

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

February 10, 1979

The tenth meeting of the Fish and Game Committee was called to order by Chairman Smith at 12:30 P.M., in Room 402 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL 342, A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE THE TRAPPING OF PREDATORS AND NONGAME WILDLIFE BY NONRESIDENTS."

Chairman Smith asked Vice Chairman Galt to chair the meeting. Acting Chairman Galt called upon Senator Smith, Chief Sponsor, to explain the bill. Senator Smith said there were many out-of-state trappers who come into Montana, pay no license fees, and take many animals. Their hides are then sold. This includes non-fur-bearing animals. Under the new bill, he explained, nonresidents must have a license and the season will begin October 15. He went on to say some nonresidents come into the state and do not get permission from the landowners to trap. He said this bill should help relieve the problem regarding angry landowners. He mentioned that landowners have been known to hold trappers at gunpoint for going on their land without permission.

Mr. Ed Tyanich of Helena, a trapper, spoke in favor of the bill.

Mr. Norman Turnbough of Broadus spoke in support of the bill, saying he feels that nonresidents should have to pay for the privilege of trapping. He said the nonresidents come into the state early in the season and take out many, many animals. At that time, he said, the local residents are just wrapping up their work. He feels licensing will improve the quality of the trapper; if they must pay for the privilege of trapping, they will be more cognizant of their behavior.

Mr. Gary Stuker of Havre, President of the Montana Wildlife Federation, spoke in support of the bill. He said the problem, as he sees it, is early trappers taking most of the beaver.

Mr. Ward Wittle of Circle, spoke in favor of the bill.

Mr. Fletcher Newby, Deputy Director of the Montana Fish and Game Department, presented a statement, recommending that the Committee give the bill favorable consideration. (Attachment #1)

There being no further proponents, Acting Chairman Galt called for opponents; there were none.

Senator Smith said, in closing, that nonresidents who come in to trap don't pay income taxes on the hides. He said it is not the intent of the bill to put predators on the fur-bearing list.

Senator Manley asked how much it costs for a resident to trap at the present time. Fletcher Newby said the license fee is \$10 per year.

Senator Anderson said reducing the \$250 license fee had been discussed, and he wondered if perhaps we should have a companion bill to this. Senator Smith said he was only concerned with one thing and that was to control the nonresident from taking too many animals. He said he was not interested in a companion measure.

Mr. Newby said a big problem involved here is that when traps are set up fur-bearers and predators don't know for whom they are set; people catch both in their traps.

Senator Van Valkenburg asked if the Department attorney had advised the Department about the equal protection problems because of the difference in resident and nonresident fees. Mr. Newby said they were aware of this.

Senator Manley made a motion that SB 342 DO PASS.
Question.

DISPOSITION OF SB 342: After the question, SB 342 was unanimously voted DO PASS.

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

Debbie Schmidt, Researcher for the Legislative Council, explained the proposed amendments drawn up by Senators Van Valkenburg and Anderson.

Chairman Smith said under this bill, the party or parties with veto power will come to the county when it is planned to sell land to the U. S. Fish and Wildlife Service.

He feels through this bill the landowners will receive more money for their land than they are presently receiving.

Senator Anderson felt that on page 2, line 14, the wording should state "legal and local descriptions." Chairman Smith said the legal description, he felt, would be sufficient.

Senator Goodover said he didn't feel we need the bill at all. He feels that everything the Committee wants done is already being done. He asked Mr. Newby if the Director of the Fish and Game Department actually does go out in the field and inspect these properties before they are sold. Mr. Newby explained the procedure. He said the Fish and Wildlife Service sends the Director a proposal. He, in turn, forwards it to the appropriate Regional Office where they confer and consult with local people. Following that, the Regional Office will submit a recommendation to the Director before he makes a decision as to whether he will approve or deny the purchase.

Senator Goodover asked what would happen if the local people wanted to outbid the U. S. Fish and Wildlife Service. Chairman Smith replied they could do this.

Senator Van Valkenburg made a motion to accept the amendments as described by Debbie Schmidt. The motion was seconded by Senator Anderson. A roll call vote was taken on the acceptance of the amendments. It carried 5 to 2, with Senators Goodover and Manley voting "no."

DISPOSITION OF SB 227: Senator Anderson made a motion that SB 227 DO PASS, AS AMENDED. The motion was seconded by Senator Van Valkenburg. A roll call vote was conducted resulting in a 5 to 2 outcome, with Senators Goodover and Manley voting "no." The motion carried.

CONSIDERATION OF HB 37, A BILL FOR AN ACT ENTITLED:
"AN ACT TO AMEND SECTION 87-1-602, MCA, TO CLARIFY THAT ALL FISH AND GAME MONEY MAY BE USED TO PAY FOR FISH AND GAME EXPENSES AND TO GENERALLY REVISE ITS WORDING."

Senator Anderson said this bill was the result of suggestions by the legislative auditor. He explained that the general fund monies for the Fish and Game Department amounted to about \$484,000 for 1979.

Chairman Smith asked what these general fund monies are used for. Mr. Newby said they were entirely for the land-based parks program. He said general fund monies have never been on fish and wildlife management programs.

Senator Manley asked if any of this money is used to purchase land. Mr. Newby said no, that would have to come out of the long-range building program. However, he pointed out that federal Pittman-Robertson and Dingell-Johnson funds are used in the purchase of lands.

DISPOSITION OF HB 37: Senator Stimatz made a motion that HB 37 BE CONCURRED IN.

Senator Manley said he understood the Department's budget was in the area of 12 million dollars and wanted to know how much of that comes from the general fund. Mr. Newby explained that the Department has three land acquisition programs:

1. Fishing access land acquisition is a triple-earmarked fund, derived strictly from fishing licenses.
2. Wildlife acquisition lands are acquired with license monies from an earmarked account, matched with Pittman-Robertson funds.
3. The coal tax earmarked account is used in acquiring lands for the Parks Division, including historical sites, etc.

Senator Manley said he had the bill re-referred to the Fish and Game Committee to make sure the Fish and Game Department would not be taking any more money from the general fund than they are presently receiving.

Chairman Smith pointed out that the general funds have always been for the parks programs. He said when the Parks Division was transferred from the Highway Department to the Fish and Game Department, they neglected to change the law; this bill simply clarifies it.

Senator Stimatz reiterated his motion that HB 37 BE CONCURRED IN. Senator Van Valkenburg seconded the motion and it carried.

CONSIDERATION OF SB 259, A BILL FOR AN ACT ENTITLED:
AN ACT TO MINIMIZE TRANSMISSION OF RABIES BY PROHIBITING THE POSSESSION OF BATS, SKUNKS, FOXES, RACCOONS, OR ANY OTHER WILD ANIMAL SPECIES KNOWN TO BE CAPABLE OF TRANSMITTING RABIES TO HUMAN BEINGS."

Senator Anderson said he had discussed the bill with Dr. Skinner and they would work together in drafting a letter of intent. Senator Anderson said he feels this is a good bill.

Senator Stimatz was excused at 1:30 P.M. He wanted his vote recorded as "yes" on the bill, if a DO PASS motion were made.

DISPOSITION OF SB 259: Senator Manley made a motion that SB 259 DO NOT PASS. The motion was seconded by Senator Galt. After a roll call vote, the motion passed, with Senators Smith, Galt, Goodover and Manley voting "yes," and Senators Anderson Stimatz and Van Valkenburg voting no on the DO NOT PASS motion. The motion carried.

Chairman Smith polled the Committee concerning a request from the Fish and Game Department that the Committee sponsor HB 26, which is a pre-filed bill that has not yet been introduced. The bill title is: "AN ACT TO INCREASE REVENUE FROM STATE FISHING LICENSES BY INCREASING THE FISHING LICENSE FEES AND ESTABLISHING A SEPARATE NONRESIDENT WILDLIFE CONSERVATION FEE."

Senator Van Valkenburg said he would pick up the bill from the Legislative Council, and it will be discussed by the Committee on Tuesday, February 13, at which time the Committee will decide whether it wants to sponsor it or not.

ADJOURNMENT: Chairman Smith adjourned the meeting at 2:10 P.M.



SENATOR ED B. SMITH, CHAIRMAN

Date 2-10-79

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

MONTANA DEPARTMENT OF FISH AND GAME
TESTIMONY IN FAVOR OF SENATE BILL NO. 342
February 10, 1979

Mr. Chairman, committee members, I am Fletcher Newby, deputy director of the Montana Department of Fish and Game. I am here on behalf of the department to speak in favor of SB 342.

From reports of landowners and department personnel, we are aware that there is a significant amount of non-resident activity in the taking of predatory animals and nongame wildlife. The licensing provision of SB 342 will for the first time provide a mechanism through which we will be able to measure the extent of these activities. The identification requirements of licensing and landowner permission should promote greater responsibility amongst this heretofore anonymous and highly mobile group of resource users. We recommend that SB 342 receive a "Do Pass".

mbs

SENATE COMMITTEE FISH AND GAME

Date 2-10-74 Signal Bill No. 159 Time 1:35

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: As read

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

SENATE COMMITTEE FISH AND GAME

Date Amats Bill No. 227 Time 1:10

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: acceptance of Amendments

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

SENATE COMMITTEE FISH AND GAME

Date 2-11-79 subject Bill No. 119 Time 1:12

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

Sherri R. Smith
Secretary

ED B. SMITH
Chairman

Motion: No Pass, A. Amended

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

THOMAS L. JUDGE, Governor

ANIMAL HEALTH DIVISION
Glenn C. Halver, D.V.M.
Administrator

BRANDS-ENFORCEMENT DIVISION
James L. "Les" Graham
Administrator



BOARD OF LIVESTOCK

Robert G. Barthelmess, Miles City
Chairman
Robert L. Deschamps, Jr., Bonanza
Eugene C. Donaldson, Helena
Fred A. Johnston, Great Falls
Vernon V. Keller, Fishtail
Ralph J. Parker, Fort Shaw
Robert M. Simons, Turner

STATE OF MONTANA
DEPARTMENT OF LIVESTOCK
HELENA, MONTANA 59601

(406) 449-2043

February 6, 1979

MEMORANDUM

TO: Senator Ed Smith

FROM: James W. Glosser, D.V.M., Administrator & State Veterinarian *JWG*

SUBJECT: STATEMENT OF INTENT ON SB 259, SKUNK RABIES BILL

Attached is a proposed statement of intent for the legislatures consideration of the meaning and impact of Senate Bill 259. If you have questions about this please contact me at extension 2043.

CB:es

cc: Dr. M. Skinner

STATEMENT OF INTENT RE: SB 259

This bill is designed to minimize the transmission of rabies by controlling the possession of skunks and other wild animal species known to transmit rabies to man or his domesticated animals. It grants rule making powers to the Department of Health & Environmental Sciences subject to the concurrence of the Department of Livestock. It is the committee's intent that rules adopted under this act do not interfere unduly with the operations of fur farms, zoos, or educational institutions using prohibited animals for scientific research, and that rules adopted will be to the fullest content possible, humane in their impact, and work to accomplish the purposes of this bill. The committee directs that no animals other than those designated by Paragraph 3 of Section 1 of this bill be added to the list of prohibited animals unless it is clear that the possession of such animals as pets presents a danger to the public health because of its potential for rabies exposure.

It is the committee's intent that any possession of such prohibited animals at the time of the effective date of this act shall be illegal, subject to a determination that such animals may have been in possession for a sufficient length of time and in such a manner so as to pose a negligible risk of rabies exposure.

NAME: Garrett Stuker DATE: 2/10/79

ADDRESS: Box 282 Hamer

PHONE: 265-4405 Bus 265-6601

REPRESENTING WHOM? Mont Wallace Deal

APPEARING ON WHICH PROPOSAL: SB 342

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: NORMAN B TURNBULL DATE: 2-10-79

ADDRESS: Box 43 Broadus MONT 59317

PHONE: 436-2390

REPRESENTING WHOM? TRAPPERS

APPEARING ON WHICH PROPOSAL: SB 342

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Need for SB 342

Personal experience with non-residents,

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

FEBRUARY 10, 19 79

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 259

Respectfully report as follows: That SENATE Bill No. 259

DO NOT PASS

~~DO NOT PASS~~ *Pa.*

STANDING COMMITTEE REPORT

.....FEBRUARY 10,..... 19 79.....

MR.PRESIDENT.....

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

having had under considerationSENATE..... Bill No. 227.....

Respectfully report as follows: That.....SENATE..... Bill No. 227.....

introduced bill, be amended as follows:

1. Title, lines 4 through 6.

Following: "REQUIRE"

Strike: "APPROVAL OF THE APPROPRIATE COUNTY GOVERNING BODY BEFORE
FINAL APPROVAL OF"

Insert: "A PUBLIC HEARING ON"

2. Title, line 7.

Following: "PURPOSES"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. 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,"

~~BY NASSX~~

(continued)

FEBRUARY 10, 1979

4. Page 1, lines 22 through 25.

Strike: these lines in their entirety

5. Page 2, line 4.

Following: "[section 1]"

Insert: "the department and the United States fish and wildlife service"

6. Page 2, line 7.

Following: "The"

Strike: "governing body"

Insert: "agencies described in subsection (1)"

Following: "a"

Insert: "joint"

7. Page 2, line 9.

Following: "hearing."

Insert: "The hearing shall be held in the county in which the proposed acquisition is located."

8. Page 2, lines 15 through 18.

Strike: these lines in their entirety

9. 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."

And, as so amended, DO PASS

30.

STANDING COMMITTEE REPORT

FEBRUARY 10, 19 79

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 37

Respectfully report as follows: That HOUSE Bill No. 37

BE CONCURRED IN

~~DONAHAY~~ *D.C.*

STANDING COMMITTEE REPORT

FEBRUARY 10, 19 79

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 342

Respectfully report as follows: That SENATE Bill No. 342

DO PASS

J.A.