established in [section 1]. For the purposes of this subsection, the term "normal cost" has the same
3 meaning provided in 19-2-303.

4 ~~(5)~~(9) (a) Montana highway patrol officer base salaries must be established through the broadband pay
5 plan. Before January 1 of each odd-numbered year, the department shall, after seeking the advice of the Montana
6 highway patrol, conduct a salary survey to be used in establishing the base salary for existing and entry-level
7 highway patrol officer positions. The county sheriff's offices in the following consolidated governments and
8 counties are the labor market for purposes of the survey: Butte-Silver Bow, Cascade, Yellowstone, Missoula,
9 Lewis and Clark, Gallatin, Flathead, and Dawson. The base salary for existing and entry-level highway patrol
10 officer positions must then be determined by the department of justice, using the results of the salary survey and
11 the department of justice pay plan guidelines. Base or biennial salary increases under this subsection are
12 exclusive of and not in addition to any increases otherwise awarded to other state employees after July 1, 2006.

13 (b) To the extent that the plan applies to employees within a collective bargaining unit, the
14 implementation of the plan is a negotiable subject under 39-31-305.

15 (c) The department of justice shall submit the salary survey to the office of budget and program planning
16 as a part of the information required by 17-7-111.

17 (d) The salary survey and plan must be completed at least 6 months before the start of each regular
18 legislative session."

19
20 **Section 3.** Section 2-18-304, MCA, is amended to read:

21 **"2-18-304. Longevity allowance.** (1) (a) ~~In~~ Except as provided in 2-18-303(4) and in addition to the
22 compensation provided for in 2-18-303, each employee who has completed 5 years of uninterrupted state service
23 must receive 1.5% of the employee's base salary multiplied by the number of completed, contiguous 5-year
24 periods of uninterrupted state service.

25 (b) In addition to the longevity allowance provided under subsection (1)(a), each employee who has
26 completed 10 years of uninterrupted state service, 15 years of uninterrupted state service, or 20 years of
27 uninterrupted state service must receive an additional 0.5% of the employee's base salary for each of those
28 additional 5 years of uninterrupted service.

29 (c) Service to the state is not interrupted by authorized leaves of absence.

30 (2) (a) For the purpose of determining years of service under this section, an employee must be credited

with 1 year of service for each period of:

(i) 2,080 hours of service following the employee's date of employment; an employee must be credited with 80 hours of service for each biweekly pay period in which the employee is in a pay status or on an authorized leave of absence without pay, regardless of the number of hours of service in the pay period; or

(ii) 12 uninterrupted calendar months following the employee's date of employment in which the employee was in a pay status or on an authorized leave of absence without pay, regardless of the number of hours of service in any month. An employee of a school at a state institution or the university system must be credited with 1 year of service if the employee is employed for an entire academic year.

(b) State agencies, other than the university system and a school at a state institution, shall use the method provided in subsection (2)(a)(i) to calculate years of service under this section.

(3) For the purposes of calculating longevity, employment as a short-term worker does not apply toward years of service."

Section 4. Section 44-1-504, MCA, is amended to read:

"44-1-504. Special revenue account to partially fund highway patrol officers' salaries. (1) There is an account in the state special revenue fund provided for in 17-2-102.

(2) The money in the account is for the department of justice to fund, pursuant to ~~2-18-303(5)~~ 2-18-303(9):

(a) the base salary and associated operating costs for highway patrol officer positions; and

(b) biennial salary increases for highway patrol officers."

Section 5. Section 87-1-601, MCA, is amended to read:

"87-1-601. Use of fish and game money. (1) (a) Except as provided in 87-1-290, 87-1-623, and subsections (8), ~~and (10), and (11)~~ of this section, all money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from appropriations or received by the department from any other state source must be turned over to the department of revenue and placed in the state special revenue fund to the credit of the department.

(b) Any money received from federal sources must be deposited in the federal special revenue fund to the credit of the department.

(c) All interest earned on money from the following sources must be placed in the state special revenue fund to the credit of the department:

- (i) the general license account;
- (ii) the license drawing account;
- (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-722, and 87-2-724; and
- (iv) money received from the sale of any other hunting and fishing license.

(2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. The money described in subsection (1) must be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special revenue fund and the federal special revenue fund.

(4) Except as provided in subsections (8) and (9), all money collected or received from fines and forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and game laws under Title 87 must be deposited by the department of revenue and credited to the department in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the fine is not imposed in addition to the costs of prosecution.

(5) (a) Except as provided in 87-1-621, section 2(3), Chapter 560, Laws of 2005, and subsection (6) of this section, money must be deposited in an account in the permanent fund if it is received by the department from:

- (i) the sale of surplus real property;
- (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department, except royalties or other compensation based on production; and
- (iii) leases of interests in department real property not contemplated at the time of acquisition.

(b) The interest derived from the account, but not the principal, may be used only for the purpose of operation, development, and maintenance of real property of the department and only upon appropriation by the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or state statutes specifically naming the department or money received by the department, then the use of this

1 money must be limited in the manner, method, and amount to those uses that do not result in a violation.

2 (6) Money received from the sale or lease of lands acquired and managed for the purposes of Title 23,
3 chapter 1, must be deposited in the state special revenue fund in the account established for miscellaneous funds
4 received for state parks and may be used only for the purposes of Title 23, chapter 1.

5 (7) Money received from the collection of license drawing applications is subject to the deposit
6 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit
7 schedule pursuant to 17-6-105(8).

8 (8) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or
9 rules adopted under 77-1-804 must be deposited in the state general fund.

10 (9) The department of revenue shall deposit in the state general fund one-half of the money received
11 from the fines imposed pursuant to Title 87, chapter 6.

12 (10) (a) The department shall deposit all money received from the search and rescue surcharge in
13 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as
14 provided for in 10-3-801.

15 (b) Upon certification by the department of reimbursement requests submitted by the department of
16 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the
17 department may transfer funds from the special revenue account to the search and rescue account provided for
18 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

19 (c) Using funds in the department's search and rescue account that are not already committed to
20 reimbursement for search and rescue missions, the department may provide matching funds to the department
21 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion
22 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears
23 to the statewide total of search and rescue missions.

24 (d) Any money deposited in the special revenue account is available for reimbursement of search and
25 rescue missions and to provide matching funds to reimburse counties for search and rescue training and
26 equipment costs.

27 (11) For each nonresident wildlife conservation license sold pursuant to 87-2-202, \$10 must be deposited
28 in the account established in [section 1]."

29
30 **Section 6.** Section 87-1-602, MCA, is amended to read:

1 **"87-1-602. Payment of salaries, per diem, and expenses.** All salaries, per diem, expenses, and claims
2 incurred by the department or a person appointed or employed by it ~~shall~~ must be paid out of fish and game
3 ~~moneys~~ money in the general fund, the federal special revenue fund, the state special revenue fund, the account
4 established in [section 1], or any other applicable fund upon warrants properly drawn on those funds."

5
6 **Section 7.** Section 87-2-202, MCA, is amended to read:

7 **"87-2-202. Application -- fee -- expiration.** (1) Except as provided in 87-2-803(12), a wildlife
8 conservation license must be sold upon written application. The application must contain the applicant's name,
9 age, [last four digits of the applicant's social security number,] occupation, street address of permanent residence,
10 mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the
11 United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana
12 driver's license, a Montana driver's examiner's identification card, a tribal identification card, or other identification
13 specified by the department to substantiate the required information when applying for a wildlife conservation
14 license. It is the applicant's burden to provide documentation establishing the applicant's identity and
15 qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license pursuant
16 to 87-2-803(12).

17 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be
18 recorded according to rules that the department may prescribe.

19 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a
20 search and rescue surcharge.

21 (b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~\$10~~ \$20, of which \$10 must
22 be deposited in the account established in [section 1] and 25 cents is a search and rescue surcharge.

23 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the
24 wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access
25 enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage
26 enhanced hunting access through the hunter management and hunting access enhancement programs
27 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
28 the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only
29 once during any license year.

30 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses

1 the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access
2 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage
3 enhanced hunting access through the hunter management and hunting access enhancement programs
4 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
5 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable
6 only once during any license year.

7 (4) Licenses issued are void after the last day of February next succeeding their issuance.

8 [(5) The department shall keep the applicant's social security number confidential, except that the
9 number may be provided to the department of public health and human services for use in administering Title
10 IV-D of the Social Security Act.]

11 (6) The department shall delete the applicant's social security number in any electronic database [5 years
12 after the date that application is made for the most recent license]. (Bracketed language terminates or is amended
13 on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in
14 subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch.
15 596, L. 2003.)"

16
17 **NEW SECTION. Section 8. Codification instruction.** [Section 1] is intended to be codified as an
18 integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to [section 1].

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20 **NEW SECTION. Section 9. Effective date.** [This act] is effective January 1, 2014.

21 - END -