

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

February 6, 1979

The ninth meeting of the Senate Fish and Game Committee was called to order by Vice Chairman Jack Galt, at 12:30 P.M., in Room 402 of the State Capitol Building. Chairman Smith expected to be about 15 minutes late.

ROLL CALL: All members were present, with the exception of Senator Smith.

CONSIDERATION OF HB 30, A BILL FOR AN ACT ENTITLED:  
"AN ACT TO EXCEPT WHITEFISH FROM THE PROHIBITION AGAINST SALE OF GAME FISH."

Acting Chairman Galt introduced Representative Dan Yardley, Chief Sponsor of the bill, who explained it to the Committee. He said the proponents of the bill want to allow local commercial selling of whitefish. He went on to say that originally the bill included a \$15.00 license fee, which was deleted in the House. He called upon Mr. Art Whitney, Administrator of the Fisheries Division of the Montana Fish and Game Department, to explain the bill.

Mr. Whitney spoke in support of the bill, saying the purpose of the legislation as introduced was to enable the Department of Fish and Game to allow limited commercial fishing for whitefish by angling in areas where whitefish are abundant and underutilized by sport fishermen. He said this legislation also has the potential of improving sport fishing for trout. (Attachment #1)

Mr. John Wilson of Belgrade, Montana, representing the Montana Council of Trout Unlimited, testified in support of the bill, saying it benefits many people. He said the bill would constitute incentive to reduce the population of whitefish. He felt that without the \$15 fee, there might be some problems involved in enforcing the bill, but he said his group supported Mr. Whitney's testimony and statement.

Acting Chairman Galt asked if there were any other proponents or opponents. There were none.

In closing, Representative Yardley said this bill was a trial period effort, and he felt if it did not work out, the next legislature could change it.

Senator Anderson asked what the House's feeling was in deleting the \$15.00 fee.

Representative Yardley said the revenue would probably be only about 15 or 20 licenses per year. In order to keep it simple, they deleted the fee.

Mr. Whitney said the methods of catching whitefish would stay the same.

Senator Stimatz asked if the regular fisherman would be affected by the bill. Mr. Whitney said he did not foresee that happening.

Senator Manley asked if the Department had considered using nets to clean out whitefish. Mr. Whitney said the trout population would be damaged by using nets. He said if you did this, it would have to be an every-year project, which would be expensive. He continued, saying the Department feels the people of the state should take the crop, rather than the Department doing it. Mr. Whitney said if this were under a license procedure, it would be comparable to the commercial pond license; however, the Department is not concerned about the price of the license, just that they have a record of who is taking these fish.

Senator Goodover asked if Representative Yardley would explain the bill since he was late arriving at the hearing. Representative Yardley did this, saying the bill was drafted by the Fish and Game Department. Senator Goodover asked if there is currently a market for whitefish.

Representative Yardley said many people catch these fish, smoke them, and then sell them at taverns and bars.

Senator Anderson asked what happened to the previous commercial licenses. Mr. Whitney replied that about 40 years ago, it became illegal to sell them.

Senator Galt asked why the Department didn't remove the limit if it wanted to harvest whitefish. Mr. Whitney replied when the limit is abolished, it seems to make that particular fish less popular and, thus, is not an effective method of harvest.

DISPOSITION OF HB 30: Senator Stimatz made a motion that HB 30 BE CONCURRED IN. Senator Manley seconded the motion and it carried unanimously.

Since Chairman Smith had not arrived at the meeting, Acting Chairman Galt recessed the meeting at 1:00 P.M.

Chairman Smith arrived, and the meeting reconvened at 1:03 P.M.

CONSIDERATION OF SB 227: A BILL FOR AN ACT ENTITLED:  
"AN ACT TO REQUIRE APPROVAL OF THE APPROPRIATE COUNTY GOVERN-  
ING BODY BEFORE FINAL APPROVAL OF FEDERAL LAND, WETLAND, OR  
WATER ACQUISITIONS FOR FISH AND GAME PURPOSES."

Senator Smith, Chief Sponsor of the bill wanted the bill to specify it applied only to duck stamp monies. The proposed amendments were distributed to the Committee.  
(Attachment #2)

A motion was made by Senator Van Valkenburg to accept the amendments.

Senator Manley asked why this bill would be limited to only Fish and Wildlife Service lands. He said, according to a bill now in the House, any lands over 160 acres will be taken care of.

Senator Smith said the bill transfers the veto powers to the local county commissioners; they then will conduct hearings to get public opinion on possible sales.

Senator Manley said he felt this bill would take away the rights of private landowners. He asked why there was not a fiscal note on the bill. He felt this bill might present a problem in regard to bidding; the farmers would not bid on the lake and sloughs, and the Fish and Wildlife Service would purchase them.

Senator Goodover asked how the bill would affect him if he wanted to buy land that the Fish and Wildlife Service leases. He said he has had some problems with local county commissioners and hasn't always seen eye-to-eye with them. He also asked how much money the duck stamp funds produced.

Chairman Smith replied their monies are almost unlimited.

Senator Anderson said the people from his district don't want any restrictions whatsoever on the lands.

A roll call vote was conducted on accepting the proposed amendments, with Senators Goodover and Manley voting "no." The motion carried.

Note: Prior to the roll call vote, Senator Galt said he would like to second the motion of Senator Van Valkenburg to accept the proposed amendments to SB 227.

Senator Van Valkenburg said the Committee should discuss the reasons for stating that county commissioners could reject land sales. He said what the bill says to him is that the private landowner cannot sell his land to a willing buyer. Chairman Smith said at the present time there are veto powers - the Governor and the Director of the Montana Fish and Game Department; this bill would simply transfer that power to the local people.

Senator Manley said that payments in lieu of taxes are not the same as normal taxes because when a ranch or farm is taxed, the tax includes equipment, machinery, livestock, etc. When it is sold and these things are no longer on the land, the taxes decrease considerably. Therefore, he said, if you start out with a \$20,000 tax base, it could be reduced to about \$2,000, if the land is sold.

Senator Van Valkenburg asked about the limit on the amount of land involved.

Chairman Smith asked Senator Anderson and Senator Van Valkenburg to get together with Debbie Schmidt and draft appropriate amendments to the bill for the next Committee meeting.

CONSIDERATION OF HB 8, A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO FISH AND GAME."

Senator Van Valkenburg pointed out that chapter 2 deals entirely with licenses.

Chairman Smith asked if the proposed change in the bill would mean that the Fish and Game Department could issue a \$2 Conservation License. Senator Van Valkenburg said, in his opinion, it did not. (He referred to section 87-202 of the Montana Codes Annotated.)

DISPOSITION OF HB 8: Senator Van Valkenburg made a motion that HB 8 BE CONCURRED IN; the motion was seconded by Senator Anderson. A roll call vote was conducted, with Senator Manley being absent; Senators Smith and Goodover voting "no." The motion carried 4 to 2. Senator Van Valkenburg agreed to carry the bill on the floor.

Senator Stimatz agreed to carry HB 30 on the floor.

ANNOUNCEMENTS: Chairman Smith announced that the Committee will meet next on Saturday, February 10, at 12:30 P.M. At that time SB 342 will be heard, and in executive session SB 227 will be considered with the new proposed amendments.

ADJOURNMENT: Chairman Smith adjourned the meeting at 2:15 P.M.

---

SENATOR ED B. SMITH, CHAIRMAN

EBS:ss

Date 1-6-79

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.



*Attachment #1*

STATEMENT IN SUPPORT OF HB 30

BY: ARTHUR N. WHITNEY, FISHERIES DIVISION ADMINISTRATOR  
DEPARTMENT OF FISH AND GAME

The purpose of this legislation as introduced was to enable the Department of Fish and Game to allow limited commercial fishing for whitefish by angling in areas where whitefish are abundant and underutilized by sport fishermen. Such commercial fishing would better utilize a resource that is now vastly underutilized and also has the potential of improving sport fishing for trout. As amended the bill still would enable us to designate areas open to commercial whitefishing but would not allow us to limit the number of commercial operators in any open area.

Mountain whitefish are the most numerous game species in many Montana rivers, therefore, whitefish have very liberal sport fishing limits (30 per day and 60 in possession) and seasons, (many rivers remain open December through March for whitefish only). However, even with these liberal regulations fishing pressure on whitefish is only a fraction of the pressure on trout. Because whitefish compete with trout to some extent, it may be possible to improve trout growth and survival rates in certain waters by increasing fishing pressure on whitefish.

If this legislation is enacted we would propose that the Commission open only specific sections of individual rivers to commercial whitefishing. These would be areas where we are now making and plan to continue to make fish population estimates so that we can monitor the effect of the commercial whitefishing on both trout and whitefish.

As originally submitted the bill had licensing and reporting provisions that would have allowed our department to control the number of commercial operators and maintain good records of the total commercial activity. The licensing requirement has been deleted and although the reporting requirement has been maintained we believe reporting will be unenforceable without special licensing. If we do not know who is engaging in this activity we cannot request reports from those who forget or do not choose to turn them in.

Although we would prefer to have the licensing requirement maintained our department supports the bill as amended. It still contains its major provision of allowing us to attempt to increase the catch of whitefish in areas where they are most numerous. This has the potential of improving trout fishing in those areas.

However, we believe the amended bill will not be popular with sportsmen who enjoy angling for whitefish in areas that do not have large numbers of these fish. This is because without the requirement of a commercial license we will have difficulty restricting commercial activity only to certain areas. The amended bill authorizes anyone with a sport fishing license to sell white-



fish. Once an angler has reduced his legally taken sport fish limit to possession he could declare his fish were taken from a commercial area and sell them. Although this possibility exists to some extent even with a commercial license requirement it would be far less widespread if the fish can be sold only by persons with a commercial license.

Therefore we recommend that if a licensing requirement cannot be amended back into the bill that the legislation be made effective only until the next legislative session. We believe the law may become quite unpopular.

*Attachment # 2*

STANDING COMMITTEE REPORT

February 3, 1979  
Journal

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 227

Respectfully report as follows: That SENATE Bill No. 227

introduced bill, be amended as follows:

- 1. Title, line 7.  
Following: "PURPOSES"  
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
- 2. Page 1, lines 16 and 17.  
Following: "areas"  
Strike: ", "  
Insert: "or"  
Following: "refuges"  
Strike: ", or other wildlife or waterfowl purposes under Title 87,  
chapter 1, part 7,"

(continued)

XXXXXX

.....February 3,..... 19...79..

3. Page 1, lines 24 and 25.

Following: "acquisitions"

Strike: ",whether"

Insert: "to be accomplished"

Following: "title"

Strike: ", lease, easement, or agreement"

4. Page 2, lines 19 through 22.

Following: "3."

Strike: the remainder of lines 19 through 22 in their entirety

Insert: "Effective date. This act is effective on passage and approval."

*Ed B. Smith*

Chairman.

SENATE COMMITTEE FISH AND GAME

Date 2-6-74 Bill No. 227 Time 1:15

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: Amendment to Bill 227  
(attached)

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

SENATE COMMITTEE FISH AND GAME

Date 2-10-79

Bill No. 9

Time 1:40

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: planned

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

# STANDING COMMITTEE REPORT

..... FEBRUARY 5, ..... 19 72 .....

MR. .... PRESIDENT .....

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

having had under consideration ..... HOUSE ..... Bill No. 30 .....

Respectfully report as follows: That ..... HOUSE ..... Bill No. 30 .....

BE CONCURRED IN

\*\*\*\*\*  
DO PASS

# STANDING COMMITTEE REPORT

..... FEBRUARY 6, ..... 1979 .....

MR. PRESIDENT .....

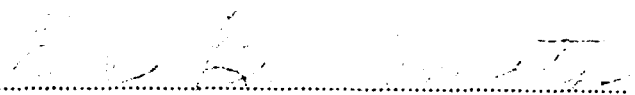
We, your committee on FISH AND GAME .....

having had under consideration ..... HOUSE ..... Bill No. 3 .....

Respectfully report as follows: That ..... HOUSE ..... Bill No. 3 .....

BE CONCURRED IN

~~DO PASS~~

  
.....  
SENATOR ED B. SMITH Chairman.  
4/10

NAME: John Wilson DATE: 2/6/79

ADDRESS: Rt #1 Box 10 Bolton, MA

PHONE: 358-4979

REPRESENTING WHOM? Nat. Council of Trout Unlimited

APPEARING ON WHICH PROPOSAL: HR-30

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: We support this bill due to the many benefits it would.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.