

HOUSE FISH AND GAME 2-14 COMMITTEE

ROLL CALL VOTE -----

	Date: No: 2-14 amendment Devlin	Date: No:	Date: No:	Date: No:	Date: No:	Date: No:
DAILY	YES					
DEVLIN	YES					
ELLISON	YES					
HANSON	YES					
HART	NO					
JENSEN	NO					
MANUEL	XXX					
MUELLER	NO					
NISBET	YES					
PHILLIPS	YES					
REAM	NO					
RYAN	YES					
SAUNDERS	NO					
SWIFT	YES					
VELEBER	NO					
SPAETH	NO					
NILSON	NO					

HOUSE FISH AND GAME COMMITTEE

Feb. 14, 1983, 7:00 p.m.

The meeting was called to order by Chairman Les Nilson in room 420 of the Capitol Building at 7:00 p.m., with all members present except Representative Manuel, who was excused.

Chairman Nilson opened the meeting to an executive session on House Bills: 402 and 335.

HOUSE BILL 402

Rep. Ream moved to adopt the statement of intent, the motion carried unanimously.

Chairman Nilson said the difference in the original amendment and this amendment is dealt with on line 2, page 6. The original amendment said you would strike the words game birds, which would mean you could hunt anything. The new amendment says they can get it for half price like the people who are 62. This is Rep. Eudaily's amendment in respect to the views of Rep. Koehnke.

Rep. Daily moved to reconsider the House Bill 402, the motion passed unanimously.

Rep. Jensen moved the amendments to House Bill 402, the motion carried unanimously.

Rep. Jensen moved House Bill 402, DO PASS as amended, the motion carried unanimously.

HOUSE BILL 335

Rep. Spaeth said if you want Fish and Game to do some building, you will go ahead with the increases.

Rep. Ellison said we could save ourselves a lot of wheel spinning if we just went down the list and gave each a raise of about 25%.

Rep. Spaeth said I suggest that the major areas of interest are going to be the elk, deer, and antelope, and the fishing licenses.

Rep. Ellison said I asked Mr. Flynn if the department thought those raises would put the licenses in the right perspective, he indicated he thought it would. His recommendation is that we get the fees set in perspective and then give a percentage raise across the board. If we do that as an ongoing thing, we treat everybody alike.

Rep. Nilson said one way would be to start at the top of the bill and discuss each category.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 14, 1983, evening meeting.

Rep. Daily said they don't need any raises except for the long range building. This is the subcommittee's proposal to the full committee. Why would we even want to go through each. I would like to propose an amendment to the bill. On page 2, the bonding proposal is to raise \$296,000. (see exhibit 1) My proposal is on the nonresident fishing license. Page 6, we have the fishing resident license at \$7. I propose to change the nonresident two day license to a nonresident five day license, and to raise the fee from \$4 to \$6. I don't feel a nonresident should fish in the State of Montana for less than a resident. Rep. Daily gave examples of the prices of out of state fishing licenses in other states. These examples included Idaho, \$14.50, Washington, \$9.50, Colorado, \$7, Wyoming, \$10, North Dakota, \$4, South Dakota, for a one day license, \$5, and for a five day license, \$12. In Utah, for a one day license, \$5, and for a five day license, \$15. In all states, the fees are a lot higher than for nonresidents in our state. This amount would fund what the subcommittee has proposed in the long range building program.

Rep. Muller said the proposal is to leave all fees exactly as they are except the nonresident. \$300, 000. would go for the bonding proposal. Rep. Daily agreed.

DICK GILBERT, Representative from the Legislative Fiscal Analyst's office, passed out a handout which traces the earmarked account which accumulates the general license fee money. (see exhibit 2)

Rep. Ellison asked Mr. Gilbert if the department needs an ending balance of \$1,000,000. The response was that is correct. The department is anticipating a loss. They are estimating that they will need to carry anywhere from \$1,000,000. to \$1,500,000. to compensate for their cash flow. There are several factors involved in this that could have a significant impact on these numbers. The department is anticipating a loss in their federal dollars. We accepted their estimate on how much they would lose and made up for that difference with general license fee money. That is reflected in our base operations budget. There is always the possibility that more federal dollars may come in, and if that is the case, it would free up additional general license fee money to go into this balance. Factor number two is in the modified level. This is just the modified requests that have been approved by our subcommittee, it will be subject to change. The third factor has to do with the quantity of licenses that will be sold, and how this will vary. If there is a fee increase, the numbers of licenses sold may decrease. Last session there was a fee increase, after the session the numbers of licenses sold decreased. This is basically buyer resistance. There has never been an instance where the fees have been increased two sessions in a row, so it is unknown what the buyer resistance will be. There is a possibility that it will be somewhat severe and last longer than just the next year.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 14, 1983, evening meeting, page 3

The fourth factor has to do with how much money they need in their balance. The department has said they need anywhere from \$1,000,000., to \$1,500,000. That is a \$500,000. difference that could have an impact.

Rep. Daily asked Mr. Gilbert if he is saying that they don't need any increases to operate the department, but there isn't money available for long range building. The response was there is \$2,700,000. that would be left in the balance. This means the difference would be available to appropriate.

Rep. Daily said I don't think we need to look at license fee increases. We have a reserve of 2.7 million dollars. The department estimates they need a balance of 1.5 million dollars, the difference would still be available for appropriation. Here is my new proposal. We have a reserve of \$2,747,653. If you strike the \$1,500,000. away from that for operation cash flow, that would leave us with \$1,247,653. Our subcommittee said that their projects proposed for bonding would cost \$2,055,000. cash, in order to do the projects. That is the Creston relocation, the Big Timber repairs, the Great Falls regional headquarters, and the Glassgow regional headquarters. I want to raise the non-resident fishing license from \$4 to \$7 for a five day permit. That would raise us \$450,000., instead of \$300,000. This leaves us with a balance of \$1,247,653 plus \$450,000., which is not quite adequate but it's close.

Rep. Ellison said if we don't raise the licenses we are going to see more licenses sold.

Rep. Phillips said I am not so sure this won't backfire on us. You take the typical family. If we force them to buy a five day permit for \$7 for a family of three or five, they may back off. I think we would lose a lot of sales.

Rep. Swift said the \$7 permit is about \$3 to \$4 less than any others in the states.

Rep. Daily said the other states are charging it and we have the best fishing resources in the whole United States.

Rep. Swift said wouldn't this proposal give them plenty of insurance that they could pick up that federal hatchery. Chairman Nilson responded that federal hatchery is in the operations budget already. The idea is that in two years they will operate it with 3.5 FTE's, and come back in the next legislature with some kind of a request to build a new one or fix the old one.

Rep. Hart said it is still in good enough shape to last two more years without doing anything with it, but they did cut down the FTE's.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 14, 1983, evening meeting, page 4

Rep. Daily proposed the amendment as stated, and moved the amendment.

Chairman Nilson commented there are two ideas on how to approach fee increases. One is to raise the money, the other is to determine how much one of the licenses should be worth.

Rep. Jensen said if we ignore the differences in the areas, we are looking at the amount of money we need to generate, and we are using the out of stater as a source without owning up to whether Montanans pay their fair share or whether they don't. In my opinion we don't.

The motion passed unanimously.

Rep. Ream asked is what we are doing going to change either the modified requests or the capital program. Mr. Gilbert responded nothing this committee will do will affect the approval already given to the department for current level of operations and their modified budget. What you do here will impact what capital expansion program they will be able to fund. The department is estimating a loss or reduction in federal dollars of 1.89 million dollars over the course of the biennium. If they receive more federal dollars, it will free up more general fund dollars.

Rep. Daily moved that all other license fee proposals be reduced to the current level of the license.

Rep. Spaeth said we do need more money. If we stop right here, we really don't have much of a long range building program.

Rep. Jensen asked Mr. Gilbert what the department did or did not get cut back in, and how that relates to our fees. The reply was not all of the modifications were requested to be funded with general license fund dollars. The only ones I included were the ones that the subcommittee approved and the ones that the department requested general license fee money to fund.

Rep. Swift said there may be a question as to the availability of funding for the department, but I knew nothing about their cash flow situation or their year end balances, and where they were as far as their ability to fund their program. If they have built in almost a \$2,000,000. cushion, plus a \$2,400,000. balance then there is a \$4,000,000. cushion. We are talking about a \$5,000,000. program, I don't see why we need to increase anything.

Rep. Mueller said we are up to about \$1,690,000. The capital expenditures that were proposed by the subcommittee were \$2055,000. I am not in favor of any huge increases in fees, but I think we

HOUSE FISH AND GAME COMMITTEE MINUTES
February 14, 1983, evening meeting, page 5

should be looking at the long range picture and taking care of the long range problems. We are in a beautiful position, with a few minor increases in fees, to take care of some of these problems. If you add \$1 to the resident elk or \$1 to the resident deer, you could take care of these capital projects and keep the program moving forward. If we do want to continue with quality fishing, it is going to take some bucks.

Rep. Devlin moved to raise the conservation license from \$1 to \$2 and the resident fishing from \$5 to \$6.

Rep. Spaeth said I essentially agree with Glenn, and I have been going through the figures. We are going to need about \$800,000. We have got about \$450,000. up. I make a substitute motion to raise the elk, deer, and resident fishing by \$1 to raise the \$350,000.

Rep. Phillips said if we are going to raise the fees, I think we should put the money into the hatcheries. If we raise the licenses, we should be putting the money where the fishing is.

The motion carried, with Representatives Swift, Devlin, Ryan, Ellison, and Daily voting no.

Chairman Nilson said we have to figure out what these licenses should be worth.

Rep. Devlin moved to raise the trapper license from \$10 to \$20, and to leave the rest of the licenses at current fee level.

Rep. Spaeth made a substitute motion to move the trapper license from \$10 to \$20, the motion carried with Representative Saunders voting no.

Rep. Devlin moved that all the rest of the licenses be left where they are. The motion failed with Representatives Daily, Devlin, Ellison, Hanson, Phillips, Ryan, and Swift voting yes.

Rep. Spaeth moved to increase the fees for the mountain lion to a \$10 resident fee, \$300 nonresident fee, and \$50. trophy fee. The motion carried with Representatives Devlin, Ellison, Hanson, Phillips, Ryan, Swift, and Daily voting no.

Rep. Ream moved the moose, bighorn sheep, goat, and grizzly be increased according to the subcommittee proposal. (see exhibit 1) The motion carried with Representatives Swift, Devlin, Ryan, Phillips, Ellison, and Daily voting no.

Rep. Jensen moved the subcommittee recommendation for antelope.

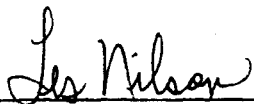
HOUSE FISH AND GAME COMMITTEE MINUTES
February 14, 1983, evening meeting, page 6

Rep. Phillips made a substitute motion to raise these fees \$1 in order to be consistent with the other raises, and to leave the nonresident fee as is. The motion carried, with Representatives Swift, Devlin, Ryan, Daily, and Ellison voting no.

Rep. Mueller moved that all the rest of the fees be put back at current fee levels. The motion carried, with Rep. Daily voting no.

Rep. Mueller moved House Bill 335, DO PASS as amended, the motion carried with Representative Daily voting no.

Chairman Nilson adjourned the meeting at 9:00 p.m.



LES NILSON, Chairman



Cheryl Fredrickson, secretary

Exhibit 2

License Fund Earmarked Account 02409-02131 FY 1983 - 1985

	<u>Fiscal 1983</u>	<u>Fiscal 1984</u>	<u>Fiscal 1985</u>
Fund Balance 7/1	\$5,179,528	\$5,329,475	\$4,074,505
Continuing Approp.	<u>995,053</u>	<u>-0-</u>	<u>-0-</u>
Unrestricted Balance	\$ 4,184,475	\$5,329,475	\$4,074,505
<u>Add</u>			
Current Fee			
Projected Income	<u>11,000,000</u>	<u>11,420,000</u>	<u>11,420,000</u>
Total Available	\$15,184,475	\$16,749,475	\$15,494,505
<u>Deduct</u>			
Subcommittee Approved			
Base Operations	9,855,000	12,083,210	12,252,706
Modified Requests	<u>-0-</u>	<u>591,760</u>	<u>486,733</u>
FYE Balance	\$5,329,475 =====	\$4,074,505 =====	\$2,755,066 =====
Fiscal Year-end 1985 Balance		\$2,755,066	
Warden Back pay		<u>809,000</u>	
FY 1985 Balance		\$1,946,066 =====	

Department of Fish, Wildlife, and Parks
License Fees Approved by Subcommittee

<u>License</u>	<u>Fee Increase</u>	<u>Additional Revenue 1985 Biennium</u>
Fishing		
Residential	\$ 1.00	\$343,664
Nonresidential (2-day)	3.00	-0-
Elk		
Residential	1.00	170,992
Deer		
Residential	1.00	269,398
Moose		
Residential	25.00	13,000
Nonresidential	175.00	1,250
Big Horn		
Residential	25.00	16,750
Nonresidential	175.00	13,750
Goat		
Residential	35.00	12,250
Nonresidential	125.00	1,875
Grizzly		
Residential	25.00	15,400
Nonresidential	125.00	13,500
Antelope		
Residential	1.00	21,312
Trapper	10.00	40,000
Mountain Lion		
Residential	5.00	4,470
Nonresidential	200.00	12,400
Trophy	50.00	5,000
Total Additional Revenue		\$955,011 =====

Ex. 1

Fiscal 1985 Balance	\$1,946,066
Total Additional Revenue	<u>955,011</u>
Fiscal 1985 Balance (with fee increase)	<u>\$2,901,077</u>
Deduct:	
Fish, Wildlife, and Parks Minimum Balance	<u>\$1,500,000</u>
Total Available Revenue - 1985 Biennium	<u>\$1,401,077</u> =====

STANDING COMMITTEE REPORT

1 of 3

February 14, 83

19.....

SPEAKER:

MR.

FISH AND GAME

We, your committee on

HOUSE

335

having had under consideration Bill No.

first reading copy (white)
color

"AN ACT TO INCREASE LICENSE FEES FOR ACTIVITIES REGULATED BY
THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTIONS
87-2-202, 87-2-301,
87-2-304, 87-2-403, 87-2-501, 87-2-505, 87-2-507, 87-2-508,
87-2-701, 87-2-711, 87-4-127, 87-4-201, 87-4-304, 87-4-503,
87-4-602, 87-4-603, 87-4-803, AND 87-5-204, MCA; AND PROVIDING
EFFECTIVE DATES."

HOUSE

335

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

be amended as follows:

1. Title, line 7.

Strike: 87-2-202,

2. Title, line 8.

Strike: "87-2-403,"

Strike: "87-2-505,"

Following: "87-2-508,"

Insert: "87-2-601, and"

3. Title, lines 9 and 10.

Strike: "87-2-711," through "87-5-204," on line 10

4. Page 1, line 14 through page 2, line 9.

Strike: Section 1 in its entirety

Renumber: subsequent sections

~~XXXXXX~~
DO PASS

5. Page 2, line 13.

Strike: "\$10"

Insert: "\$8"

6. Page 2, line 20.

Strike: "\$5"

Insert: "\$7"

7. Page 2, line 22.

Strike: "2-day"

Insert: "5-day"

8. Page 2, line 25.

Strike: "2"

Insert: "5"

9. Page 3, lines 1 through 11.

Strike: Section 4 in its entirety

Renumber: subsequent sections

10. Page 3, line 23.

Strike: "\$12"

Insert: "\$9"

11. Page 3, line 25.

Strike: "\$20"

Insert: "\$10"

12. Page 4, line 1.

Strike: "\$10"

Insert: "\$8"

13. Page 4, lines 2 through 17.

Strike: Section 6 in its entirety

Renumber: subsequent sections

14. Page 5, line 1.

Following: "rules."

Insert: "If a holder of a valid mountain lion license under this section kills a mountain lion, he must purchase a trophy license for a fee of \$50 within 10 days after the date of kill. The trophy license authorizes the holder to possess and transport such trophy."

15. Page 5, line 6.

Strike: "\$10"

Insert: "\$6"

HOUSE BILL 335

February 14,

93

19

16. Page 5, line 9.

Following: "rules."

Insert: "If a holder of a valid mountain lion license under this section kills a mountain lion, he must purchase a trophy license for a fee of \$50 within 10 days after the date of kill. The trophy license authorizes the holder to possess and transport such trophy."

17. Page 5.

Following: line 9

Insert: Section 6. Section 87-2-601, MCA, is amended to read:

"87-2-601. Class C--trapper's license. Except as otherwise provided in this chapter, a resident as defined in 87-2-102, upon making application and payment of a fee of \$20 to the department may receive a Class C license which shall authorize the holder thereof to trap fur-bearing animals and hunt bobcat, wolverine, and Canada lynx within the state of Montana at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the department and at such places as may be designated in said license."

18. Page 5, line 23.

Strike: "\$10"

Insert: "\$6"

19. Page 6, line 9 through page 12, line 16.

Strike: Sections 10 through 18 in their entirety.

Renumber: subsequent section

20. Page 12, line 18.

Strike: "through 4"

Insert: ", 2, "

Strike: "6"

Insert: "4"

Strike: "10"

Insert: "7"

21. Page 12, line 20.

Strike: "5"

Insert: "3"

22. Page 12, line 24.

Strike: "and class A-6, black or brown bear tag"

AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

1 of 1

February 14, 1953

SPEAKER:

MR.

FISH AND GAME

We, your committee on

HOUSE

402

having had under consideration Bill No.

first white

reading copy (.....)

"AN ACT RAISING THE EXCEPTION AGE FOR FISHING AND FOR HUNTING GAME BIRDS; ELIMINATING THE REQUIREMENT FOR DISABLED PERSONS TO HAVE A DISABILITY CERTIFICATE FROM A MEDICAL DOCTOR TO QUALIFY FOR LICENSE EXCEPTION; AUTHORIZING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO DETERMINE DISABILITY REQUIREMENTS BY RULE; ESTABLISHING HALF-PRICE LICENSE FEES FOR YOUTHS 12 YEARS THROUGH 14 YEARS OF AGE; AND LOWERING THE AGE AT WHICH A YOUTH MUST PURCHASE A LICENSE; AMENDING SECTIONS 87-2-801, 87-2-803, AND 87-2-805, MCA."

HOUSE

402

Respectfully report as follows: That Bill No.

be amended as follows:

1. Title, line 5.

Strike: "RAISING"

Insert: "LOWERING"

2. Title, line 6.

Strike: "FISHING AND FOR HUNTING GAME BIRDS"

Insert: "PURCHASE OF DEER AND ELK TAGS AT HALF-PRICE"

3. Title, line 14.

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

4. Page 1, line 18.

Strike: "sixty-five"

Insert: "sixty-two"

XXXXXX
DO PASS

HOUSE BILL 402

February 14, 1933

5. Page 1, line 20.

Strike: "65"

Insert: "62"

6. Page 1, line 24.

Strike: "65"

Insert: "62"

7. Page 2, line 2.

Strike: "65"

Insert: "62"

8. Page 3, line 10.

Strike: "65"

Insert: "62"

9. Page 3.

Following: line 11

Insert: "Section 4. Effective date. This act is effective
March 1, 1934."AND BE ENACTED
BY THE SENATE

STATEMENT OF INTENT ATTACHED

HOUSE BILL 402

February 14,

83

19.....

be amended as follows:

1. Title, line 6.

Following: "BIRDS;"

Insert: "ESTABLISHING HALF PRICE LICENSE FEES FOR DISABLED
PERSONS;"

2. Page 2.

Following: line 10

Insert: "(2) A resident of Montana who is certified as disabled
by the department and who is not residing in an institution
may purchase regular resident deer and elk licenses at one-
half the fee paid by a resident who is 15 years old or older
and who is under 62 years of age.

Renumber: subsequent subsections

AND AS AMENDEDDO PASSSTATEMENT OF INTENT ATTACHED

MR. SPEAKER

WE YOUR COMMITTEE ON FISH AND GAME, HAVING
HAD UNDER CONSIDERATION HOUSE BILL NO. 402, FIRST
READING COPY WHITE, ATTACH THE FOLLOWING STATEMENT
OF INTENT:

"STATEMENT OF INTENT
HOUSE BILL NO. 402"

A statement of intent is required for this bill because
it delegates rulemaking authority to the Department of
Fish, Wildlife, and Parks. Section 2 of the bill authorizes
the department to make rules concerning disabled persons and
exemptions to fishing and game bird license requirements.

The legislature contemplates that the rules should
address the following subjects as well as others:

- (1) A definition of "disabled" as it applies to
persons meeting license requirements for fishing
and hunting game birds;
- (2) Documents that would, of themselves, be adequate
certification of disability.