

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

January 11, 1979

The third meeting of the Fish and Game Committee was called to order by Chairman Ed Smith, at 1:35 P.M., in Room 402 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL 26, A BILL FOR AN ACT
ENTITLED: "AN ACT TO INCREASE THE FEE FOR DUPLICATE LICENSES
IN ORDER TO MAKE THE FEE MORE COMMENSURATE WITH THE COSTS
INVOLVED:"

Chairman Smith requested that the Chief Sponsor of the bill, Senator Galt, explain it. Senator Galt called on Fish and Game Department representatives, who proposed the bill, to do this.

Mr. Erv Kent, Administrator of the Law Enforcement Division of the Montana Fish and Game Department, testified in favor of the bill, along with a proposed amendment.
(Attachment #1)

There being no other proponents, Chairman Smith called for opponents to the bill.

Mr. Robert VanDerVere, representing himself, asked if it would be necessary to hire additional personnel to enforce the law, should the increase be granted. He also asked if this increase would include duck and bird stamps, etc.

Mr. Kent replied the best way to approach the question would be to show the document now used in duplicate license procedure. (Attachment #2) He explained if the proposed legislation becomes law, the charge would be a flat \$3 fee, whether one license were lost or five were lost. He said under the new bill, it would cost \$3 for anything, such as in the event a person lost his wallet containing all licenses. He explained also that duck stamps were federally controlled. He felt that, since they do not have duplicates, a person would be required to purchase another stamp.

Senator Goodover asked how the amendment would read if it didn't mean for each license replaced, but rather for all licenses replaced.

Mr. Woody Wright, Department Attorney for the Fish and Game Department, said the amendment would have a deletion removing the wording, "for each license replaced," and that he was sorry the deletion had not been made in the amendment before the meeting began. (Attachment #1 with proposed amendment included) He explained that the Conservation License originally costs \$1 and the bill should be amended so that people who lose the Conservation License should not have to pay more than \$1 to replace it.

Chairman Smith asked if there was any other testimony to be presented. There was none.

Debbie Schmidt, Legislative Council Researcher, suggested using the wording, "whichever is the smaller amount," rather than the word, "lesser." This was agreed upon by the Committee.

Chairman Smith asked the Committee Secretary to read the amendment, as decided upon. (Please refer to Standing Committee Report on SB 26)

ACTION ON SENATE BILL 26: Senator Galt made a motion that SENATE BILL 26 DO PASS, AS AMENDED. Chairman Smith did not request a second; the motion carried.

Senator Van Valkenburg asked how the Fish and Game Department had arrived at the figure of \$3, rather than \$2. He brought out that the driver's license duplicate fee was \$1.

Mr. Kent said the Department arrived at the figure in several ways: trying to estimate the cost of duplication, comparative analysis with what other states are charging, etc. He said some states required the original purchase price of the license; some are \$3, some \$5, and so forth.

Senator Van Valkenburg asked how much revenue would be generated by this increase. Mr. Kent replied that, as closely as he could determine, it would produce approximately \$6,000 annually.

Senator Van Valkenburg asked what costs the Department anticipated in regard to the duplicate license fee increase. Mr. Kent replied the present situation of the Department is that only wardens of Fish and Game Department Regional Offices, along with the State Office, can issue duplicate licenses. The local license dealers cannot.

He said this does require additional effort, but that he couldn't give the Committee a cost estimate. He felt the Department should have a system whereby it could check to see if an individual purchased a license originally or if they did not. He said presently they do not have records set up on a computer, and they would need some programming in that area. He felt the Department should gear this enforcement to what needs exist in Montana, and not to what other state are presently doing.

Senator Manley said it was his understanding that the Fish and Game Department wanted its licenses on a computerized set-up similar to that of the Highway Patrol with driver's licenses. He asked what would happen if he were stopped by a Fish and Game Department official, and did not have his license with him.

Mr. Kent replied he would probably be issued a courtesy citation and be asked to produce his license at some later date to show evidence of purchase.

Senator Manley said he felt if he had originally paid for a license and lost it, the Department should supply a duplicate without charge. It is his feeling the Department is in existence to serve the people, and not the other way around.

Mr. Kent brought out that elk and deer tags are quite different from a driver's license in that if you are hunting and kill game, you are required by law to tag the animal immediately.

Senator Manley asked if the computer system were set up, would it then be possible for a game warden to call in and check to see if a hunter possessed a license.

Mr. Kent replied that the records would be only as complete as the license dealers reports are accurate. He felt it would be a good idea for the Department to make a run-down of the licenses from spring and then check them in the fall.

Dr. Wambach said the cost of issuing duplicates far exceeds the \$1 charge now being assessed. It costs about \$1 to \$2 at the present time to issue duplicates, and that does not include the warden's time or staff time. He felt that a \$3 fee would be pretty close to the cost of issuing. He said the Department would like to discourage people from losing their licenses. Secondly, he said, there is misuse and fraud, where people will apply for and receive a duplicate license to give to a friend, when they still possess their original license.

Senator Goodover asked about administrative costs.

Dr. Wambach called on Mr. Larry Putnam, Administrator of the Centralized Services Division of the Montana Fish and Game Department, to discuss the budget. Mr. Putnam said the Department receives only a small appropriation from the general fund, and it is for the Parks Section of the Parks and Recreation Division. He said this amounts to approximately \$492,000 per fiscal year. The total Fish and Game Department budget request, including federal funds, is approximately \$25 million for the biennium. Mr. Putnam pointed out that the non-resident license revenue produces 62 percent of the overall fees collected.

Senator Van Valkenburg said he recently read that the Department had received 1.7 million dollars from the federal government.

Senator Anderson mentioned that he recently read the cost of processing a federal letter is about \$5; thus, he could understand the \$3 for a duplicate license would be a reasonable fee.

Senator Manley asked what the cost would be if you bought all available licenses.

Mr. Kent replied current license fees are as follows: elk - \$8; deer - \$7; bird - \$4; fishing - \$5; Conservation License-\$1. The Sportsman's License, which costs \$35.00, includes 1 elk, 1 deer, fishing, bird and bear, as well as the Conservation License.

Senator Manley reiterated that the Fish and Game Department, is a public servant of the state and, as such, should be providing services, rather than charging for them.

Chairman Smith said he didn't think he should be penalized; he said he has only lost a license once and didn't think he should have to pay for the hunter who keeps losing his.

Senator Van Valkenburg stated that if the Fish and Game Department were going to generate more money than it needs for this program, the Committee should know about it.

Dr. Wambach said the cost of licenses varies according to the paper used in printing, etc. He said the Department is attempting to provide a service to the people of Montana. He also said if the Committee would like the Department to provide a more detailed analysis of revenue and cost, he would be happy to arrange for it.

Senator Van Valkenburg responded that he would not require further information; he said it is more easily understood after Dr. Wambach's explanation.

Senator Goodover asked if Fish and Game Department personnel would actually drive to someone's residence to replace a license. He wondered if it wouldn't be better to have the people come in and get their duplicates themselves.

Dr. Wambach replied that if a warden were passing a residence on his beaten track or route, he would stop and deliver the duplicate. He said this was a courtesy provided by the Department, and he feels it is part of good public relations.

Chairman Smith asked for questions. There were none.

CONSIDERATION OF SENATE BILL 35: A BILL FOR AN ACT
ENTITLED: "AN ACT TO PERMIT RESIDENTS WHO WILL HAVE REACHED 12 YEARS OF AGE PRIOR TO SEPTEMBER 15 OF A HUNTING SEASON TO APPLY FOR AND OBTAIN PERMITS FOR THAT SEASON IN THE SAME MANNER AS NONRESIDENTS."

Senator Anderson, Chief Sponsor of the bill, read it before the Committee.

Chairman Smith asked for proponents of the bill to testify.

Mr. Erv Kent testified in favor of the bill, representing the Fish and Game Department. (Attachment #3)

Chairman Smith asked if there were any other proponents; there were none.

Chairman Smith asked for opponents of the bill to testify.

Mr. VanDerVere, representing himself, said that if the bill passed it would allow 12-year-olds to apply for special permits. He brought up the 5-year preference system for special permits which went into effect for the first time last year. On November 28, 1978, during a Commission meeting, it was decided to conduct public hearings and send out survey sheets with hunter questionnaires to determine if the people of Montana are in favor of or opposed to the preference system. He objected to the fact that the Department is spending money on personnel in the field to obtain opinions on this, and then it turns around and requests an increase in license fees.

Chairman Smith asked if there were an identical House Bill. Mr. Wright replied there is a comprehensive revision of hunting licenses presently in the House, which the Department refers to as Chapter 2. He said the provisions in that bill are to effect this same amendment. He mentioned that the Department received some severe comment from resident fathers when their children were not allowed to do what a nonresident could do in regard to applying for special permits. Mr. Wright said the House Bill is a comprehensive, all-inclusive bill, and the Department wasn't sure it would pass; they would like to have both bills pass, if possible.

Mr. Kent said the problem that exists is that presently the B-2 license allows nonresident youths who will be 12 years of age by September 15 to apply for special permits. At the present time, it is not possible for Montana residents to do this. He feels that SB 35 will eliminate this discrimination. He said if Chapter 2 (the House Bill) passes, it will do away with the B-2 nonresident licenses and remove discrimination. He concluded by saying the intent of SB 35 was to specify deer and elk and limit it to that.

Senator Goodover suggested that we eliminate the nonresident approval; therefore, the resident and nonresident would be treated in the same manner.

Senator Manley asked how old a child must be before he does not have to be accompanied by an adult. Erv Kent said they must be 14 years of age. (Section 94-8-221)

Senator Manley asked if the people accompanying young hunters had to be licensed also; Mr. Kent replied they did not. He said any youth between the ages of 12 and 18, however, must possess a Certificate of Competency.

Senator Manley asked Department representatives how many fathers who went hunting with their children shot game, rather than the youth doing it. Mr. Kent said he did not feel this was causing a problem at the present time.

Dr. Wambach spoke of the five-year preference program; he said if a youth applied for a special permit at age 12, chances are he would be 17 by the time he received one, since there is such a backlog of applicants and, at the present time, there are no extra licenses.

After determining there were no further questions, Chairman Smith closed the hearing to the public.

DISCUSSION OF SENATE BILL 31: A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A SEVEN-MEMBER FISH AND GAME COMMISSION: TO PROVIDE FOR THE APPOINTMENT, TERM, QUALIFICATIONS, AND REMOVAL OF FISH AND GAME COMMISSIONERS; TO PROVIDE FOR THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME BY THE COMMISSION: AND TO RAISE THE MINIMUM EXPENDITURE REQUIRING COMMISSION APPROVAL FROM \$1,000 TO \$2,500."

Chairman Smith announced that because of the extensive interest in SB 31, Chief Sponsor, Senator Towe, and he agreed to give a week's notice for hearing. The bill is scheduled to be heard on January 20, at 1:30 P.M., rather than January 13.

After a discussion prompted by Senator Manley, it was decided that the Senate Committee meeting room might not accommodate the hearing scheduled for SB 31. Dr. Wambach offered the Fish and Game Building conference room, saying it would seat approximately 60 people in addition to the Committee. Senator Manley made a motion to use the facilities of the Fish and Game Department Building; the motion passed unanimously. Chairman Smith announced the House Fish and Game Committee would be invited to sit in on hearing and ask questions.

Mr. Bill Romine, lobbyist for several sportsmen's groups, asked how much time would be allotted for proponents and opponents.

ANNOUNCEMENT: Chairman Smith said the Committee would allow a total of two hours for the hearing; 45 minutes for the proponents; 45 minutes for the opponents, and then time for rebuttal by the proponents and for questions.

DISPOSITION OF SENATE BILL 26: Senator Galt moved that SENATE BILL 26 DO PASS, AS AMENDED. A roll call vote was conducted. The result was DO PASS, AS AMENDED, with 6 members voting "yes," and Senator Manley voting "no."

Senator Manley said he felt the Fish and Game Department was set down by charter to furnish a service to Montanans. He does not feel there should be any charge for duplicate licenses. He said if there was to be a charge, it should be the original cost of the license, rather than a \$3.00 fee.

Chairman Smith said, in his opinion, the \$3 fee is a penalty to those hunters who take care of their licenses and do not lose them.

DISPOSITION OF SENATE BILL 35: There was a motion by Senator Anderson that SENATE BILL 35 DO PASS. A roll call vote was conducted, which indicated unanimous approval of the motion.

*Note Senate Bill 31 was posted for hearing on January 10 for January 13; the same day, it was cancelled for that date and set for January 20.

Senator Anderson received Chairman Smith's approval to be excused from the January 20 hearing, since he has another commitment. Chairman Smith said the Committee will not take any action on the bill until the full Committee is present.

ADJOURNMENT: Senator Galt moved for adjournment. The meeting adjourned at 3:05 P.M.



SENATOR ED SMITH, CHAIRMAN

Date 1-11-7

ROLL CALL

FISH AND GAME COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
SMITH, Ed, Chairman	✓		
GALT, Jack E., Vice Chairman	✓		
ANDERSON, Mike	✓		
GOODOVER, Pat M.	✓		
MANLEY, John E.	✓		
STIMATZ, Lawrence G.	✓		
VAN VALKENBURG, Fred	✓		

Each Day Attach to Minutes.

SENATE

Jack J. Barr COMMITTEE

BILL AB 36
AB 35

VISITORS' REGISTER

DATE 1-11-79

Please note bill no.

11 (check one)

SUPPORT | OPPOS

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

Attachment #

STATE OF MONTANA



DEPARTMENT OF

FISH AND GAME

January 11, 1979

My name is Erwin J. Kent, Administrator of the Law Enforcement Division of the Department of Fish & Game speaking in favor of Senate Bill 26.

The purpose of this legislation is to increase the fee for duplicate licenses in order to make the fee more commensurate with costs involved and to provide programs for computerizing records to cross check validity of replacement licenses. This would be to insure that the applicant did, in fact, possess the original license.

Since 1973, the sales of duplicate licenses has increased from 3,322 to 3,710 in 1978.

Under present department rules, an applicant for a duplicate license must complete and sign an affidavit stating that the original license or licenses have been lost, stolen, or destroyed. The applicant is then issued a duplicate that is validated accordingly for the specific licenses that are being requested to be replaced. The present fee for the duplicate license is \$1.

A random check of 100 duplicates issued in 1978 revealed that the average applicant was issued an average of 2.4 licenses. These would include the following types of licenses: conservation, fishing, bird, deer, elk, bear, archery, mountain lion, etc.

Presently, we are not capable of adequately determining the validity of duplicate license purchases. There is no practical way to determine if the applicant ever had the original license.

One new licensing feature in 1979 will be that computerized records are maintained on all license purchases. It will then become practical to cross check duplicate

January 11, 1979

PROPOSED AMENDMENT TO SENATE BILL 26

That Senate Bill 26 be amended as follows:

1. Page 1, Line 18:

following: "\$3", insert: "or the cost of the original license,
whichever is the lesser"

APPLICATION FOR DUPLICATE OR LOST LICENSE

I do hereby make application for a duplicate or lost license(s) as indicated below.

I purchased the lost license(s) at _____ (Dealer) _____ (City)
on _____ (Approximate date)

DATE OF BIRTH

SEX	EYES	WEIGHT	HEIGHT	HAIR	MO.	DAY	YEAR

Occupation _____ IDENTIFICATION _____

Cert. of Comp. No. _____ DRIVER'S LICENSE NO. _____
(if under 18 years)

SOCIAL SECURITY NO. _____

OTHER IDENTIFICATION _____

✓ INDICATE LOST LICENSE(s) BELOW

- Conservation License
- Resident Fishing
- Resident Bird - Adult
- Resident Bird - Youth
- Resident Elk - Adult
- Resident Elk - Youth
- Resident Deer "A"- Adult
- Resident Deer "A"- Youth
- Resident Sportsman's License
- Resident Black or Brown Bear
- Resident Grizzly
- Other _____ (specify)

- Nonresident \$225.00 Combination
- Nonresident Bird
- Nonresident Fishing 1- day
Valid Date _____
- Nonresident Fishing 6- day
Valid Dates _____
- Nonresident Fishing Season
- Resident and Nonresident Turkey
- Resident and Nonresident Archery
- Nonresident Grizzly
- Other _____ (specify)

I declare the above statements are true and correct. If the original license is/are found, I will return it/them to the Montana Fish and Game Department.

DATE

APPLICANT'S ADDRESS

APPLICANT'S SIGNATURE

ANY FALSE STATEMENT ON THIS APPLICATION CONSTITUTES A MISDEMEANOR

ISSUING AGENT

Instructions to Issuing Agent:

Application for duplicate of lost license(s) must be completely filled in and signed by the applicant and issuing agent must be indicated. Application should be forwarded to the warden in whose district the agent resides. That warden will, in turn, forward the application to the warden in whose district the applicant resides.

Attachment
STATE OF MONTANA

3

DEPARTMENT OF

FISH AND GAME

January 11, 1979

My name is Erwin J. Kent, Administrator of the Law Enforcement Division of the Department of Fish & Game speaking in favor of Senate Bill 35.

The intent of this legislation is to meet the auditor's recommendation that the department correct the inconsistency that exists between the statutes that apply to the applications for special licenses.

Currently, a nonresident youth who will be 12 years of age by September 15 may apply for special licenses. A resident youth who will be 12 years of age by September 15 may not do so. This provision was enacted in the 1975 session; the 1975 session did not mean to make that difference between residents and nonresidents.

The intent of that legislation was to permit persons who reached 12 years of age by September 15 to obtain permits for deer and elk; however, it was necessary to amend the Class B-2 nonresident combination license at that time. Holders of that license may apply for special licenses - thus, the different treatment for nonresident youth.

The department is also including this same proposal in its revision of hunting licenses - a House bill. Because of the comprehensiveness of that revision the auditor's recommendation, and the particular concern rectifying the difference between resident and nonresident youth, this bill is being submitted separately. Should both bills be enacted by the legislature, there will be no conflict, as the intent and wording are the same.

SENATE COMMITTEE FISH AND GAMEDate 1-11-99 Bill No. AB26 Time 2:40

NAME	YES	NO
SMITH, Ed, Chairman	✓	
GALT, Jack E., Vice Chairman	✓	
ANDERSON, Mike	✓	
GOODOVER, Pat M.	✓	
MANLEY, John E.		✓
STIMATZ, Lawrence G.	✓	
VAN VALKENBURG, Fred	✓	

Sherri R. Smith
Secretary

ED B. SMITH
Chairman

Motion: No pass, as amended.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

January 11, 1979

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 26

Respectfully report as follows: That.....SENATE.....Bill No. 26.....

introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "\$3"

Insert: "or the cost of the original license, whichever is the smaller amount."

Strike: remainder of line 18 in its entirety

and, as so amended,

DO PASS

Ed B. Smith

Chairman

SENATE COMMITTEE

FISH AND GAME

Date 1-11-79 Senate Bill No. 75 Time 2:40

Sherri R. Smith
Secretary

ED B. SMITH
Chairman

Motion: No pass

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

January 11, 1979

MR. **PRESIDENT**

We, your committee on **FISH AND GAME**

having had under consideration **SENATE** Bill No. **35**

Respectfully report as follows: That **SENATE** Bill No. **35**

DO PASS

STATE PUB. CO.
Helena, Mont.

Ed B. Smith
Chairman

Y/C