

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

March 3, 1979

The seventeenth meeting of the Fish and Game Committee was called to order by Chairman Smith at 1:07 P.M., in Room 402 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HB 145, A BILL FOR AN ACT ENTITLED:  
"AN ACT TO CHANGE THE NAME OF THE DEPARTMENT OF FISH AND GAME TO REFLECT ITS FULL RESPONSIBILITIES: AND TO INSTRUCT THE CODE COMMISSIONER TO MAKE NECESSARY CHANGES IN THE MONTANA CODE ANNOTATED."

Representative John Scully, Chief Sponsor, explained the bill. He said he feels the Parks Division of the Department of Fish and Game does an excellent job, and should be given recognition for that. He said this sentiment was reflected in the House hearing on the bill, and that everyone seems to agree Parks Division personnel get along well with the people of Montana. Representative Scully pointed out that he asked that the bill be amended in the House so the Department could not change all of its belt buckles, stationery, signs, etc. all at once. The House changed that and included a Statement of Intent to accompany the bill. He concluded, saying he would like to commend Mr. Ron Holliday, Administrator of the Parks and Recreation Division, Montana Department of Fish and Game, for his exceptional work in that Division, and offered to answer any questions from the Committee.

Representative Jack Moore said he felt changing the word "game" to "wildlife" broadens the scope and importance of the Department's functions. He continued, saying the Parks Division has been in the Department for 13 years, and the new name will enhance recognition of that Division's work.

Mr. Gary Stuker of Havre, representing the Montana Wildlife Federation, spoke in support of the bill, saying it will more accurately reflect the duties of the Department.

Mr. Kenneth Clark, representing himself, spoke in favor of the bill. He presented a letter from Mr. Ken Hoovestol, Legislative Chairman of the Montana Snowmobile Association of Billings. (Attachment #1)

Dr. Robert Wambach, Director of the Montana Department of Fish and Game, was unable to attend the meeting due to illness; he sent a written statement to the Committee in support of the bill. (Attachment #2)

There being no further opponents or proponents, Chairman Smith called upon Representative Scully to close. Representative Scully said he hoped the Committee would give the bill favorable consideration.

Senator Goodover asked if the bill was drafted solely for the purpose of including parks. Representative Scully said the term "wildlife" is an all-inclusive one, and it - along with the term "parks"- describes the functions of the Department.

Chairman Smith closed the hearing on HB 145.

DISPOSITION OF HB 145: Senator Manley moved that HB 145 BE CONCURRED IN. The motion was seconded by Senator Goodover. Following a roll call vote, the motion carried unanimously, with Senator Anderson being excused. Senator Manley will carry the bill on the Senate Floor.

CONSIDERATION OF HB 663, A BILL FOR AN ACT ENTITLED:  
"AN ACT TO INCREASE THE FEE FOR A MOTORBOAT LICENSE DECAL  
AND TO PROVIDE FOR ITS ALLOCATION."

Representative Joe Brand, Chief Sponsor of the bill, explained it. He said he had requested and had been granted an amendment on page 5, lines 16 through 20 of the bill, stating: "The Department of Fish and Game, Parks Division, will expend an amount equivalent to the money received by the Department in decal money for the purchase, maintenance, and upgrading of boating facilities."

Chairman Smith asked if there would be additional monies from this going to the Fish and Game Department. Representative Brand said the additional monies would go to the Division of Motor Vehicles for the State of Montana.

Mr. Robert Van Der Vere of Helena, representing himself, said since the fee for this has been reduced from \$5 to \$2, the people seem to favor the bill.

Mr. Robert Bird, Bureau Chief of Safety and Training, Montana Department of Fish and Game, spoke in support of the bill.

Mr. Kenneth Clark said he supported the bill.

Since there were no further proponents and no opponents, Chairman Smith closed the hearing on HB 663, and called for questions from the Committee.

Senator Goodover asked if gas tax monies from motor-boat fuel went into this fund. Senator Manley said there will be no refunds.

Mr. Holliday said 9/10 of 1 percent of the gas tax is set aside for boating areas. He said this tax amounts to about \$300,000 annually, and it can only be spent where boating is allowed. Mr. Holliday continued, saying the Department doesn't interpret the bill as spending money additionally to what it is doing now. Senator Van Valkenburg asked Representative Brand if he interpreted it the same way as the Fish and Game Department did. His answer was "yes."

Senator Goodover asked Representative Brand if, with this money now going to Deer Lodge, they will require more employees to handle the paper work. Representative Brand replied, "no."

Senator Manley asked if this will put the boats on the same system as automobiles. Representative Brand said that was true -- the licenses would all be computerized.

DISPOSITION OF HB 663: Chairman Smith pointed out that the additional money will take care of the license procedure in Deer Lodge; it is not going to go to the Fish and Game Department.

At 1:35 P.M., Senator Van Valkenburg was excused from the meeting.

Senator Manley made a motion that HB 663 BE CONCURRED IN. The motion was seconded by Senator Galt. Following a roll call vote, the motion carried unanimously. Note: Senator Van Valkenburg had left a "yes" vote with Chairman Smith.

CONSIDERATION OF HB 420, A BILL FOR AN ACT ENTITLED:  
"AN ACT TO REVISE THE STATUTES RELATED TO HUNTING AND TRAPPING LICENSES TO MODIFY CERTAIN DEFINITIONS, MAKE PERMISSIVE THE INFORMATION INCLUDED ON BIG GAME LICENSES, MAKE CONSISTENT WORDING OF AUTHORITY UNDER A LICENSE, DELETE CERTAIN LICENSES, PROVIDE INDIVIDUAL GAME SPECIES LICENSES FOR NONRESIDENTS, MAKE RESTRICTIONS NOW APPLICABLE TO NONRESIDENT GAME ANIMAL LICENSES APPLICABLE TO ALL HUNTING LICENSES, ESTABLISH-A-WILD BISON-LICENSE-AND-FEES-THEREFOR, PERMIT THE DEPARTMENT TO DETERMINE GAME ANIMAL SEASONS FOR WHICH THE BOW AND ARROW LICENSE IS APPLICABLE, INCREASE FEES FOR CERTAIN NONRESIDENT HUNTING LICENSES, DECREASE THE FEE FOR RESIDENT B-TAG DEER LICENSE, AND MAKE SUCH OTHER MODIFICATIONS TO THE STATUTES NECESSARY TO CARRY OUT THIS REVISION."

Representative Les Hirsch, Chief Sponsor of the bill, explained it to the Committee. He asked Mr. Gene Allen, Administrator of the Wildlife Division, Montana Department of Fish and Game, to speak on the bill. Mr. Allen presented copies of a written statement to the Committee entitled, "PROPOSED REVISION OF CHAPTER 2 - TITLE 87 MCA." This statement explained the reasoning behind changing the fee structure and contained a schedule of present and proposed fees. (Attachment #3)

Mr. Gary Stuker spoke in support of the bill, with amendments.

There being no further proponents and no opponents to the bill, Chairman Smith opened the hearing to questions.

Senator Manley asked if this bill just pertains to nonresidents. Mr. Allen said the resident Deer-B licenses are the only resident change.

Chairman Smith asked if there would be an increase in funds. Mr. Allen referred to the fiscal note. (Attachment #4) He also asked Mr. Allen if this bill would still allow two-deer licenses in areas that are over-populated, or if they would just leave it to the nonresidents. Mr. Allen said these areas will be like all others; they will be restricted to 10 percent for nonresidents unless they are under-applied for. In answer to Senator Goodover's question as to whether or not all the points covered in his testimony were not included in the bill, Mr. Allen replied they were.

Chairman Smith asked if HB 247 and HB 420 must be considered jointly or if they could be handled separately. Mr. Allen said they could be handled independently.

Senator Manley read his proposed amendments to the bill. (Attachment #5) A discussion ensued concerning game farms. Mr. Orville Lewis, Associate Director of the Department of Fish and Game, said it was not the intention of the Department to give consideration to game farm animals in Chapter 2, which is this bill.

Senator Stimatz asked what the proposed amendments would do to the bill.

Mr. Lewis said there is some need to control game farm animals in their relationship to wild animals. He said wild animals cannot be branded, so it is impossible to separate those owned by the state and those owned privately. Therefore, he said, the Department must have some control and authority over the game animals. He asked that the Department attorney address this question.

Mr. Woody Wright, Department Attorney, said it would impair Department activities in and around hunting districts located near game farms. He said the Department's intention was not to include game farms in this license bill.

Senator Galt asked if two years ago, it wasn't decided there was private ownership of game animals. Mr. Lewis said the Department does not question that there is private ownership of game animals. He said they only want some degree of control of wild animals on game farms.

Senator Galt asked Mr. Frank H. Dunkle, former Director of the Montana Department of Fish and Game, and former State Senator, if, as Chairman of last session's Senate Fish and Game Committee, he remembered a bill dealing with game farms. Mr. Dunkle replied there was a bill requested by the Department which would have excluded privately owned animals. However, the bill was killed in Committee.

He said following the Big Horn court case, wherein the court ruled against the Department about jurisdiction, the Fish and Game Department held hearings concerning the need for rules and regulations for game farms. These regulations were soundly rejected by the people who raise game animals. Following the hearings, the Department did not enforce or promulgate these regulations. Mr. Dunkle said the animals on game farms are privately owned, they are titled, and the owner may dispose of them as he sees fit.

Senator Galt asked how game farm animals are identified. Mr. Dunkle said there has not been a specific requirement for identification. It has been by a tattoo on the lip, marking of hoofs or ear markings. Mr. Dunkle continued, saying these animals are valuable, and there is a need for close study on their identification -- he said most people are concerned, and try to identify them just as you would cattle.

Senator Galt asked what would happen if a wild animal jumped into your game farm. Mr. Dunkle said it would be illegal for a person to keep a wild animal that did this, just as it would be illegal to keep a cow or horse that came on your range. He said that becomes an enforcement problem. He concluded by saying every game farm owner must have records to produce to the Fish and Game Department, if they request them, stating proof of ownership.

At 2:15 P.M., Senator Van Valkenburg returned to the meeting.

Senator Stimatz asked Representative Hirsch to explain the amendments. Representative Hirsch said he felt they would have to be referred to the Rules Committee.

He said he felt it would seriously jeopardize the bill if the proposed amendments were adopted.

Senator Stimatz said the bill does not address game farm animals or permits.

Senator Galt asked if the Committee could get a ruling to see if this is a proper amendment to the bill and did not make a substantive change in the meaning of the bill.

Debbie Schmidt, Legislative Council Researcher, said originally Senators Manley and Graham were concerned that game farms be included in the bill (these amendments). She said when they brought it to her, the purpose was to change the definition of game animal. It was their intention to include only the disposition of game animals that were privately owned. It was intended that privately owned game animals could not be under the control of the Fish and Game Department. Debbie said she didn't know whether the original title was broad enough to cover the changes in the amendments and, first of all, someone would have to challenge the Rules Committee to find out.

Mr. Dunkle said Senator Manley's amendments do fit in the licensing section.

Chairman Smith asked if the Department intended to license all animals that are raised on game farms. Mr. Lewis said they did not, at this time. He said he didn't think this has been considered by the Commission. Mr. Lewis said the shooting preserve law provides for the hunting of privately owned birds, but it did not include game animals. He said the Department assumed it was the legislature's intent that they not be included. To clarify this issue, that problem should be addressed. He stated we should decide if the people of Montana want to provide for the hunting of big game animals privately owned and don't want the Department to have anything to do with them.

Senator Manley asked Mr. Lewis if he was stating that the people cannot do what they want to with privately owned animals on their own property -- was he insinuating that the Department has total authority over this?

Mr. Lewis replied in the affirmative, stating that is what the shooting preserve bill says. He said he thought the legislature wanted to protect game birds and did so by enacting the shooting preserve bill.

Senator Stimatz said he thought the whole conversation was out of order, and he wanted to request that the Chair make a ruling to end the discussion.

Mr. Ward Swanser of Billings, attorney for the Big Horn Game Ranch, Incorporated, said he does see this game farm aspect as a problem. He said in 1935, there was in existence a law stating you could deal with private animals as private property. In 1945, they ruled out that paragraph. Since that time, people have continued to shoot and sell privately owned animals. Then, the Fish and Game Department wanted a ruling from the Attorney General, which said the Department had no authority to require that privately owned animals had to have permits for shooting, for bag limits, or for anything else.

In 1977, there was a writ of prohibition, stating the Fish and Game Department must refrain from imposing restrictions on privately owned game animals. Following this court case, Mr. Swanser said, the Department requested regulations to control privately owned game. He continued, saying a month ago he received a letter from the Fish and Game Department, stating game farm operators could not kill privately owned animals. He said the Department is still trying to resurrect authority over game farm animals.

MOTION ON AMENDMENTS: Senator Anderson made a motion that the amendments not be adopted.

Senator Manley said before doing anything, he would like to get a ruling on the amendments to see if they were acceptable. Senator Stimatz asked where we would get a ruling when we have not accepted the proposed amendments. He said this should be done first.

Debbie Schmidt said the game preserve law doesn't say anything about harvesting animals. The only requirement for permits is that there is proper fencing, provisions for inspections, and annual reports. She also mentioned the regulations for propagating fur-bearers. Debbie pointed out that the shooting preserve law only applies to game birds, and it is very specific.

Mr. Dunkle said he was aware that Senator Stimatz was concerned about the remarks between Senator Manley and Fish and Game Department personnel. He said he would have to rise in support of the shooting preserve law since he helped draw it up. He stated the major reason the license was requested was because you cannot control birds unless there is a top over them.

Chairman Smith requested copies of the findings of fact and conclusions resulting from the Big Horn court case. Mr. Swanser said he would provide the Committee with this information.

Senator Van Valkenburg wanted to know what happened to the bill in the House. Representative Hirsch said it was amended in Committee; when it came out on the Floor, it was brought out that it changed the bill too much. Then it was sent to the Rules Committee.

Senator Van Valkenburg asked if the amendment was considered in the House. Mr. Dunkle said it was not.

Senator Anderson mentioned collateral estoppel, and said since this court case, you could pass as many laws as you wanted, but it would be very difficult to get them enforced. He said this case stands the way it is.

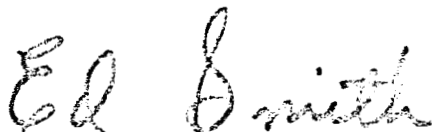
Chairman Smith asked Senator Anderson if he felt the Big Horn decision would hold up in court if it were challenged. He said he did. Senator Goodover wanted to know what the Fish and Game Department attorney thought about it. Mr. Wright said the legislature does have the power to change any and all laws.

Senator Goodover asked if HB 420 would do the same thing as HB 38. Chairman Smith replied that HB 420 would be the opposite of what the Department intended to do in HB 38.

MOTION ON AMENDMENTS: Senator Anderson made a motion not to adopt the proposed amendments on HB 420. A roll call vote was conducted, and the motion failed 4-3, with Senators Smith, Galt, Goodover and Manley voting "no," and Senators Anderson, Stimatz and Van Valkenburg voting "yes."

MOTION ON AMENDMENTS: Senator Manley made a motion to adopt his proposed amendments. The motion carried 4-3, following a roll call vote, with Senators Smith, Galt, Goodover and Manley voting "yes," and Senators Anderson, Stimatz and Van Valkenburg voting "no."

ADJOURNMENT: Chairman Smith adjourned the meeting at 2:55 P.M.



ED B. SMITH, CHAIRMAN



Date

2-2-79

## 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.

COMMITTEE

BILL

VISITORS' REGISTER

DATE \_\_\_\_\_

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

Montana

# SNOWMOBILE

Association

Attachment #1



January 23, 1979

In support of HB-145

- The Montana Snowmobile Association comends the Parks Division of Department of Fish and Game for the excellent manner in which they have administered our facility development funds. They have been responsive to our needs and frugal in expending our monies. They constantly display a real concern for the requirements of the people of Montana.
- The changing of the name to the Department of Fish, Wildlife and Parks will not only give proper recognition to the fine work of this Division but will properly express the additional responsibilities of the department as mandated by the legislature.
- The intent of this bill should, in no way, be construed as an attempt to "water down" the much needed emphasis to Fish and Game, but rather to reflect all three major areas of concern of the department.
- This change would bring to light, and hopefully dispel the myth that license monies are being used to build parks. Snowmobilers have traditionally been willing to pay our own way and wish to continue to do so. We would never advocate that license monies be used for any other purpose than to further the hunting and fishing opportunities of this state. We are also hunters and fishermen and would fight any attempt to divert funds from that purpose.
- If this name change proposal is defeated it may give credibility to the argument advanced by some that the fish and game department should be responsible only to "Fish and Game" and that boaters, campers, picnickers, history buffs, photographers, bird watchers, snowmobilers and others should have no legitimate voice in how programs affecting them are to be administered.
- The defeat of this bill would have a wide spread detrimental effect on the people of Montana, quite possibly surpassing the good results its passage would insure. You've been given the opportunity to protect the recreational interests of all Montanans and we urge your favorable recommendation of HB-145.

Ken Hoovestol, Legislative Chairman  
Montana Snowmobile Association  
1805 Lewis  
Billings, Montana 59102

Testimony on House Bill 145  
House Fish and Game Committee  
January 23, 1979

Mr. Chairman, my name is Robert F. Wambach, Director of the Montana Department of Fish and Game.

I am here today to support House Bill 145, which proposes to change the name of my department from Fish and Game to "Department of Fish, Wildlife and Parks".

It seems reasonable to argue that a name should accurately describe the thing that is being labeled; and the proposed new name does a much better job than our current name. The state parks have been administered in my department since 1965 (over 13 years), but many Montanans are not fully aware of this. By putting the word "parks" in our name we can avoid some confusion, we can gain some visibility for a very important state program; and we should be able to better serve outdoor recreationists of all kinds.

The same logic applies to the proposed change from "game" to "wildlife". The 1973 legislature gave explicit responsibility to my department for nongame animals and endangered species. Thus, for at least six years, we have had legal mandate to concern ourselves with all wildlife, not just game animals. Two years ago we officially changed the name of our Game Division to "Wildlife" Division--to reflect this broader mission. We feel that the department name should also reflect this broader mission.

I might add that our department is currently funded at the program level. That is, the legislature in 1977 appropriated money to us for three major programs--fisheries, wildlife, and parks. This is clear recognition of the three major elements in the mission of my department. The proposed new name reflects these elements clearly and openly.

I should also point out that we regard these three program elements to be highly complementary. Put simply, because of the special expertise and the other resources available to us through the parks program, we are able to do a better and more effective job of fish and wildlife management--and vice versa. The three programs all reinforce each other and all are equally important as parts of the whole. It seems only proper and right to have all three identified in the department name.

One final comment: I understand that some folks are concerned about the cost that might be associated with this name change. We feel it would cost no more than a few hundred dollars. We would immediately change the name on our headquarters building, and perhaps our regional office buildings. Beyond that our intention would be to introduce the new name gradually over a long time period--at no additional cost. For example we would use up our existing stock

of stationery and introduce the new name when we order a new stock. As our signs in the field need maintenance or replacement, we would incorporate the new name; but we see no reason to be in a rush. Thus, we feel that we can phase in the new name at very little cost. The small cost that will be incurred is clearly justified by the benefits that would result.

We strongly urge your favorable consideration of HB 145.  
Thank you.

mbs

HB-420

PROPOSED REVISION OF CHAPTER 2 - TITLE 87 MCA

Mr. Chairman, committee members, my name is Gene Allen, Administrator of the Wildlife Division of the Montana Department of Fish and Game. I will be speaking on behalf of this Department in favor of HB-420.

Title 87, MCA (formerly Title 26, RCM 1947) contains laws and authorities dealing with Fish and Game; Chapter 2 primarily deals with hunting and trapping licenses. Over the years this chapter has been frequently amended and altered, resulting in inconsistencies, contradictions and confusing language. It is the intent of this bill to correct these problems.

The primary objective in the revision of Chapter 2 is to simplify the present licensing system, providing the flexibility to manage Montana's deer herds under whatever conditions or situations may exist or arise, especially those concerning complaints from landowners about deer damage. An ambiguity which now exists involves the nonresident Class B-5 and B-7 deer licenses. These two licenses duplicate each other, and only one or the other is necessary. The B-5 has a \$1.00 Conservation License prerequisite, while the B-7 has a \$50 (Class B-2) license prerequisite.

At this point it is pertinent to briefly review the history of these two nonresident deer licenses. In 1955 the B-5 nonresident deer-only license was initiated to aid deer management in southeastern Montana where ranchers were experiencing depredations to standing alfalfa crops and haystacks. To enlist enough hunters to assist with deer reductions, it was necessary to solicit help from nonresidents - at that time there simply were not enough interested residents to do the job. The initial cost of this B-5 license was \$20 and required no prerequisite. In 1967 the cost was raised to \$35. In 1969 a Conservation License became a prerequisite for all resident and nonresident hunting licenses. In 1975, legislation established nonresident Class B-7 (Deer A Tag) and Class B-8 (Deer B Tag) licenses at \$50 each and also increased the cost of the B-5 to \$50. The last B-5's were sold in 1975 for \$35 and the only year B-7's were sold was in 1976. No B-8's have ever been issued.

Under current law the Class B-7 (nonresident Deer A-Tag) is obtainable two ways: 1) included in the B-10 nonresident big game combination license (which costs \$225 and also includes the Conservation License, an elk tag, black bear tag, and authorizes fishing and upland game bird hunting); or 2) if authorized by the Department, by purchase of a B-7 license for \$50 provided he has a B-2 license (nonresident combination bird/fish license) which costs \$50 and is a prerequisite for the B-7. The B-8 license (nonresident Deer B-Tag) also costs \$50 and, when authorized, can be purchased by holders of either B-2 or B-10 prerequisite licenses. In any case, the fees for either the B-2 (\$50) or B-10 (\$225) are nonrefundable.

No nonresident deer licenses, B-5, B-7 or B-8, have been issued the past two years, primarily because of restrictive language in the law (87-506-MCA; formerly 26-201.1). This section states that ".... no number limit shall be placed on B-7, B-8 and B-10 licenses by area except in major hunter concentration areas ....." This stipulation was applied to the B-5 license and simply

did not allow the Department to utilize nonresident deer-only hunters where and when they might be needed, especially in southeastern Montana for deer damage situations.

In order to make the best and most efficient use of nonresident deer-only hunters, the revision of Chapter 2 proposes to:

- a) eliminate the nonresident Class B-5 deer-only license;
- b) eliminate the Class B-2 nonresident bird/fish combination license and thereby eliminate it as a nonrefundable prerequisite for the nonresident Class B-7 (\$100) and B-8 (\$50) deer-only licenses. The B-7 (Deer A-Tag) would continue to be a part of the B-10 license and nonresident season fish (Class B for \$20) and bird (Class B-1 for \$30) licenses would still be available; and
- c) change the prerequisite for the B-7 and/or B-8 licenses from the non-refundable \$50 B-2 to the \$1.00 nonresident conservation license (the nonresident Class B-10 \$225 license would also be a valid prerequisite for the B-8).

The several license revisions discussed thus far all need to be changed and/or implemented at the same time. One without the others will create more problems rather than simplify the ones that exist now.

Other significant proposed revisions to Chapter 2 which would assist in the solution of deer (or other species) depredation problems are:

- a) provide that the Fish and Game Commission can, each year, establish the number of any license or permit (including resident and nonresident deer) needed to make available to accomplish specific management objectives (it should be noted that the intent of this provision would also allow no licenses of any given type or class to be available if conditions warrant), and that these licenses or permits: can be designated for specific hunting districts or specific areas within hunting districts, can be designated as to time period for which the license or permit is valid, can be designated for the species (i.e., whitetail, mule deer, or both) to be taken, and can be designated as to sex and age of the species to be taken; and
- b) reduce the price of the resident Deer B Tag from \$12 to \$5 making it more useful as a problem solving management tool.

If all of the suggested revisions to Chapter 2 are accepted, the following changes would also be implemented:

1. The coyote is classified as a "wild animal predatory in nature" under statute and is under the management authority of the Montana Board of Livestock. Reference to the coyote in this section is unnecessary.
2. Remove the B-10 nonresident combination license as a prerequisite for certain special licenses, making the \$1.00 Conservation License the only prerequisite necessary for all nonresident licenses, including fish, bird, deer A, deer B, lion, moose, goat, sheep, antelope, grizzly, black bear and bison (note: The Conservation License is a part of the \$225 combination license).

3. Increase the nonresident fees for deer A, antelope, lion, moose, goat, sheep, grizzly and black bear licenses. However, because at least a \$50 nonrefundable B-2 license was previously required as a prerequisite for nonresidents, the total cost of a moose, sheep, and grizzly license would actually decrease. The cost of lion and goat licenses would increase while costs for deer A, antelope and general season black bear licenses would remain the same.
4. Add wolverine and lynx to the list of fur bearers which can be hunted.
5. For purposes of a landowner's trapping license, restrict landowners to those owning land in Montana.
6. Add bobcat, lynx and wolverine as fur bearers which can be hunted on lands owned by landowners having landowner's trapping licenses.
7. Allow for the taking of more than one deer and one antelope per hunter in depredation and other special problems.
8. Repeals nonresident spring bear license.

I appreciate the opportunity to testify on behalf of the Department in favor of this bill. Thank you.



# LICENSE STRUCTURE AND COST

	Current	Proposed
Conservation (Res. and NR)	1.00	1.00 <sup>4</sup>
(NR Combination bird-fish (B-2)) ✓	50.00 <sup>1</sup>	eliminate
( <i>One</i> ) NR deer B-5 <i>license</i>	50.00 <sup>2</sup>	eliminate
NR deer A, B-7 <i>as B-2 &amp; 25500</i>	50.00 <sup>3</sup>	100.00
NR deer B, B-8	50.00 <sup>3</sup>	50.00
NR bird	30.00 <sup>2</sup>	30.00
NR fish	20.00 <sup>2</sup>	20.00
NR black bear, spring	35.00 <sup>2</sup>	eliminate
NR black bear, season	50.00 <sup>3</sup>	100.00
NR grizzly	125.00 <sup>3</sup>	150.00
NR mountain lion	25.00 <sup>3</sup>	100.00
NR antelope	50.00 <sup>3</sup>	100.00
NR goat	75.00 <sup>3</sup>	150.00
NR moose	125.00 <sup>3</sup>	150.00
NR sheep	125.00 <sup>3</sup>	150.00
NR big game combination - B-10 (deer A, elk, birds, fish, black bear)	225.00 <sup>1</sup>	225.00
<i>includes B-7</i>		
Resident deer B tag	12.00	5.00

<sup>1</sup>Non-refundable, serves as prerequisite for many other licenses; includes conservation license.

<sup>2</sup>Requires \$1.00 conservation license as prerequisite.

<sup>3</sup>Requires \$50.00 B-2 or \$225.00 B-10 license as prerequisite.

<sup>4</sup>The \$1.00 non-resident conservation license would be the only prerequisite for all other licenses.

## EXPLANATION FOR CHANGES TO CHAPTER 2

### Section 1.

- (7) Birds removed from this section either are not migratory game birds or are protected under other statutes.
- (8) (Old) - removed because covered in next number - nongame wildlife.
- (12) The coyote is classified as a "wild animal predatory in nature" in statute 46-1903 with management authority by the Board of Livestock. This reference in Chapter 2 is unnecessary.
- (13) Local or common names removed to clean up the language.

### Section 2.

Trapping added to reflect the law as stated in MCA, 87-2-601, (Section 14 of this bill).

### Section 5.

Simplify and make consistent the language.

### Section 6.

Language deleted because the Department is authorized to sell licenses in other statutes.

Language changed because only dead game birds may be possessed under this license, and to standardize language.

### Section 7.

- (1) Same as second comment Section 6, above.
- (2) Simplify and make consistent the language.

### Section 8.

Simplify and make consistent the language.

B-tag reduced from \$12 to \$5. The B-tag is a "management" license designed to help solve special problems in areas of abundant deer and few hunters. Since we are essentially asking hunters to help us solve the problem, it seems reasonable that the license cost less than the A-tag (\$7).

### Section 9.

Changes the prerequisite license for nonresident deer tags from a nonrefundable \$50 - B-2 Combination License to a \$1.00 Conservation License.

Section 10.

The B-2 license (\$50 Combination) has been eliminated. This section removes reference to that license and simplifies the language for the B-10 license. No change in B-10 license.

"Not more than 17,000 B-10 licenses" has been moved to this section from Section 11.

Section 11.

- (1) Gives the Department greater flexibility and authority for issuance of all licenses, and for the restrictions by species, sex, age, hunting region and time period that can be assigned to each license.

Gives the Department greater flexibility in solving management problems by removing language restricting current flexibility to areas of "hunter concentration."

17,000 B-10 licenses moved to previous Section 10.

- (2) Relocation of section designed to limit nonresidents to 10 percent of licenses issued in any designated area. Permits are added to reflect administrative practice.

Section 12.

B-2 (\$50) license was the prerequisite for mountain lion which made total cost \$75. This section increased fee to \$100 with a \$1.00 Conservation License prerequisite. This fee is intermediate among other Western states.

Section 13.

Simplify and make consistent the language.

Section 14.

Simplify and make consistent the language.

Add wolverine and lynx to the list of fur bearers which can be hunted.

Section 15.

Restrict landowners to those owning land in Montana.

Add bobcat, lynx and wolverine as fur bearers which may be hunted.

Section 16.

- (1) Makes the resident or nonresident \$1.00 Conservation License the only prerequisite necessary for the special big game licenses.

Increases nonresident fees of all special licenses to allow for the \$50 prerequisite that was necessary before. Total fees with these increases will actually be less than before for moose, sheep and grizzly, and will be higher for goat.

Changes nonresident antelope from a Class B-6 to a special license.

Old No. 3 - removed because included in Section 11 - No. 2, above.

Old No. 4 - removed because covered in other statutes.

New No. 3 - gives Department greater flexibility in distributing licenses.

#### Section 17.

- (1) Removed because covered in other statutes.
- (2) Change license to permit because it is a special permit, not license.
- (3) Want to leave the provision open for the taking of more than one deer and one antelope per hunter in the case of depredation and other special problems.

#### Section 18.

- (1) Same as Section 17 - No. 2, above.

#### Section 19.

Simplifies language and makes the proper license a valid prerequisite for an archery license and valid for any species for which a special archery season is authorized.

#### Section 20.

Deletes B-2 and adds B-4 licenses.

#### Repealed

#### Section 87-2-108

Removes requirement to place certain information on back of license.

#### Section 87-2-502

Deletes B-5 nonresident deer license which is no longer necessary with the deletion of the B-2 license.

#### Section 87-2-503

Changes nonresident antelope license from a class license to a special license.

#### Section 87-2-707

Repeals nonresident spring bear license.

#### Section 87-2-712

Repeals the B-2 as a nonresident license.

*Attachment # 14*

STATE OF MONTANA

Request No. 316-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 1979, there is hereby submitted a Fiscal Note for House Bill 420 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 420 is proposed legislation designed to generally revise various Fish and Game laws relating to both resident and nonresident hunting and trapping licenses and establishes a wild bison license.

ASSUMPTIONS:

1. Estimated license sales are based upon the past 3-year average, the anticipated effect of the proposed fee increase or decrease, and the proposed elimination of the nonresident nonrefundable prerequisite license (class B-2).
2. The 1980 hunting season will include 4,200 "second deer" permits in the eastern half of the state, the same number as proposed for 1979. It is also assumed that 1,000 will be issued to nonresidents holding B-5 or B-10 licenses under current law or B-7 or B-10 licenses under this proposal. Since the cost of all nonresident licenses is \$50, this proposal would not cause a change in revenue.
3. The effective date of this bill is assumed to be May 1, 1980, per a proposed amendment.

FISCAL IMPACT:

FISCAL YEAR 1981 ONLY

	Revenue under Current Law	Revenue Under Proposed Law	Estimated Increase (Decrease)
Nonresident fish (B), bird (B-1) bird/fish (B-2) licenses	\$ 51,250	\$ 16,750	\$ (34,500)
Special moose - nonresident license (\$150)	2,000	2,700	700
Special mountain goat - nonresident license (\$75)	2,325	5,100	2,775
Special sheep - nonresident (\$150)	25,500	30,600	5,100
Special antelope - nonresident (\$50)	100,000	125,000	25,000
Special grizzly bear - nonresident (\$150)	14,375	17,250	2,875
Special blackbear - nonresident (\$25)	15,225	0	(15,225)
Seasonal blackbear - nonresident (\$100)	3,000	40,000	37,000
Special bison - resident (\$50) and nonresident (\$200)	0	100	100
D-1 - nonresident mountain lion (\$100)	2,500	10,000	7,500
A-4 - resident deer B tag (\$5)	38,400	16,000	(22,400)
Nonresident conservation license (\$1)	102,572	133,835	31,263
	<u>\$357,147</u>	<u>\$397,335</u>	<u>\$40,188</u>

The additional revenue will accrue to  
the Fish and Game Earmarked Revenue Account. BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/14/79

NAME: Gene S. Tucker DATE: Mar 3, 79

ADDRESS: Box 282 Haver

PHONE: 265-6601 Bus

REPRESENTING WHOM? Mont. Wildlife Fed

APPEARING ON WHICH PROPOSAL: HB 145

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: letter relate to activities of  
Mont. Fish & Game

NAME: GARY STUKER DATE: Mar 3, 79

ADDRESS: Box 282 HARK

PHONE: 265-6601 Bu

REPRESENTING WHOM? Montana Wildlife Fed

APPEARING ON WHICH PROPOSAL: HB 420

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: oppose any changes as received from  
House

Proposed amendments to HB 420

Amend HB 420, Third reading copy:

1. Title, line 9.

Following: "LICENSES,"

Insert: "PROVIDE THAT LICENSING AND OTHER RESTRICTIONS ON HARVESTING  
DO NOT APPLY TO CERTAIN GAME ANIMALS,"

2. Page 16, line 25.

Following: line 24

Insert: "NEW SECTION. Section 20. Restrictions on harvesting game  
farm animals. A person holding a game farm or fur farm permit  
under this part may harvest or dispose of game animals for which  
he holds title without regard to laws or rules of the department  
or commission pertaining to licenses, bag limits, or seasons.

Section 21. Codification. Section 20 is intended to be codified  
as an integral part of Title 87, chapter 4, part 4, and the provisions  
contained in Title 87, chapter 4, part 4, apply to section 20."

Renumber: subsequent sections



# STANDING COMMITTEE REPORT

March 3, 1979

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 663

Brand (E. Smith)

Respectfully report as follows: That HOUSE Bill No. 663

BE CONCURRED IN

COMMITTEE

Date

Nov 11

Bill No.

663

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

✓ appeared

" " Left a "yes"

vote with Chairman Smith

Sherri R. Smith

Secretary

ED B. SMITH

Chairman

Motion:

Be Considered & on  
Order of PrioritySenator E. Smith will carry

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

on floor

# STANDING COMMITTEE REPORT

March 3, 1979

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 145

Scully (Manley)

Respectfully report as follows: That HOUSE Bill No. 145

BE CONCURRED IN

~~DO PASS~~

SENATE COMMITTEE FISH AND GAME

Date \_\_\_\_\_ Nov 11 Bill No. 145 Time 1:20

NAME	YES	NO
SMITH, Ed, Chairman	✓	
GALT, Jack E., Vice Chairman	✓	
ANDERSON, Mike	<i>to be decided</i>	
GOODOVER, Pat M.	✓	
MANLEY, John E.	✓	
STIMATZ, Lawrence G.	✓	
VAN VALKENBURG, Fred	✓	

Sherri R. Smith  
Secretary

ED B. SMITH  
Chairman

Motion: Be Concurred In  
Carried Unanimously  
Carried by Jack John Manley  
(6-0)

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

SENATE COMMITTEE FISH AND GAME

Date 3-3-79 Unanimous Bill No. 420 Time 2:49

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:

do not accept  
amendments

Failed 4-3

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

Date

3-3-79 House

Bill No.

420

Time

2:50

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:

Accept AmendmentsCarried H-3

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