

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

January 20, 1979

The fourth meeting of the Fish and Game Committee was called to order by Chairman Smith at 1:30 P.M., in the Fish and Game Department Building Conference Room, Helena, Montana.

ROLL CALL: All members were present with the exception of Senator Anderson, who was excused.

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 pointed out that this was not a joint hearing; however, the House Fish and Game Committee Chairman, Representative Staigmiller, and his Committee members had been invited to attend and ask questions, if they so desired.

Chairman Smith pointed out that SB 31 is a very controversial bill, and that was evident by the number of people present. This, he said, indicates that there is dissatisfaction with the Commission and the Department. He said although he is Co-Sponsor of the bill, he has no personal feelings about it. He also announced that no action would be taken on the bill today since the full Committee was not present.

ANNOUNCEMENTS: Chairman Smith announced that the format for the hearing would be 45 minutes for the proponents and 45 minutes for the opponents; 10 minutes would be allowed for proponent rebuttal, and then 30 minutes for questions. After the Senate Committee completed questioning, the hearing would be opened up for questions from the House Committee members.

Chairman Smith introduced Senator Tom Towe, Chief Sponsor of the bill, who reviewed the changes it would make in present law. He said the qualifications for Commissioners would be such that an individual could represent one or more category, and that would provide greater flexibility in the selection of the Commission.

Senator Towe introduced proponents of the bill as follows:

Mr. Al Jenkins, Secretary of the Billings Rod and Gun Club, who who presented a statement and charts. (Attachment #1)

Mr. Floyd Kimmel, Director of the Billings Rod and Gun Club, Member of the Southeastern Sportsmen's Association, and member of the Sportsman-Landowner Advisory Committee, who presented a statement. (Attachment #2)

Mr. Harold Thorson, Treasurer of the Billings Rod and Gun Club, who presented a statement. (Attachment #3)

Mr. Fred Carver, President of the Southeastern Montana Sportsmen's Association, from Billings, who presented a statement. (Attachment #4)

Mr. Keggy Brown, Director of the Wildlife Association, from Helena, who spoke in favor of the bill.

Mr. Mike Fouhy, a member of the West Daniels Gun Club, of Peerless, Montana, who presented a statement. (Attachment #5)

Mr. Bob Burns, a member of the Board of Directors of the Laurel Rod and Gun Club, who spoke in favor of the bill.

Mr. Kent Brown, Executive Secretary of the Wildlife Management Association, of Helena, who spoke in favor of the bill.

Mr. Bill Fouhy, a landowner from Absarokee, Montana, who presented a statement. (Attachment #6)

Mr. C. C. "Jiggs" Stapleton, Director of the Southeastern Sportsmen's Association, of Billings, who presented a statement. (Attachment #7)

Mr. Ted Thompson, an outfitter and guide from Big Timber, who testified in favor of the bill. His feeling was that the Department system is not efficient the way it is presently.

Mr. Gary Keeler, a member of the Wildlife Management Association, who spoke in support of the bill. He said it would provide more effective management and control.

Mr. Duane Schuchard, a Director of the Billings Rod and Gun Club, who spoke in favor of the bill.

Mr. Bill Romine, of Helena, representing the Southeastern Sportsmen's Association, the Billings Rod and Gun Club,

and the Wildlife Management Association, who presented a statement. (Attachment #8)

Representative Huennekens announced he strongly supported the bill.

Senator Towe said he had completed his introduction of proponents. Chairman Smith asked if there were other proponents who wished to testify.

Mr. Don Merritt, representing himself and the Montana Outfitters and Guides Association, spoke in favor of the bill. He said he supported it personally, as well as does the Montana Outfitters and Guides Legislative Committee.

Mr. Howard Kelsey, of Gallatin Gateway, representing the Gallatin Game Association, presented a statement in support of the bill. (Attachment #9) He said the bill will provide for a more responsive Commission, which may help to bring the entire group closer to the people. However, he said he did acknowledge the need for a few amendments.

Mr. Ralph Holman, of McCloud, Montana, presented a statement in favor of the bill. (Attachment #10)

Chairman Smith announced that only 5 minutes remained for the proponents and asked that anyone who did not get an opportunity to speak please provide the secretary with written testimony or testimony sheet comments. He assured the group that all testimony would be considered by the Committee.

Mr. Gary Stuker, of Havre, President of the Montana Wildlife Federation said he had written testimony. His association supports the bill, but wishes amendments to provide for a different method of Director appointment and non-alignment of Administrative Districts and Commissioner Districts. (Attachment #11)

Ms. Jennifer Cote, of Missoula, Chairwoman of the Legislative Committee of the Western Montana Fish and Game Association, said her group generally supports the bill, but had drawn some proposed amendments. She said they would like to have the Director of the Department appointed by the Commission. However, they do not feel that serving at the pleasure of the Commission is an improvement to the present situation. They feel the Director needs a certain amount of independence and should not be removed without a valid reason. Furthermore, they feel a committee to recommend Director candidates could be useful; its members should represent the Department, the Commission, and the public. She said, should it become a case of accepting the bill as it is, or nothing, her association would support it. (Attachment #12)

Mr. Glen Childers, of Brusett, Montana, representing the Garfield-McCone Legislative Association, said his association supports the bill, but offered several amendments. (Attachment #13)

Mr. Fred Bassett, of Big Sky, Montana, spoke in support of the bill, with the stipulation that it be amended. (Note: there was no comment on his testimony sheet as to what the amendments might be.)

Ms. Bessie Rehm, of Gallatin Gateway, Montana, representing the Gallatin Canyon Game Association, spoke in support of the bill, with amendments. (Note: There was no comment on her testimony sheet to indicate what the amendments should be.)

Mr. Gary Hjelseth, of Billings, Montana, presented a statement favoring passage of the bill. (Attachment #14)

Mr. Vic Benson, Jr., of Gallatin Gateway, Montana, spoke in favor of the bill, with amendments. (Attachment #15)

OPPONENTS: Chairman Smith announced the time had expired for proponents to speak, and called for testimony from the opponents to the bill.

Mr. Joe Roberts, Administrative Assistant for the Governor's Office, spoke in opposition to the bill. He said most of the problems in the bill could be taken care of by amendment. He felt if the system were changed to 7 Commissioner Districts which parallel the 7 Administrative District, it would create 7 fiefdoms; in that event, he asked, why have a Director at all? Why not just turn the Department over to the Commission? He went on to say that the qualifications of the Commissioners are quite vague; we should also include bird watchers, snowmobilers, archers, campers, wildlife photographers, etc. in the qualifications to represent the public if we are going to set down Commissioner qualifications such as the bill proposes. That way, every walk of life would be represented. Under the proposed bill, he pointed out, it would be virtually impossible to remove the Commissioners, but the Director would have no protection at all. He also felt that under this bill a Director could only be appointed when the Senate was in session. He said the Governor's Office is opposed because the bill would take away the appointment of the Director from the Governor and place it in the hands of the Commission. This would be in direct conflict with Executive Reorganization, which was set up to provide that all 19 state departments would be directly accountable to the Governor. Mr. Roberts felt this would be disastrous, since the Governor campaigns on a certain platform, but would be unable to fulfill his promises to the people of Montana if he lost control of his department heads.

Mr. Roberts feels the Governor should have the Fish and Game Department responsible to him and then he, in turn, should be responsible to the people who have elected him. He felt that, traditionally, the people of Montana disagree with the way the Department is run and want to change it, but the next session there will be another group who will want to change it again.

Mr. John Wilson, of Belgrade, representing the Montana Council of Trout Unlimited, testified. He said his organization sees disadvantages in having a 7-member Commission, and feels it will make the Department become more political.

Also, he feels it would be an expensive proposition and asked if the benefits of this change would outweigh that expense. He felt the selection process for Commissioners can work as well with 5 Commissioners. His group does not approve of the qualifications outlined for Commissioners, since they feel they would be too limiting. The ten year requirement would preclude any professionals from becoming Commission members, and he felt this stipulation should be changed to 3 or 4 years. (This refers to page 4, subsection (2) (a) of the bill, which states a Commissioner would have to have been active in an organization that is directly concerned with the sports of hunting and fishing or the habitat of all wild game, fish and fowl and has maintained this interest for a period of at least 10 years and subsection (2) (b) or requiring that he be well versed in farming or the raising of domestic livestock and has engaged in such activities for a period of at least 10 years.

He said section 4 is quite limiting in combination with section 3. The Commission should represent the more broad interests of the people of Montana. His organization requests re-writing of this section, which would be in the form of guidelines which would assure the much needed diversity attempted for in section 3. He said sections 6, 7, 8 & 9 meet with their approval. He mentioned that section 10 is "touchy" and they would recommend that subsection 2 be changed to show the Director to be discharged only for cause.

In summary, he said they support the 5-member Commission; request re-writing of the Commissioner qualifications; support the Commission as being the selection body for the Director, and request a tenure period for the Director. (Attachment #16)

Mr. Wes Woodgerd, former Director of the Fish and Game Department, representing himself, testified in opposition to the bill. He said everyone is interested in making state government more efficient and hopefully providing more services for our dollar. In his opinion, this bill proposes to do just the opposite. He felt that adding two additional Commissioners would cost an extra \$10,000 to \$20,000 per year. (Attachment #17)

Mr. Robert Gilbert, representing the Montana Wool Growers Association, testified in opposition to the bill. He said his organization has discussed this proposed legislation at board meetings, and they feel the Governor should appoint the Director. He pointed out that the people of Montana voted for Executive Reorganization. No matter what they do, he said, the Fish and Game Department will always be "under fire." Mr. Gilbert said the problems brought up today by Mr. Al Jenkins should be addressed by the present Commission, rather than appointing two new ones. He felt the Al Bishop-Governor Judge controversy was what prompted the drafting of this bill.

Mr. Gilbert went on to say that the Fish and Game Commission is, has been, and always will be a "hot potato" issue. He brought out the fact that the Billings people have been "saddled" with Mr. Al Bishop and previously Mr. Willis Jones as Commissioners; both men are attorneys. He felt that, if that were the problem, just amend the bill to take out the qualification that an attorney must serve on the Commission. In conclusion, he said he hoped that the Committee would kill the bill.

Mr. Hank Goetz, of Greenough, Montana, presented a statement in opposition to the bill. He felt it would legalize conflict of interest by requiring an outfitter and guide to be a Commission member. (Attachment #18)

Mr. Mons Teigen, representing the Montana Stockgrowers Association in Helena, spoke in opposition to the bill. He said, in his opinion, landowner-sportsman relations are better now than they have been for a long while. He feels this has occurred largely due to the responsiveness of the Commission and the Director, since they are responsible to the Governor. Mr. Teigen said it would be impossible to avoid politics in Department management and suggested if any changes were made in the bill, they should remove the lawyer requirement from the qualifications for Commissioners.

Mr. Tom Kempf, of Billings, representing himself, spoke in opposition to the bill. He felt there should be some discussion of amendments and keep things the way they are.

Mr. Frank H. Dunkle, former Senator and Director of the Montana Fish and Game Department, spoke in opposition to the bill, saying it would create 7 Commissioner Districts, 7 Administrative Districts, and, in effect, 7 Departments. He feels since the people voted for Executive Reorganization, we should not erode it. He felt the Committee should go back to the Model Codes of 1947, with staggered terms for the Commissioners and the Director appointed by the Commission with the concurrence of the Governor, whereby the Director could

be removed only for cause. He felt that with 7 Commissioners and 7 Districts to account to, no Director could work for a very long period of time. He pointed out that no Director can please anyone ever. Mr. Dunkle felt the Committee should review the bill and think in terms of dismissing it in some fashion. He reiterated that the Model Codes worked very effectively.

Mr. Ted Lucas, representing himself, testified in opposition to the bill. He said, as a rancher, he didn't think the bill would remove politics from the Department operation, but it would remove the responsibility to the economic needs of the state.

Chairman Smith asked if there were any other opponents. There were none. He then called on Senator Towe for rebuttal.

Senator Towe said he was representing the people of Billings in sponsoring this bill. It is his feeling we should bring the government closer to the people. With regard to the qualifications for Commissioners, we are attempting to make them much more specific. As far as I am concerned, you could drop the 10 year stipulation down to five years or so. It was our feeling that a Commissioner should be someone who had manifested a real interest in fish and game matters. Personally, he said, he did not understand the problem concerned with serving for 7 masters, since then you would have to have 4 votes to dismiss the Director. At the present time, he continued, you only have to have 1 vote - that of the Governor. He said the most important aspect is that, through this bill, we will abide by the philosophy of reorganization. The idea is that the Governor should be in charge of all departments and, thereby, should control all of the boards of directors. Reorganization, he said, seems to be consistent with what we are doing today. We have looked into the set-ups of other states, and Senator Towe said he felt there is some merit in the way they appoint their Directors and Commissioners.

Chairman Smith opened the hearing for questions from the Senate and House Fish and Game Committee members.

Senator Manley asked Mr. Al Jenkins why the bill requires that 2 Commissioners must be farmers or ranchers - he asked if he knew when members of sportsmen's associations go hunting, what percentage of the land on which they hunt is privately owned.

Mr. Jenkins said this was a very difficult question to answer. He said the Commissioner qualification was not just for sportsmen's groups, but wildlife groups, etc. He said if Senator Manley was referring to elk hunting, it would be mostly on federally-owned lands. If it were antelope hunting, it would be on privately-owned lands. However, he

said, his group does not hunt on private land without the permission of the landowner.

Senator Manley felt that under the existing situation, where most hunting of antelope and fishing are done on privately-owned lands, it would be impossible to define what people do and qualify them as Commissioners under the proposed bill, as far as their activities are concerned.

Senator Towe referred to page 4, stating that at least 4 of the Commissioners shall be members of sportsman's clubs or groups; he said he didn't think there could be any question about this.

Senator Manley stated that 68 percent of the land mass of the State of Montana is privately owned; in the light of that, he wondered why 68% of the Commission should not be composed of private landowners. He asked how the sponsors of this bill could draft such a formula and say just what the Commissioners are going to be.

Senator Towe said it is very possible that a farmer or rancher could qualify under that category and still belong to a sportsmen's group or club. He said the proponents of the bill wanted to make sure that farmers and ranchers and outfitters and guides had a voice on the Commission, but not that they should have a majority.

Senator Galt said most Montanans are sportsmen and, if this were the case, perhaps the Montana Power Company and the Public Service Commission should also be represented on the Commission.

Chairman Smith asked for any other questions. There were none from the Senate Fish and Game Committee.

Representative Marks asked why the sponsors of the bill would set up such qualifications for the Commissioners, but not for the Director.

Senator Towe said he didn't have any objections to changing it.

Representative Thomas Conroy, a rancher from Hardin, Montana, asked Senator Towe if this bill were not a direct result of what transpired on the Big Horn River last year. He referred to the Al Bishop-Governor Judge dispute, as a result of which the Governor fired and later re-hired Commissioner Bishop.

Senator Towe replied this was true.

Representative Conroy asked if a fiscal note would be required on the bill. Senator Towe replied that the Chairman of the Committee would request it, if he felt it was needed. He said he felt it would be in the area of \$2,000 to \$4,000 a year.

Representative Conroy said the Commissioner qualifications called for only 2 farmers or ranchers, but 4 people from sportsmen's groups. He said many hunters do not belong to a sportsmen's group, and he felt 1 of those people could be replaced by an agricultural person.

Representative Conroy referred to Section 7 of the bill. This new section refers to misconduct of a Commissioner and subsequent removal from the Commission. Representative Conroy asked if Mr. Bishop's behavior represented misconduct. Senator Towe said this bill would provide that the Governor send notice to the Commissioner and then give 15 days' notice before a review was conducted by an impartial board. Representative Conroy wanted to know if the Governor would have the power to reprimand. Senator Towe said this bill establishes a mechanism for handling that kind of situation.

Representative Conroy concluded by saying he was totally opposed to the bill and hoped it would be killed.

Representative Staigmiller said since agriculture makes up the bulk of our economy, representatives of that industry should have an equal amount of people on the Commission as the sportsmen's clubs.

Senator Towe said he would have no objection to landowners having a larger representation on the Commission. He said he felt landowner-sportsman relations are improving, and that most sportsmen's clubs have a committee to promote better relations. He pointed out that the issue is the concept of the bill; should the Director of the Department serve at the pleasure of the Commission or should he be appointed by the Governor?

Representative Staigmiller said we should remember that many ranchers and farmers are sportsmen, as well as those people who belong to sportsmen's clubs.

Senator Manley said he didn't feel the law should mandate the qualifications of a Commissioner. He feels that ANY CITIZEN of the State of Montana should be eligible to be appointed a Fish and Game Commissioner.

Mr. Romine referred to page 1 and the top of page 2 of the present law and said right now we do mandate who a Commissioner can be. His feeling is that landowners grow the game the hunters get, and therefore they should be given a great deal of consideration.

Senator Manley said that 68% of the land mass of Montana is privately owned, and asked Senator Towe if his group would be adverse to simply stating that the Commission members must be citizens of the State of Montana.


Senator Towe said he didn't know how he would feel about that; he thinks there should be a specification that landowners serve on the Commission.

Chairman Smith said he opposed Executive Reorganization because he expected a situation like this to occur. He said he hoped the people in the audience could better understand what legislators are faced with in dealing with a bill such as this. He said he did not feel that Executive Reorganization has made the Governor more responsive to the people.

Representative Staigmiller said he and his Committee members were present at the Senate Committee hearing today to hear comments from interested parties and eliminate the need for them to travel across the state, making more than one trip.

Chairman Smith thanked everyone for attending and indicating their interest in the bill.

ADJOURNMENT: Chairman Smith adjourned the meeting at 3:45 P.M.



SENATOR ED SMITH, CHAIRMAN

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

Fish & Game COMMITTEE

BILL SB 31

VISITORS' REGISTER

DATE 1-30-79

Please note bill no. (check one)

NAME	REPRESENTING	BILL #	SUPPORT	OPPOSE
Floyd Grinnel	Victor - Billings Rod + Gun	SB 31	<input checked="" type="checkbox"/>	
Gary Steber	Pres. Mont Wildlife Assoc	SB 31		
Russell Palmer	Bureau			
John Wilson	Trout Unlimited			
Walter Goetz	myself	SB 31		<input checked="" type="checkbox"/>
Kenneth Brown	wildlife Mgt Assoc 2300 Winder Ave	SB 31	<input checked="" type="checkbox"/>	
Robert G. ...	Visitors Return			
Harold Dean Burns	Laurel Rod & Gun Club	SB 31	<input checked="" type="checkbox"/>	
R. W. Brown	Helena	SB 31	<input checked="" type="checkbox"/>	
Gary Keeles	Helena	SB 31	<input checked="" type="checkbox"/>	
Jennifer Cole	...			
Michael E. Fooky	West Daniels Gun Club	SB 31	<input checked="" type="checkbox"/>	
Norm Schuchard	Ridge Rod & Gun Club	SB 31	<input checked="" type="checkbox"/>	
Tom Kempf	Self	SB 31		<input checked="" type="checkbox"/>
Larry Jones	Self	SB 31		<input checked="" type="checkbox"/>
Bill Finkley	...	SB 31	<input checked="" type="checkbox"/>	
Fred B. Carver	Southwestern Mt Sportmen	SB 31	<input checked="" type="checkbox"/>	
James G. Roberts	Governor	SB 31	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Harold M. Holman	McLid Mount	SB 31	<input checked="" type="checkbox"/>	
R. W. Wright	R.C.D.F.C.	SB 31		
Don Hoover	Billings	SB 31		
Al Jensen	Billings	SB 31	<input checked="" type="checkbox"/>	
Monty Treadwell	Mt. Stockgrowers Assn	SB 31	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
W. Ed ...	Self	SB 31		<input checked="" type="checkbox"/>

Mr. Chairman and members of the Committee

Att. Venburn
Attachment #1

Senate bill #31 is designed to remove politics from the Fish & Game Department and Commission. The most important part, at least to the Sportsmen, is the provision that the Director should not be hired by the Governor. We feel that this position should not be filled by a political appointee, but by a professional man trained and best qualified for the job. Under Senate bill #31 the Governor would still have the right to choose his Commissioners from the groups outlined in the bill, and surely he can pick people with whom he can work and who will cooperate with him. However, the power of the Commission should not be as ineffectual as it is now. This idea is not new or novel. Earlier this year, at the request of a number of our legislators in our area, I wrote to the State Fish & Game Departments that they suggested. Here are the set ups in the States that I wrote to:

- Idaho-- Governor appoints the Commission, and the Commission appoints the Director
- Wyoming The Governor appoints 7 Commissioners and the Commission appoints the Director.
- Wisconsin The Governor appoints the Board (Natural Resources 7 men Board) and the Sec. of the Dept. is appointed by the Board.
- Iowa The 7 Commissioners are appointed by the Governor and the Commission appoints the Conservation Director.
- Pennsylvania 8 Commissioners are appointed by the Governor and they select the Game Director.
- Missouri 4 Commissioners are appointed by the Governor and the Director is hired by the Commission.
- Colorado The Governor appoints the Commission and the Director is under the State Civil Service.

In every instance, except Colorado, the Governor appoints the Commission and the Commission appoints the Director, who is then responsible to the Commission. We had a similar set up from 1935 until 1976 and it worked very well; it has only been in the last 3 years, under the new set up that the Sportsmen have been so frustrated. Keep in mind that nearly all of the money used in operation of the Fish & Game Dept. Comes directly from the Sportsmen in the sales of hunting and fishing licenses, and accordingly, we feel that the Sportsmen should have some say in the operation of the department.

I have brought with me 2 charts and 1 map that I would like for you to look at. Let's start with the map. This is a large State---it is so large that the F&G Dept. feels that there is a need for 7 district offices....however, we have only 5 Commissioners for these 7 districts. At the time the posts were created for the 5 Commissioners, there were only 5 Fish & Game District Offices. Right now nothing lines up and it is a most inefficient set up. Our Commissioner's District #5 extends as far west as Columbus, and as far east as Alzada. This overlaps clear into region #6 and yet the people of Big Timber, who are in Regional District #3, find it easier to contact Commissioner Bishop than their own Commissioner. In working on this bill we asked for input and suggestions. The single biggest concern came from Dept. personnel who expressed concern that if we went to a 7 man Commission, that each Commissioner would concern himself with the workings in his District Office. What in the world is wrong with that? If a Commissioner is representing a district, why shouldn't he be concerned with the activities of that District Office, and why should we not as hunters

have that avenue open to us to discuss problems and changes that we think are important? The Commissioner is our liason with the Department, and he is the one to whom we should be able to turn.

Now I'd like for you to look at this organizational chert from a recent "Montane Outdoors". Please note that the Commission now sits off by itself and is not in the direct chain of command. It is evident that the Director does not have to concern himself with pleasing the Commissioners. I want you to make note of all the space and departments allotted to parks and related offices.. in this entire outline I found "fish & game" mentioned only one time and that is in small print saying "other fish & game matters". Here is another table of organization, and it is from a fish & game publication that was dated in 1976. Here you see that the Commission is in a direct line of command and the outfitters council is over to one side. We propose in SB#31 that the outfitters become a part of the Commission. Note too the small block for the Parks. It is only a part of the overall operation. Everything is laid out clearly and there are definite divisions for fisheries and wildlife, which we feel, is as it should be.

As proposed in Senate bill #31, there would be landowners, a guide and outfitter; and Sportsmen.....and most important, the Director would be responsible to this Commission.

There are those who say that we have not given the present plan enough time to prove itself. This reminds me of a story of a man who was watching a blacksmith at work shaping a horse-shoe. The fellow finally asked the blacksmith, "May I have a look at that, please?" The blacksmith complied by lifting it out of the forge with his tongs and placed it in his hands. As it was nearly red hot, the fellow immediately dropped it. The blacksmith asked, "What was the matter with it, was it a little too hot?" The fellow answered, "It isn't that so much, it's just that it doesn't take me too long to study a red hot horseshoe!"

Gentlemen, we are a little like the fellow with the horse-shoe; we've been handed the horseshoe, we're not comfortable with it, we've studied it long enough, and we sure want to drop it. Really, all that any of us should want is to have a non political responsible and responsive Commission and Department, that will get back on the track and make the future of fish & game its main concern. We feel that the provisions in Senate bill #31, will do just that.

NAME: Al Fontana DATE: 1-20-79

ADDRESS: 829 Wyo Ave. Bellingsport, Matamoras 59101

PHONE: 259 4440

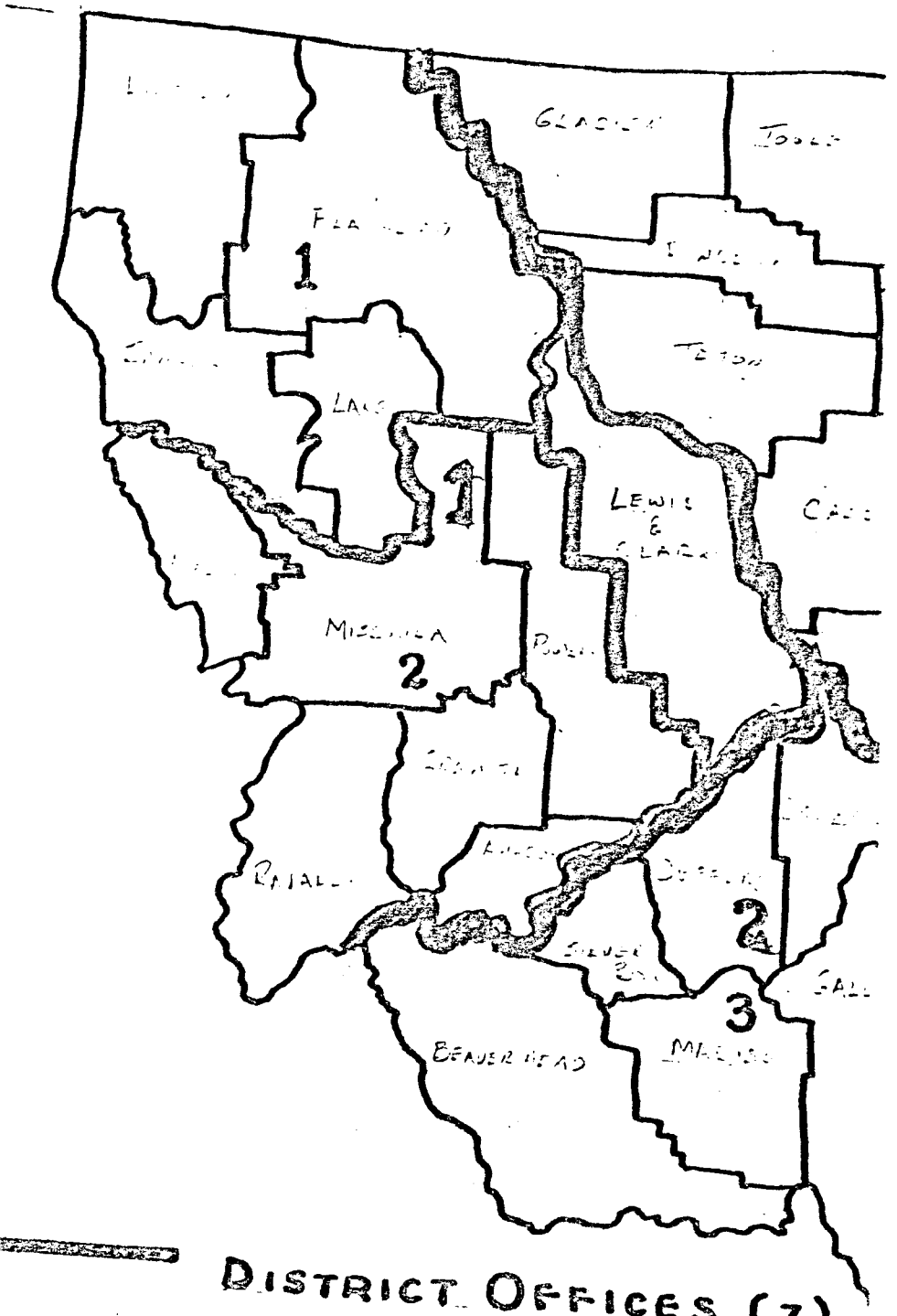
REPRESENTING WHOM? Bellingsport Rd + Green Pl.

APPEARING ON WHICH PROPOSAL: SB #31

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

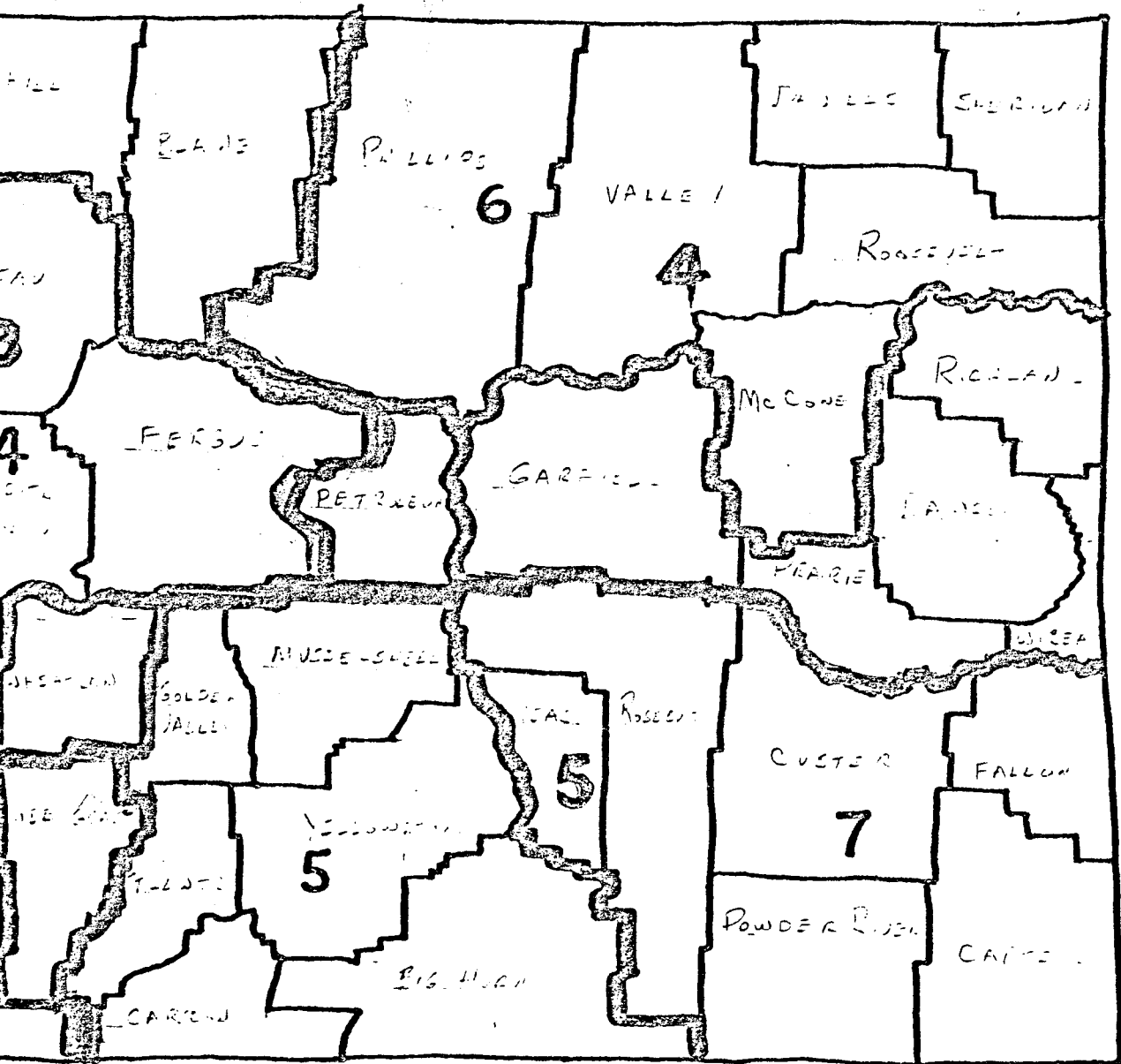
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



DISTRICT OFFICES (7)



COMMISSIONER DISTRICTS (5)



- # 1 Kalispell
- # 2 Missoula
- # 3 Bozeman
- # 4 Great Falls
- # 5 Billings
- # 6 Glasgow
- # 7 Miles City

Attachment # 2

NAME: Floyd Himmel DATE: 1-20-79

ADDRESS: 3204 St. Johns Ave. - Billings 59102

PHONE: _____

REPRESENTING WHOM? Billings Rock-Sun-Southeastern Sportsmen Ass.

APPEARING ON WHICH PROPOSAL: SB 31

DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____

COMMENTS: ^{Speaking} Personally, yes I am for this proposed legislation. Mainly the proposal regarding the addition of two additional Commissioners. Reason being - the Land Dept. definitely has a need for 7 District Offices - I feel the same need for 7 Commissioners. ^{My intent - our state} _{population wise} is growing by leaps & bounds which caused many problems which as you know are far too numerous to mention but one I would like to touch on is the problem of Sportman Landowner Relations - By having a Commissioner in each District there could be a personal contact with the Landowner & his problems directly. With the hope that this source problem could be overcome
Thank You.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Southeastern Sportsman Association
Box 33 Billings, Montana 59103

To: Senator Ed Smith - Chairman
Senate Fish & Game Committee
Capitol Building
Helena, Montana 59601

Saturday January 20th., 1979.
Subject: Testimony for Senate Bill No. 31.

Mr. Chairman, Ladies, Gentlemen:

I am Fred Carver - President of the Southeastern Montana Sportsmens Association, an organization comprised of eight sportmen clubs with a membership of 1986 members.

The passage of HB-791 in the 1977 legislative session, made drastic changes in the workings of our Fish & Game Departments commission and director, that is, it stripped the authority of the fish & Game commission, effectively curbed public involvement in Fish & Game Department policy and operations, effectively relegated the department to a position of increased bureaucarcy and political decision making. Since the early years of 1930s, our Fish & Game Director was responsible to the commissioners, but with the passage of HB-791, the director answers only to the Governor. This leaves the commission with only limited power as to policymaking, new goals and objectives. The license holders who pay the bills of our Fish & Game Department have only the commission and director as their contacts and we find both the commission and director unresponsive to our needs. In fact they are more or less, rubber stamp officials to a political bureaucracy.

The Senate Bill No. 31, introduced in this Forty-Sixth legislative session, is designed and constructed for a seven member commission, provide for the appointment, qualifications and removal

Southwestern Sportsmen Association
P. O. Box 33
Billings, Montana 59103

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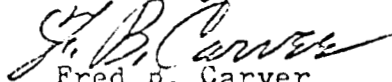
Testimony for Senate Bill No. 31 cont'd.

of the Fish & Game Commission, to provide for the appointment of the director of the Department of Fish & Game by the commission and other pertinent features, that eliminate the bureaucracy and political decision making. We believe that Senate Bill No. 31 will allow the Fish & Game Department to operate more as a corporation than a political bureaucracy.

In conclusion - If you hire a person to do a job and don't allow him the responsibility of seeing that the job is carried out, he loses interest, therefore without responsibility and interest his overall results are minimal. The present Fish and Game Director is working under those conditions. Your consideration of the Senate Bill No. 31 and passage in its original form, is essential to better communications, cooperation and coordination between sportsmen and our Fish & Game Department.

Thanking you kindly, we remain,

Sincerely,


Fred B. Carver
President

cc-fbc
1-file
Sen. Tom Towe

NAME: Fred B. Carver DATE: 1-20-79

ADDRESS: 2108 Spruce - Billings, MT 59101

PHONE: 259-1998

REPRESENTING WHOM? Pres. Southeastern Montana Sportsmen Assoc

APPEARING ON WHICH PROPOSAL: Senate Bill 31

DO YOU: SUPPORT? File AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Attachment # 5

NAME: Michael E Fouky DATE: 01/20/79

ADDRESS: 1702 AVE E. Billings, Mont.

PHONE: 248-2381

REPRESENTING WHOM? West Daniels Gun Club Peerless, Mon

APPEARING ON WHICH PROPOSAL: Senate Bill 31

DO YOU: SUPPORT? Yes. AMEND? _____ OPPOSE? _____

COMMENTS: If there is to be any organization of a Fish + Game Commission to right fully support the People of Montana who are concerned about the well being of Montana wildlife and their proper managements Senate Bill No. 31 must not be opposed for it + a Superior plan in my opinion than the Political Commission in present existance.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

attachment # 6

NAME: Bill Fackey DATE: July 20 1977

ADDRESS: 2031 Hillside Millers, Montana

PHONE: 252-9485

REPRESENTING WHOM? Landerer, Abraham ATT.

APPEARING ON WHICH PROPOSAL: Senate Bill 51

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: We want to get the control of the Wildlife
of the Fish & Game Dept. back into the hands
of the People of the State. Move to the
Department of Wildlife to control of the
Fish & Game Dept. Again we want to remove
politics from the Fish & Game Dept. There is
no one will make a better working
Department & leave the politics up to the
House and the Fish Commission. The
people of Montana will have better representation
in Government matters this way.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Attachment # 7

Jan. 13, 1979

Senate Fish & Game Committee.

Senator Ed Smith Chairman.

In regard to senate bill #31 I feel very strongly in favor of it.

There certainly is a lot of merit in haveing the state split in to seven (7) districts instead of the present five (5), and of haveing the fish and game Commissioners approved by a committee and then appointed by the Governor.

We certainly do not need a political bureacy as we now have by the Governor haveing full power to do as he well please with the Fish & Game Commission.

Therefore I do reccomend that Senate bill #31 be passed in the Senate and over ride House bill #791 which was passed in 1977.

C.C. Stapleton
Director Of Southeastern
Sportsman Association,
Billings, Mt. 59101
59 Swords Lane.

NAME: Higgs, Stage Cator DATE: Jan. 20, 1979

ADDRESS: 59 Swords Road Billings, WY 82101

PHONE: 252-9497

REPRESENTING WHOM? South Eastern Sportsman Assn

APPEARING ON WHICH PROPOSAL: Senators Bill # 31

DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Attachment #

NAME: William L. Romine DATE: 1-20-79

ADDRESS: P.O. Box 1691 Helena - 59601

PHONE: 442-2220

REPRESENTING WHOM? Southeastern Sportsman Association
Billings Rod & Gun Club
Wildlife Management Association

APPEARING ON WHICH PROPOSAL: S.B. 31

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: My principals support S.B. 31 because it's aim is to place the Fish & Game Commission, The Director, and in turn, the Department closer to needs and desires of those Montana citizens who are involved with fish and game in this state. The sportsmen of this state used a means of realistically expressing their desires, needs and concerns over the future of hunting and fishing in Montana. The very fact that the Department, itself, is actively opposing S.B. 31, even though it really has no interest or involvement in the Bill, demonstrates again that the tail is wagging the dog.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

2017/9/7
Introduction to an . Ranch. No Conflicts.. 4 years. Attachment #9 Page 1

Over the years I have appeared before the Fish & Game Commission on numerous occasions ^{as an individual & Rep Organizations} lamenting the fact that their game management practices are decimating our big game herds. I've pleaded with department personnel, in meetings and out and am told to go home and mind my own business...that I'm an obstructionist and part of a small dissenting group.

You will hear otherwise.

On each occasion when there is a change in a Fish & Game Director we have hopes of being heard and given opportunities of expression. This results in an exercise in futility. We've met with the present new Director and the Governor. We've had members of the Commission on summer horse back "show me" rides. Last winter we had most of the Commissioners at 2 different meetings in the Gallatin Canyon. These meetings usually result in a concurrence of a majority of common thought but when the departmental people get through with the commissioners we're right back where we started.

In the Upper Gallatin watershed abutting, and in, Yellowstone Park, the elk herd that summers in Yellowstone, migrates out into various tributaries for winter grazing. On this winter range the Fish & Game bought the Porcupine Ranch after the war. This was for the express purpose of raising hay to stack pile to feed elk if we had a severe winter...which does occur about 1 year in 8. In the 30 years of their ownership, there has been no hay harvested. And, the elk that collect for wintering are slaughtered in the mid-winter season that's in progress right now with daily kills of 20 to 30 head of animals... cows right along with bulls. And, every cow that's taken means a

means a kill of 3...the calf along side with a 10% chance of survival in the weaning process and the unborn calf she is carrying. The elk that are not killed meet a worse fate...they are driven into deep snow and starve to death.

A large number of elk that migrate into the Gallatin go on through to the Madison on Bear Creek where the Bear Creek Ranch is located. The Fish & Game purchased this for the purpose of wintering elk. It has some fine south exposed slopes. Last winter during the late hunt... it was opened up in January on a permit basis and everything on the winter range was slaughtered. The surrounding ranchers posted their land following that to give the remaining elk some sanctuary and that stopped a further slaughter. If this procedure is repeated this year, the ranchers will again post their land fortunately for the elk there is a lot of private land in the area.

These are 2 good examples of lands acquired, purchased with public approval and not used for the purpose intended and not ^{now} supported for that reason.

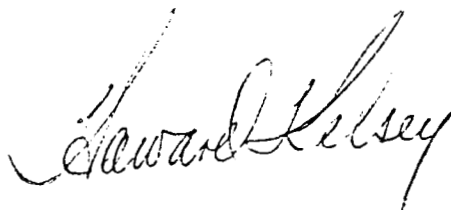
To support the late hunt the department biologists say they must keep the elk numbers in balance with the range and that doesn't make a good story this year. They issued 2800 permits for a dollar each with an elk kill ^{Quota} of 850. With this type of propaganda they lead the hunters to believe there is an elk behind every tree. The hunt is now in its 6th week and they have a few less than 200... ^{not counting} ~~depending on~~ this weekend. They haven't been successful in reaching their quota in past years and never will be. They fly the area before each hunt, then when the hunters stop to get their permits validated they are told where the elk are...so there is a bunching up of hunters. They get

a few elk and the others are driven into deep snow where the numbers build up beyond range capacity. Then to help the hunters get into an area adjacent to Yellowstone, they (the hunters) are herded into groups of 40 with a ranger and a warden in charge, both flank groups coming in from opposite sides with a fusillade of cross fire. You can see the result of this "man pressure" by driving up the Gallatin now and counting about 250 head in the Daly drainage inside the Park where they are safe from the hunter but not from starvation.

To aid in harvesting more animals, the Fish & Game Department has a beautiful \$60,000 road patrol grader for plowing out roads that, normally, are not disturbed in the winter...my 5 miles of road for example. I understand there are isolated families in the Billings area that Yellowstone County can't get to for lack of equipment. Perhaps Fish & Game could serve a better purpose.

The Department professes a cloaked opinion on using a trapping program as a viable alternative to the elk slaughter which we would be very much in favor of. Last year they told us that no area in the State would take elk. This year we had a request from a firm in Canada which wants 300 head with a bull ratio of 1 to 10...not a difficult order. I sent the letter on to the Fish & Game Department on Wednesday, January 10th. After several attempts to get the Fish & Game to respond, they finally said they could not determine if they had a surplus until after the Commission meeting on February 23rd.

If Senate Bill 31 addresses itself to greater accountability on the Director Level as well as having ^Amore responsive Commission who are appointed through a different selection process, this may help bring the entire group of ~~"untouchables"~~ closer to the people. In this case I am for the Bill but acknowledge the need for a few amendments.



Mr. O. G. ...
6th ...

NAME: Edward Selby DATE: 1/20/79

ADDRESS: Callahan Gateway

PHONE: 406-995-4276

REPRESENTING WHOM? Callahan Home Ass'n.

APPEARING ON WHICH PROPOSAL: S 31

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

E. B. - 31

590⁵²

Ralph Holm
Attachment #10

Mr. Chairman & members of this Committee
Gentlemen:

I am quite sure that all of you are aware
of the importance of this Bill and its ramifications.

To look at the past, generally appointments
to the Commission have been made on the
basis of Politics, and while those chosen
have generally been outstanding in their
fields, ~~and~~ have not always been completely
qualified for the position of Commissioner.

As most Ranchers know, it takes many
years of experience in Ranching to fully
understand the complex problems involved
to assure a successful operation. I have
ranched some myself on a small scale.

With due respect to our present Commissioners and
When we talk of our Commission, ~~not~~
~~really~~ and their major task of supervising
the management of our wildlife resource, we
are really talking about the management
of a Ranch almost the size of Texas. If
we are to have a successful venture, with the
achievement of maximum success, ~~and~~
with minimum adverse effect, and minimum
cost, it is necessary that the most qualified
and highly trained supervisory ~~personnel~~
personnel available be found to supervise
that operation. ~~you would not hire an~~
~~untrained, unskilled person~~

If you were to hire a supervisor ~~for~~
~~to~~ to operate your ranch you would
look for someone with experience and
proven capabilities.

~~of~~ Montana ~~has~~ known abundance
of wildlife ^{in the past} and we believe that in our state
of 94 + mil. acres we should have abundance.
We believe that by increasing the Commission
to 7 and providing assurance that future
Commissioners will be highly qualified for
their role we will increase the invaluable
resource we have.

I ~~do~~ believe this bill will assure qualification

I ~~do~~ " " " " develop a liaison

between ranchers and sportsmen whereby they

will learn to work together, to learn to

Consider the ^{many} problems wildlife creates for

the rancher. The landowner is an extremely

important faction and entitled to due

consideration.

~~We ask you to also~~ Consider the value of our

wildlife resource to the economy of Montana.

the value for recreation so popular in Mont.

The economic impact of outfitting. Based on

a 1975 survey supervised by the Mont. state U.
agricultural Dept. there were 400 plus ^{licensed} outfitters
in Mont.

that said 400 + had an investment in

believe this
will impact
went
out's
also said
sportsmen

stock & equipment - the amt. of approx. 20 mil.
the net Countering land value.

that these outfitters were ~~to~~ booking ~~the~~
~~Business~~ Clients and as a result were
instrumental in bringing approx. 20 mil.
new dollars into Mont. using the standard
2 1/2 factor for turnover this brings the economic
benefit to Mont. to approx 50 mil. ~~which~~
in 1978 a task force of 2,091. reps, J.S. reps
Council rep. & outfitter reps, came up with
an estimate which shows that nearly 50 %
of state outfitting is done by unlicensed
outfitters. add this effect and the economic
impact of outfitting benefits the economy
of Montana by close to 100 mil.

outfitters, I point out are generally land
owners, they are generally knowledgeable
regarding ~~about~~ the recreation of hunting & fishing,
outfitters are nearly 100 %, dependent upon
our wildlife resource for without the resource
there will be little need for the outfitter.

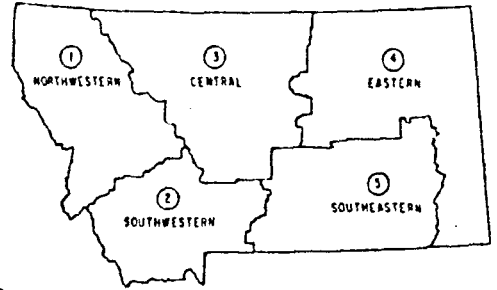
Therefore we are most interested in a ~~small~~
~~game raising~~ ~~or~~ ~~less~~ continued resource.

Most all I have talked to feel that this Bill
is extremely desirable and we ask a hope

Ralph Holman
McLeod, Mont.

Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION



TESTIMONY OF GARY STUKER, PRESIDENT OF THE MONTANA WILDLIFE FEDERATION, BEFORE THE ~~SENATE HEARING ON SENATE BILL 31~~ SENATE HEARING ON SENATE BILL 31. PRESENTED ON JANUARY 20, 1979.

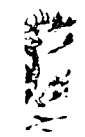
Chairmen and members of the Committees,

I'm Gary Stuker from Havre. I'm President of the Montana Wildlife Federation, a statewide organization representing more than 2,000 sportsmen.

The Montana Wildlife Federation rises in support of SB 31 because it proposes a number of changes in the best interests of Montana sportsmen and Montana's wildlife. However, we strongly believe that several areas of the bill should be revised and will discuss specific changes in our following testimony.

One aspect of the bill which we endorse is Section 10, subsection (1) on page 7. This section gives the Fish and Game Commission the authority to appoint the Director of the Department of Fish and Game. The Montana Wildlife Federation believes this system would be an important step in insulating the Director from political pressure and improving the operation of the department.

There are several reasons why the Fish and Game Director should be insulated from political pressure. First, department programs have to be conducted on a long-term basis. The goals of proper wildlife management, protection of habitat, and improved



landowner/sportsman relations do not change with shifting political winds or a new administration. Independence from pressure is critical to an efficient and effective Fish and Game Department.

For some of the same reasons, the Montana Wildlife Federation objects to Section 10, subsection (2) which states, "The director serves at the pleasure of the commission." In our view, no director will be able to operate effectively if he may be removed from office at any time by a majority vote of the Commission. Long-term programs will suffer from having the Director in such a precarious position. In addition, it would be very difficult to attract qualified applicants for the director's position if he had as little job security as SB 31 would provide.

✓ I suggest Section 10, subsection 2, should be amended to state that the Director can only be removed by the Commission for cause, ~~in the same manner as provided in Section 7, subsections 1 & 2, for the removal of Commissioners.~~ ~~the removal of Commissioners.~~

There might be some concern that under this suggested system, once a director is hired, he might be in office forever. If that is a concern of the Committee, SB 31 could be amended to give the Commission the authority to enter into a contract with a director for a period of perhaps four years. After that time, the director's performance could be evaluated and a decision made on whether to rehire him.

The Montana Wildlife Federation opposes Section 2, subsection (2) which proposes to increase the number of Commissioners from 5 to 7 and which also proposes to make the Commission districts correspond to the Fish and Game Department's administrative regions. We believe Commissioners should be concerned with the statewide wildlife resource and should not view themselves as regional representatives. Aligning Commission districts with Fish and Game administrative regions also could create problems with interference by Commissioners in business and personnel management at regional offices. Commissioners are policy makers but should not become involved in the day-to-day operation of the department, as the proposed structure might encourage. It is also critically important that the Commissioners be excluded from all personnel decisions, except the hiring of the director.

If sportsmen feel increased representation is necessary, a seven-member Commission might be all right, but the Commission districts should be different from department administrative regions.

✓ The Montana Wildlife Federation also objects to Section 5, on page 5, which establishes the selection committee to recommend commission candidates to the governor. Because the selection committee is appointed by the governor and because the governor also appoints the commissioners, this committee would only add an extra layer of government and increased expenses and would not improve the quality of commission appointments.

We also object to the part of Section 7, subsection (2), at the bottom of page 6, which states that the fish and game department should pay legal fees for a commissioner under threat of removal by the governor. This provision could cost the department a tremendous sum, which again comes from sportsman license money. If the legal fee provision is necessary, it should be limited, perhaps to \$5,000.

✓ The Montana Wildlife Federation believes Section 4 (page 4) on Representation of the Commission needs substantial revision. We do not support the concept that the Fish and Game Commission should be comprised of special interests.

As proposed in SB 31, the Commission would be made up of 4 sportsmen, 2 landowners, and one outfitter. This designation of special interests can only lead to demands by other special interest groups for Commission representation until the snowmobilers, anti-hunters, subdividers and others demand their "rightful" place. The Commissioners will lose their concern for the wildlife resource as each attempts to serve a special interest constituency.

Under our political system, a governor will appoint a broad range of interests to the Commission, as ~~it~~^{he} should ~~be~~. But to establish a Commission dedicated to special interests and not to the wildlife resource would be a ~~great~~ mistake.

In proposing SB 31, the Southeastern Sportsmen's Association and others have sought to remove political interference from the operation of the Fish and Game department and to increase the department's

responsiveness to sportsmen. We agree with these goals but, as our testimony shows, we think much of SB 31 is inappropriate for accomplishing them.

We do, however, share one basic agreement—that the Fish and Game Director would better serve sportsmen and the wildlife resource if appointed by, and responsible to, the Fish and Game Commission.

While making the Director responsible to the Commission is a change from the current system, it's important to put that change in context. In Montana for nearly 40 years, the Fish and Game Director was responsible to the Commission. Only recently have we given the Governor given direct control over the Director. Nationwide, in only 10 states does the governor appoint the head of the fish and wildlife department while in 36 states the department head is selected by the Commission or similar citizen board.

We believe the importance of continuity in long-term programs and the need for freedom from political pressure argue strongly for making this change in Montana.

The Montana Wildlife Federation is willing and ready to assist the Committees in any way possible during ^{their} ~~its~~ deliberation of SB 31.

I thank you for the opportunity to testify.

#

NAME:

Gay Stokes

DATE:

1/20/79

ADDRESS:

Haure, Mont

1325

H-H

PHONE:

265-4405

59501

REPRESENTING WHOM?

Mont Wildlife Federation

APPEARING ON WHICH PROPOSAL:

SB 31

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

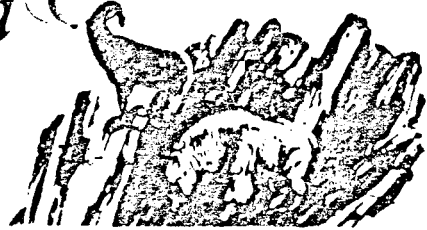
COMMENTS:

*Different method of Director appointment
& non-alignment of districts & commissions*

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

*Western Montana Fish and
Game Association*

3314 Paxson
MISSOULA, MONTANA 59801



CONCERNING SENATE BILL NO. 31

The WMFGA sympathizes with the general intent of S.B. 31. However, we disagree with certain provisions of the bill. Below is a review of our position by section.

- SECTION 1 Yes, the director should be appointed by the commission.
SECTION 2 We disagree, we do not see a need for seven members. Whether there are five or seven commissioners we feel that commission district boundaries should not be the same as the Fish and Game Department's district boundaries. Representing parts of more than one district discourage bias and provincialism.
SECTION 3 Yes, these seem to be fair qualifications. .
SECTION 4 We disagree. To specify more than one or two of the members is to impose too rigid a mold for commissioners. Moreover, the qualifications of Section 3 should be sufficient.
SECTION 5 Yes, a committee to recommend candidates for commissioners would insure the input of those people most affected by the commission.
SECTION 6 Yes, we advocate a specified term of office
SECTION 7 Yes
SECTION 8 Yes
SECTION 9 Yes
SECTION 10 (1) Yes ✓
(2) No. Serving at the pleasure of the commission would be no better than serving at the pleasure of the governor. The director should have a specified term of office, renewable twice and subject to dismissal under the same provisions as Section 7 for removal of commissioners.
(3) Yes
(4) Yes
SECTION 11 Yes
SECTION 12 Yes
SECTION 13 Yes

SUMMARY: We would like to have the Director of the Fish and Game Department appointed by the Fish and Game Commission. However we do not feel that serving at the pleasure of the commission is an improvement on the present situation. The F. & G. Director needs a certain amount of independence and should not be removed without a valid reason. Furthermore, a committee to recommend Director candidates could be useful. Its members should represent the Department, the Commission and the public.

As far as the Commissioners are concerned, we like the idea of a candidate selection committee but contend that the Commission works well as it is.

Should it become a case of accepting the bill as it is or nothing, we will support it.

Submitted by
Legislative Committee
Western Montana Fish & Game Association
Jennifer Cote, Chairwomen

NAME: Jennifer Cole DATE: 1/20/79

ADDRESS: 2314 Poplar Hill Road

PHONE: 549-4719

REPRESENTING WHOM? Writers Md (First & Home Press)

APPEARING ON WHICH PROPOSAL: SB 31

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

A tachment #12

Garfield - McCone Legislative Association

~~Circle, Montana~~ 59215
Brusett, MT 59318

~~Phone~~ (406) 485-2227
557-6182

TESTIMONY* SB (31) Jan. 20, 1979
Glen C. Childers, Pres.

The Garfield-McCone Legislative Assn. is an organization comprised of agricultural ~~agricultural~~ people and some businessmen as associates. We have an interest in SB-31 as we feel agriculture, in the past, has not been fairly represented in the Montana Fish & Game Commission and this bill will correct that situation.

We feel a governor should not be in the position to appoint a commissioner without some restrictions. This bill provides the restrictions, and provides a more broad representation of the people of Montana and reverts back to local government which is being advocated today. We do not feel that just because a man owns a small piece of real estate he is qualified to be a game commissioner.

✓ Therefore we offer the following amendment: Para-A, Sec. (4)- Delete all of Par. (a) and insert - (Two of the commissioners shall live on and derive the major source of their income from agriculture.) We feel this is essential as no land owner representing the game commission can fully realize the impact of recreation on agricultural lands unless ^{he} is exposed to it daily.

We strongly support Par. (c) of Sec. (4), as we feel the quality outfitter or guide is one segment of the public that is fully aware of the game population and its needs. He should be considered one of our major game managers as his clients, mostly non-residents, are trophy hunters, animals that are generally past their prime and not active breeders. They very seldom harvest females or young animals.

We feel the governor should be responsible for the appointment of any department and answer to that responsibility. Therefore we offer the following amendment: Sec (10), Par. (1), Line (17)-delete the words ~~(the fish & game commission)~~ and insert the words (the governor).

For the past two years I have served on a three man committee of the Wildlife Sub-Committee of the state RAD and our project was to find some answers to the problem of landowner/sportsmen relations. After considerable research I have determined the land owner is resentful he has not been properly represented on the Montana Fish & Game Commission. With the two offered amendments I believe this bill will correct this problem. I urge you to vote favorably on this bill.

NAME: Gen. C. Childers DATE: 4/30/79

ADDRESS: Brunswick, Meant

PHONE: 557-2182

REPRESENTING WHOM? Harold D. Kane Leg. Assoc

APPEARING ON WHICH PROPOSAL: SB 31

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

9th of month # 14
January 10, 1979

TO: Sen. Ed Smith
Chairman
Fish & Game Comm.

SUBJECT: Senate Bill #31.

This letter is being presented as testimony in favor of passage of SB-31, for which this hearing has been set. It is being presented in written form as I was personally unable to attend this hearing in person.

I have, as an active sportsperson of this state observed the manner in which our Fish & Game Dept. has functioned since the director of this department has come under control of the Governor. The department has in most cases acted in disregard to the suggestions and opinions of the majority of the people it was established to serve.

I can't recall any real significant thing our present director has accomplished since being appointed. One can only feel that he has been placed in a position of responsibility without any power to exercise these responsibilities. The Fish & Game Dept. should be operated such as a business enterprise, responsible to its directors and stockholders, (in this case the commissioners and sportsperson) and not as a political pawn of any elected official of this state. This was recently displayed in the very unprofessional and irresponsible handling of comm. Al Bishop, by Governor Tom Judge.

Seven Commissioners is very essential in this state due to its size, and the appointment of these commissioners, as set up in this bill sounds very reasonable. With seven districts more people will be able to have a person familiar with their area and problems available to represent them. Its time the Fish & Game Dept. started realizing that there is such a place as Eastern Montana, with much potential.

I need not go into detail on such blunders as Wildhorse Island, The Lions Head Ranch, The Big Horn River, Martinsdale Res. and others, as I'm sure the gentlemen present will give them proper attention.

I am aware that anything new can have its problems, but I'm convinced that the present system is not now or ever has operated in a responsible manner to the sportspersons of this state.

I would ask that my inability to be present will not alter the importance of this statement, much in the same manner that my not being able to vote at the polls does not stop me from voting absentee.

My thanks for your time and concern.

CC: Sen. Tom Towe
Sen. Jack Galt
Fred Carver, Pres. SSA

Sincerely,

Gary Hjelseth

Gary Hjelseth
2507 Lewis Ave.
Billings, Montana

59101

... committee members, Attachment #1
Please excuse the way and spelling done in hurry. 59730

My name is Vic Benson, Jr. of Gallatin Gateway, Montana, a part of a dude ranch-outfitting operation started in 1925, by my parents.

After nearly 35 years of close association with hunting, fishing and outdoor recreation and observing the present trend of fish and game management in Montana it is my humble opinion that a change of direction is absolutely necessary.

If this must come with an enlarged Fish and Game Commission in order to establish a forum that is considerate to public input. A commission that has strong understanding of all facets of a complex problem. A commission that possess the business knowledge to ferret out waste and seperation of "wheat from the chaff". Then I can support SB 31, with amendments...

Somehow over they years the Commission has gotten away from the very people they are to represent. We are now letting the "tail wage the dog". There is certainly a rightful purpose for specialists but it seems the theoro-crate has taken over the whole doghouse. They seem to produce the theory -- make the policy decision and direct the effort -- the public be damned...

We are in a maze that needs commission attention and a department structured to offer advice, not make policy. Acomission that listens and understands public concern without the time worn attitude that those who have lived for decades in an area are dumb on wildlife anf fish issur/s and only obstructionist to the department and who beleive only the theorocrate offer the solution.

A commission that will ask questions not just take the answers.

Why they might they ask is hundreds and maybe thousands of dollars spent on a "pet" project of a present employee then when that person moves on it can't even be determined the purpose or result of that project.

Way might they ask isn't better cooperation between agencies such as

Forest Service and BLM, when it should be known by the Department that their attitude and actions conflicts with regulation of these other agencies. For example most Forest Districts have so called travel plans that prohibit certain vehicular traffic in given areas - the fish and game think only of what State law is on private and state lands thereby encouraging an often unsuspecting sportsman to become a law braker. They might ask is a simple form for participation in a special license drawing not available to the public by Mar 1st when application must be in Department headquarters six weeks later.

This list could go on and on -- waste of effort, money, manpower. and all questions cry for review and solution.

In SB31 I would prefer to see that commissioners have only one term and the successor be chosen from a different county on a rotating basis within the district.

That wording of "significant support" and "S all have full support" be stricken. The called for selection committee should cover this problem the present wording in my humble opinion would serve only appointment of those with pressure and single interest groups and could preclude an individual who might possess the ability to do an effective job as commissioner.

In closing let me say the warden department is "top notch" now if necessary through a restructured commission a way can be found to carry ~~xxxx~~ their fine performance to other departments a great deal will have been accomplished by this legislature.

Vic Bennett
Box 224
Ballater Gateway Mt.
59730

Wildlife
Federation

(

Attachment # 16

B 31

Belgrade
59714

My name is Jim Wilson and I live in Belgrade, - but and I represent the Triant area council of Trout Unlimited and and over 600 Trout Unlimited members within the state of Montana. Trout Unlimited is not a fishing club but rather a conservation organization dedicated to the preservation of cold water resources.

I have spoken with our State Council and members through out Triantana concerning SB-31. We find certain sections of the bill will enhance the management of the Dept. of Fish and Game. We also find certain sections will be to the detriment of such management and the resources under the care of the Department.

We feel that there is room for improvement in the area of selection of both F & G commissioners and the Director of the department.

Let me just share with you the concerns of Trout Unlimited on S.B. 31.

First, we see no advantage of expanding the Commission to seven members - we see disadvantages.

- The Commission will become more political in its nature

1) vested interest - less effective

2) day to day operation

3) additional expense - cost benefit

Although we do not deny that there have been problems with the Commission we do not feel that it is a function of the number of commissioners and that a five member commission will in the long run function more efficiently and effectively.

~~We are strongly opposed to having a member of the Guide & Outfitters as a member on the commission. Why not a member of Trout Unlimited. This appears to be blatant favoritism and we cannot support this portion of the bill.~~

~~By having seven ^{com} members, one from each district there will be in our opinion a tendency for commissioners to stray from their role as policy makers to becoming involved in the day to day operation of the Dept. This clearly is not their role.~~

~~with regard to section 5 of the bill concerning the selection of members of the commission~~

FARP →

With regard to section five ~~of~~ the selection process. We feel once again that the commission ~~is~~ should be limited to five members.

However, we do feel that

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START → With regard to section five of ~~the~~ the selection process, we feel once again that the commission ~~is~~ should be limited to five members.

The selection process as outlined can work as well with only 5 in appointing five commissioners and although there is some additional expense it appears to be minimal, in forming a nomination committee it appears to be minimal. We thus are in favor of the selection process as outlined in section 5.

Section 3 we feel that by limiting the selection to a person who has been active in a sportsman, wildlife or conservation organization for at least 10 years will severely limit the candidates available and thus the quality of the commission.

- example myself
- professionals - Gis Rungli
- best candidate -
- some one who knows how to cast a fly, shoot a rifle or peel a cow that's all that is assumed.

We would be comfortable, noting the selection process, by stipulating sections

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We would be comfortable, noting the selection process, by striking ^{sub}section

(- 3 -)
on its own merits.

Section 4 Representation

This section appears again to be quite limiting ^{in comb. w/ Sect 3} and has the potential of excluding many qualified individuals from serving on the commission.

In line with our stance of retaining a five member commission we do feel it is important that the commission represent the broad interests of agriculturists, sportsmen, wildlife conservationists etc. However, the structure as outlined could result in the following situation

i.e. one distinct bird man needs to be replaced - ~~most~~
- no equality guaranteed.

We are strongly opposed to the mandatory representation of a member of the membership guides and outfitters. We would suggest instead a member of Trout Unlimited.

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This appears to be blatant favoritism and although many of our members are also guilds and out fitters we can see that we cannot support this portion of the bill.

We would request a rewording in the form of guidelines which would assure ~~diversity~~ the much needed diversity attempted for in Section 3

We are basically in concurrence with Sections 6, 7, 8 and 9 and support these sections.

Section 10 is touchy - we see some benefits and some possible disadvantages. This section appears to be a stepping backward on executive reorganization. Yet it assures a director responsive to the commission, ~~but that~~ suffice! ^{Reliably} free of political pressures

We would recommend that subsection 2 - the director serves at the pleasure of the commission - be removed

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to show particular reasons
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Such as, inefficiency, neglect
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Although this section may
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a poor director it could
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qualified individuals who
~~can~~ would wish to serve.

It ~~appears~~ seems only reasonable
to set criteria for dismissal!

Equally we find it difficult to
believe that the bill attempts
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commissioners but none for the
director!

We recommend that qualifications
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term of 2, 3 or 4 years for the
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SUMMARY - We support a five member commission
~~with the~~ ...

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Equally we find it difficult to believe that the bill attempts to set qualifications for the commissioners but none for the director!

We recommend that qualifications be set for the director and that the committee consider a tenure term of 2, 3 or 4 years for the director. Our concern here is for quality rather than expediency!

SUMMARY - We support a five member commission

outlined in SB 31, we request a rewriting in the representation and qualifications of commissioners so as not to limit the quality of potential commissioners so severely.

We support the commission as being the selection body for the ~~commissioner~~ director but ~~we~~ request that safeguards such as discharge for particular reasons be written into the bill and strongly suggest that the commission confer a tenure period for the director, ~~that~~ as well as write qualifications into the position of Director of Fish and Game.

Thank you gentlemen for this opportunity to express our wishes.

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Continued # 17

January 20, 1979

Statement on Senate Bill 31

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Wes Woodgerd

I reviewed S. B. 31 carefully and concluded it has no merit or redeeming characteristics.

We are all interested in making state government more efficient and hopefully providing more service for our dollar. This bill proposes to do just the opposite.

A 7-member commission would be more cumbersome and less efficient and would cost the sportsmen an extra \$10-\$20,000 per year.

In addition, the bill calls for a new 7-member commission selection committee. They would be appointed on a statewide basis and would be authorized to travel and meet at sportsmen's expense.

On top of this, if the governor and a member of the commission had a disagreement that wound up in court, the sportsmen would again be stuck to pay the commissioner's legal fees, win, lose or draw.

Maintaining a geographical difference between the commission and administrative districts is a tried and true system. To make them the same would cause additional provincialism among the commissioners and result in a vying for dominance between the commissioner and district supervisor. The commissioner would tend to become more involved in the day-to-day administration of the department, including personnel matters.

Requiring the commission to be composed of special interest groups is just asking for trouble. Each commissioner would be pulling in his own direction rather than working as a team.

To require the director to work at the day-to-day whim of the commission would be disastrous. Commissioners traditionally choose up sides and the vote on important

issues is not always unanimous. The director would inevitably be drawn into these unstable alliances. It would be necessary, to stay alive, for him to spend his time making sure he is always on the side of the most votes. The director is hired for more important duties.

In light of my evaluation of S. B. 31, I respectfully recommend that this bill be stopped right where it is and no more time or money be wasted in its consideration.

NAME: Miss Woodgerd DATE: 1-20-79

ADDRESS: PO Box 143F Sturteville

PHONE: 777-3659 59870

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: SB. 31

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Members of the House and Senate Fish and Game Committees:

Attachment # 18

59836

My name is Hank Goetz from Greenough in the Blackfoot Valley. For a number of reasons, I will speak in opposition to Senate Bill #31.

This bill may be an attempt to remove politics from the Fish and Game Commission as a result of the controversy surrounding the Commission this past year. However this proposal has the very real danger of creating a Fish and Game Commission and Department that is not answerable to the general voters of the State, but to a narrowly defined special interest group. It appears that the Commission and Department under this legislation would not be guided by the policy of the executive branch, and thereby to the voters. If other ~~xxxxxxx~~ agencies of State Government were answerable only to their client groups, it would be impossible to set a coherent and coordinated policy for government.

Secondly, Senate Bill #31 would create a Commission whose members not only hired the Fish and Game Director but also represented specific Departmental regions. It seems to me that there would be the potential of two people, the respective Commissioner and the Regional Coordinator, running the region. In short this bill could put the Commission back into the day-to-day administration of the Department.

Thirdly, Section 3 of Senate Bill 31 severely limits the potential field of candidates for the Fish and Game Commission. Not necessarily to those most qualified but to long time hunters and fishermen who have chosen to be 10 year active members of formal sportsmen groups, or to agriculturists. These restrictions no more guarantee that qualified people will be selected than does the present system. In fact, it may be more difficult to find individuals who have the time, interest, and ability to serve.

In the fourth place, Section 4 of this bill assumes that only agriculturists, hunters, fishermen, guides and outfitters are qualified to be legislatively represented on the Commission. Are not also interests such as campers, canoeists, snowmobilers and so on legitimately served by the Fish and Game Department.
and legislatively

Finally I think it is safe to say that guides and outfitters have a direct economic interest in Fish and Game policy. Section 4 l (c) appears to legalize conflict of interest by requiring that one Commissioner must belong to a guide and outfitter organization.

For the above reasons, I urge you to reject Senate Bill # 31. Thank you.

NAME: Harold Burns DATE: July 20-79

ADDRESS: 311 West Ave, Laurel Md. 59044

PHONE: 698-4039

REPRESENTING WHOM? Laurel Red Sea Club

APPEARING ON WHICH PROPOSAL: SB-31

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bessie Reber DATE: 1/30/79

ADDRESS: Gallatin Gateway 5973

PHONE: 406-995-4234

REPRESENTING WHOM? Gallatin Game Area

APPEARING ON WHICH PROPOSAL: S 31

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: FRANK DANKLE DATE: 1-20-79

ADDRESS: 1725 Golden Ave, Helena 59601

PHONE: 442-2927

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: SB 31

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

A few comments concerned
with 25 yrs. of back ground in
ESG

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.