

MINUTES
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

January 25, 1979

The fifth meeting of the Fish and Game Committee was called to order by Chairman Smith at 1:36 P.M., in Room 402 of the State Capitol Building.

ROLL CALL: All members were present.

ANNOUNCEMENTS: Chairman Smith announced that the secretary had provided status sheets, indicating the outcome of hearings on bills, as well as the Committee minutes, for each member of the Committee to review.

CONSIDERATION 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 opened the meeting to any remarks from the Committee, and asked if there were any proposed amendments to the bill.

Senator Manley said he didn't feel he made himself clear at last Saturday's hearing. He said at that time, he was trying to bring out that if the Commission were changed from 5 to 7 members, they should simply be required to be citizens of the State of Montana, with no other qualifications necessary. Senator Manley said this is the part of the bill that he, personally, resented the most. He felt that rather than requiring detailed qualifications, the Commissioners should simply be interested citizens.

Chairman Smith said he, personally, was very clear about what Senator Manley was saying.

Senator Towe said his people would be willing to reduce the proposal from 7 to 5 Commissioners and also to eliminate the provision for an outfitter and guide. Chairman Smith asked Senator Towe if he would still want the bill to read that the Commission would hire the Director. Senator Towe said the important part of the bill is to create a selection committee for the Commissioners.

Senator Goodover mentioned that it had been agreed upon to eliminate the requirement for an outfitter and guide and asked if that meant also that the other members would still stay the same. Senator Towe said he would request that three Commissioners represent sportsmen's clubs and two represent the ranching or farming industries.

Senator Goodover asked if the 10-year requirement would still be desired. Senator Towe replied that his group would agree to lower that to 5 years, if desired.

Senator Manley said that if we are going to designate who the Commissioners are and how they are appointed, he would go back to his original argument. The fish and game of the State of Montana belong to its citizens.

Senator Towe said perhaps the Committee would like to change the law to provide that there be no stipulations as to the Commissioner qualifications. He said his concern was that all 5 members could be appointed, and there would not be a provision that even one of them would have to be a landowner.

Senator Manley said if the bill were going to stay with the qualifications, he would like to say that all of the Commissioners should be landowners.

Senator Van Valkenburg asked if it would still be the case that the Director would serve at the pleasure of the Governor. This is his main concern about the bill.

Senator Towe said, in checking with other states, they do have the Commission appointing the Director. He said the Southeastern Sportsmen's Association people feel that is the most important part of the bill. He said the bill could be changed to say the Director could be removed only for cause. He mentioned that the Board of Regents is a 7-member board, and he does serve at the pleasure of Board (the department head). He said this is not a new concept, and he doesn't see it as a conflict.

Chairman Smith asked Senator Towe to present the proposed amendments to the bill, which he did. (Refer to attached Standing Committee Report.)

Senator Galt made a motion to accept the amendments presented by Senator Towe.

Chairman Smith asked Senator Towe if he had ever heard of passing legislation that would become effective 2 years later. Senator Towe said if the Committee felt that part of the bill was not appropriate, he did not have any strong feelings about it and would have no objection to changing it.

Senator Towe then left the meeting.

Senator Stimatz seconded Senator Galt's motion to accept the amendments. The amendments were accepted.

Senator Goodover said he didn't feel the Department head could be subservient to five Commissioners. He said he felt the Governor should appoint the Director, since the operation of state government is his responsibility.

Senator Galt made a motion that SB 31, AS AMENDED, DO NOT PASS.

Senator Van Valeknburg said the Committee's purpose was to make a compromise on this bill. He said we are attempting to find out what the worst thing is about the bill. He expressed concern about the seven members and the Director serving at the pleasure of the Commissioners. He said he agreed that the bill should receive a do not pass recommendation.

Senator Goodover seconded the motion that SB 31, AS AMENDED, DO NOT PASS.

DISPOSITION OF SB 31: by unanimous vote, SB 31 was sent out of committee, "And, as so amended, DO NOT PASS."

ANNOUNCEMENTS: Chairman Smith announced that SB 227 would be considered by the Committee on February 1, at 1:30 P.M.

ADJOURNMENT: Senator Manley made a motion for adjournment. Chairman Smith adjourned the meeting at 2:30 P.M.


SENATOR ED B. SMITH, CHAIRMAN

Date 1-22-79

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.

STANDING COMMITTEE REPORT

January 26, 1979

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 31

Respectfully report as follows: That SENATE Bill No. 31

introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Following: "FOR"

Strike: "A SEVEN-MEMBER FISH AND GAME COMMISSION; TO PROVIDE FOR"

2. Page 1, line 25.

Following: "five"

Strike: "seven"

Insert: "five"

3. Page 2, line 3.

Following: "districts"

Strike: "regions"

Insert: "districts"

(continued)

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4. Page 2, line 4.

Following: "~~District~~"

Strike: "Region"

Insert: "District"

5. Page 2, lines 6 and 7.

Following: "~~Clark~~"

Strike: "Flathead, Lake, Lincoln, and Sanders"

Insert: "Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Lewis and Clark"

6. Page 2, line 8.

Following: "~~District~~"

Strike: "Region"

Insert: "District"

7. Page 2, lines 10 and 11.

Following: "~~Grass~~"

Strike: "Deer Lodge, Granite, Mineral, Missoula, Powell, and Ravalli"

Insert: "Deer Lodge, Silver Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin, Park, and Sweet Grass"

8. Page 2, line 12.

Following: "~~District~~"

Strike: "Region"

Insert: "District"

9. Page 2, lines 15 and 16.

Following: line 14

Strike: "Beaverhead, Broadwater, Gallatin, Jefferson, Madison, Park, and Silver Bow"

Insert: "Glacier, Toole, Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith Basin, Fergus, Blaine, Meagher, and Wheatland"

10. Page 2, line 17.

Following: "~~District~~"

Strike: "Region"

Insert: "District"

11. Page 2, lines 19 through 21.

Following: "~~Wibaux~~"

Strike: "Cascade, Chouteau, Fergus, Glacier, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, and Toole"

Insert: "Phillips, Valley, Daniels, Sheridan, Roosevelt, Petroleum, Garfield, McCone, Richland, Dawson, and Wibaux"

12. Page 2, line 22.

Following: "~~District~~"

Strike: "Region"

Insert: "District"

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13. Page 2, line 25 through line 2 on page 3.

Following: "Prairie"

Strike: "Bighorn, Carbon, Golden Valley, Musselshell, Stillwater, Sweet Grass, Wheatland, and Yellowstone"

Insert: "Golden Valley, Musselshell, Stillwater, Carbon, Yellowstone, Big Horn, Treasure, Rosebud, Custer, Powder River, Carter, Fallon, and Prairie"

14. Page 3, lines 3 through 7.

Strike: subsections (f) and (g) in their entirety

15. Page 3, line 9.

Following: "than"

Strike: "four"

Insert: "three"

16. Page 4, line 5.

Following: "least"

Strike: "10"

Insert: "5"

17. Page 4, line 9.

Following: "least"

Strike: "10"

Insert: "5"

18. Page 4, line 11.

Following: "agriculturalists"

Strike: ", "

Insert: "and"

Following: "sportsmen"

Strike: ", and guides and outfitters"

19. Page 4, line 18.

Following: "(b)"

Strike: "Four"

Insert: "Three"

20. Page 4, lines 22 through 24.

Following: line 21

Strike: subsection (c) in its entirety

21. Page 5, line 6.

Following: "of"

Strike: "seven"

Insert: "five"

22. Page 5, line 7.

Following: "the"

Strike: "seven regions"

Insert: "five districts"

(continued)

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23. Page 6, line 11.

Following: "office"

Strike: "two members"

Insert: "one member"

24. Page 6, line 12.

Following: "and"

Strike: "two members"

Insert: "one member"

25. Page 10, line 9.

Following: line 8

Strike: "The requirement of a seven-member commission and the"

Insert: "The"

And, as so amended, DO NOT PASS