

HOUSE FISH AND GAME 1-29 COMMITTEE

ROLL CALL VOTE -----

| | Date: No: HB 291 | Date: No: HB 366 | Date: No: | Date: No: | Date: No: | Date: No: |
|----------|---------------------|---------------------|--------------|--------------|--------------|--------------|
| DAILY | NO | YES | | | | |
| DEVLIN | YES | NO | | | | |
| ELLISON | YES | NO | | | | |
| HANSON | YES | NO | | | | |
| HART | NO | YES | | | | |
| JENSEN | NO | YES | | | | |
| MANUEL | YES | NO | | | | |
| MUELLER | YES | YES | | | | |
| NISBET | NO | YES | | | | |
| PHILLIPS | YES | NO | | | | |
| REAM | YES | YES | | | | |
| RYAN | YES | NO | | | | |
| SAUNDERS | YES | YES | | | | |
| SWIFT | YES YES | YES | | | | |
| VELEBER | | YES | | | | |
| SPAETH | YES | YES | | | | |
| NILSON | NO | YES | | | | |

12-5 11-6
DPAA DNP

CS-31

1-81

HOUSE FISH AND GAME COMMITTEE

January 29, 1983

EXECUTIVE SESSION

The meeting was called to order in room 420 of the Capitol Building on January 29, with all members present, except Representative Daily, who was excused.

Vice Chairman Gary Spaeth opened the meeting to an executive session on House Bills 291, 345, and 366.

HOUSE BILL 291

The amendments to this bill deal with the disagreements director Flynn had concerning requirements of the permittee being set out in a separate section. This gives the state full authority to refuse or to recognize a permit or to accept conditions that the federal government sets up. They would have no problem setting requirements if they were to recognize the permits. Every year the department has to keep a full record of what happens so the state can determine numbers by checking back on the permit.

Rep. Mueller moved House Bill 291, DO PASS.

Rep. Swift moved the amendments to House Bill 291, DO PASS.

Rep. Ellison commented I had a call from Mr. Elgas and he had a discussion with Mr. Flynn after the hearing, and it seems that Mr. Flynn's objections were to the fact that he didn't want to see this propagation commercialized. Mr. Elgas suggested that if we put in an amendment barring commercial breeding, it would satisfy the department.

Rep. Muller asked if it would cause any problems to take commercial out of the title. Dave Cogley, staff attorney, said it could be done.

Rep. Swift commented I have no real disagreement with deleting commercial providing we leave the bill the way it is formed. I think it should be up to the director reviewing the permits. You are affecting the ability of an individual to trade.

Rep. Phillips remarked trading could be considered commercial.

Rep. Swift said Basically, the propagators and people dealing with these birds are in it for their enjoyment, but they do trade for continuing the lines. With the strict authority the state retains, they would have control of what happens to any and all species they approve.

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January 29, 1983, page 2

This would put pressure on the director and game department, but the responsibility is there in any case under the federal law.

Rep. Mueller asked Rep. Swift if he would prefer to leave commercial in. The reply was yes.

The motion on Rep. Swift's amendments carried unanimously.

Rep. Ream moved to amend House Bill 291, the motion carried unanimously.

Rep. Mueller moved House Bill 291, DO PASS as amended, the motion passed 12-5, with Representatives Daily, Hart, Jensen, Nisbet, and Nilson voting no.

HOUSE BILL 345

Rep. Veleber moved House Bill 345, DO PASS.

Rep. Ellison moved the amendments to House Bill 345, DO PASS.

Chairman Spaeth commented last year the sale of carcasses generated \$46,336. in revenue. They figure that with the greater flexibility, this fund will generate more money.

Rep. Phillips remarked should there be a statement of intent. It would seem that they would need some sort of program laid out.

The motions on House Bill 345 were withdrawn, and it was decided by the committee to pass House Bill 345 for the day, in order to secure a statement of intent for the bill.

HOUSE BILL 366

Rep. Ellison moved House Bill 366, DO PASS.

Rep. Saunders said if it is true that the outfitters have a one billion dollar industry, I think they have too much influence.

Rep. Muller said I am sure they must have been talking about tourism as a whole, rather than outfitting alone.

Rep. Manuel commented I know a lot of outfitters. They know more about what is going on than the Fish and Game Department does. It would sure give the commission a sense of direction.

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Rep. Ellison said I would like to see a member on the commission that has knowledge of the conditions in the field, so the commission has their own information about what is going on in the field and doesn't have to take the department's ideas on what is going on in the field.

Rep. Mueller asked when you analyze the State of Montana as a whole, what percentage of the state do outfitters actually operate. There are no outfitters in the Libby area.

Rep. Ryan said we have several in our county, and I am in favor of putting one on the board because they bring in a lot of money to Carson County. They have got a lot of expertise in setting seasons that the Fish and Game Department doesn't have.

Rep. Manuel commented outfitters don't necessarily operate only up in the mountains. In Eastern Montana, there are many guides for deer and antelope hunting.

Rep. Devlin said the outfitter's council only has the right to input toward taking care of their people. They have no say out of council for game regulations or setting seasons.

Rep. Swift remarked we are setting a precedent and a demand that we won't be able to satisfy.

Rep. Saunders said since their entire livelihood is from fish and game, I think they would make decisions toward their interests rather than those of the general public.

Rep. Hart said before the commission sets seasons, they have public hearings in different parts of the state. You can go to any meeting they have. They do have hearings, and I think this is where the people involved can make themselves known.

Rep. Ryan asked Rep. Iverson what the situation in his county is. The answer was we don't have any outfitters in our county. We do have some biologists who are confused about how to manage game.

Rep. Ellison commented the biologists are hired by the department, and the commission sets the seasons. If we had people out there in the field who are on the commission, we would have a more stable game population and would avoid the problems we are having now.

Rep. Devlin said they almost wiped mule deer out in our country. These biologists have made a mess out of game management for years.

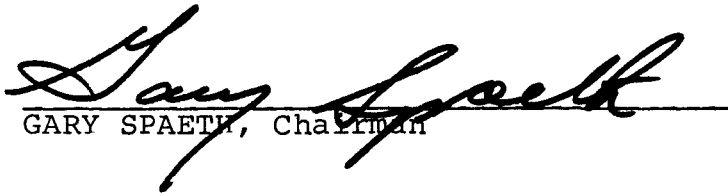
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Chairman Spaeth said outfitters are valuable, but I think they have input now. I don't think we want to start designating who is on the board.

The DO PASS motion on House Bill 366 failed 11 to 6, with Representatives Daily, Hart, Jensen, Mueller, Nisbet, Ream, Saunders, Swift, Veleber, Spaeth, and Nilson voting no.

A motion was entertained House Bill 366, DO NOT PASS. The motion carried, with the same Representatives voting yes.

Chairman Spaeth adjourned the meeting at 9:50 a.m.


GARY SPAETH, Chairman


Cheryl Fredrickson, secretary

STANDING COMMITTEE REPORT

1 of 2

January 29, 1983

SPEAKER:

MR.

FISH AND GAME

We, your committee on

having had under consideration HOUSE Bill No. 291

first reading copy (white color)

"AN ACT ALLOWING COMMERCIAL PROPAGATION OF MIGRATORY BIRDS AND WATERFOWL UNDER REQUIRED FEDERAL PERMITS; AND DEFINING THE AUTHORITY OF THE MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO RESTRICT PROPAGATIONS; AMENDING SECTION 87-2-806, MCA."

Respectfully report as follows: That HOUSE Bill No. 291
be amended as follows:

1. Title, line 8.

Strike: "; AMENDING SECTION 87-2-806, MCA"

2. Page 1.

Following: line 10

Strike: Section 1 in its entirety

Insert: "Section 1. Propagation permit for migratory birds or waterfowl. (1) A person desiring to take, capture, or possess migratory birds or waterfowl or their nests or eggs for the purpose of propagation must provide the director, of the department of fish, wildlife and parks, with a certified copy of all permits required for such purposes by the United States department of the interior.

XXXXXX
DO PASS

January 29, 1933

HOUSE BILL 291

(2) Upon receipt of the copy, the director shall issue a letter of approval to the permittee for the purposes stated in, and under such conditions and restrictions as imposed by, the permit. However, if the director finds that the provisions of the permit are not in the best interest of the state's migratory bird or waterfowl resources, he shall issue a letter to the permittee that:

(a) states the specific reasons why the provisions of the permit are not in the best interest of the state's migratory bird and waterfowl resources; and

(b) voids the federal permit for use in this state."

AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

January 29,

83

19.....

SPEAKER:

MR.

FISH, WILDLIFE AND PARKS

We, your committee on

HOUSE

366

having had under consideration Bill No.

first

white

reading copy (.....)
color

"AN ACT REQUIRING AT LEAST ONE MEMBER OF THE FISH AND GAME
COMMISSION TO BE A LICENSED OUTFITTER; AMENDING SECTION 2-15-3402,
MCA."

HOUSE

366

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

~~DO NOT PASS~~
DO NOT PASS


LES NILSON,

Chairman.

COMMITTEE SECRETARY