

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

February 3, 1983

The meeting of the Fish and Game Committee was called to order by Chairman Ed B. Smith on February 3, 1983 at 1:05 P.M. in Room 402, State Capitol.

ROLL CALL: Roll was called with Senator Mohar arriving late.

SENATE BILL NO. 47:

AN ACT CHANGING THE QUALIFYING AGE FOR RESIDENT
SENIOR CITIZEN DEER AND ELK TAGS FROM 65 TO 62
YEARS OF AGE OR OLDER; AMENDING SECTION 87-2-801,
MCA; AND PROVIDING AN EFFECTIVE DATE

Senator Jacobson, District #42, presented this bill to the committee. She advised that last session Senator Halligan introduced a bill reducing to half price the fee paid for deer and elk tags for senior citizens. The bill, as originally written, was for 62 years of age but it ended up at 65. She does not feel that there would be much of a revenue loss as opposed to the benefit for our senior citizens.

Robert VanDerVere, Senior Citizens Association, handed out to the committee material on Fish and Game licensing. (Exhibit 1) He pointed out to the committee that the Fish and Game Department, as of last year, no longer requires that a deer or elk tag be purchased in order to apply for a special license. He feels that would have much more of a fiscal impact than this bill. He stated the senior citizens are confused with the fishing licenses at 62 and the deer and elk licenses at 65.

Chairman Smith asked for opponents.

Jim Flynn, Department of Fish, Wildlife and Parks, rose in opposition to this bill. A copy of his written statement is attached as Exhibit 2.

There being no other opponents, Chairman Smith asked for questions from the committee.

Senator Tveit asked Mr. VanDerVere to clarify the special license procedure.

Mr. VanDerVere said that prior to last year you had to have a deer tag or an elk tag in order to enter the drawing for a special license. He stated there would be a loss of revenue from that.

Senator Tveit asked Mr. Flynn to address that question.

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Mr. Flynn stated that in the last five or six years we have tried to make the process as simple as possible to eliminate the possibility for error on the application. People would transpose numbers from the deer and elk license and as a result would be thrown out of the drawing. Last year we eliminated the requirement that you had to have a deer or elk tag before entering the drawing for a special license. As of December 31, 1982 we were down 3% on elk license sales. We do not know what that will end up when all reports are collected but it will not be more than 3%. Whether the loss can be attributed to this is questionable.

Senator Tveit asked if they have to buy the license after they get the special permit.

Mr. Flynn said yes.

Senator Lee asked Mr. Flynn if he had figures on how many licenses have been sold at the half price.

Mr. Flynn did not have that information with him but said he could get the information for the committee.

Senator Jacobson, in reference to the fiscal note, asked Mr. Flynn if that included both the fishing licenses and deer and elk tags.

Mr. Flynn said the fiscal note refers to what would be lost in going from 65 to 62 on deer and elk tags.

Senator Jacobson closed by stating it is confusing for senior citizens to qualify at 62 for fishing licenses but not until 65 for deer and elk tags. She feels they should be consistent, either one or the other. She questioned the figure on the fiscal note stating that it would be difficult to put a fiscal impact on that.

SENATE BILL NO. 257:

AN ACT REQUIRING THE ISSUANCE OF A CERTIFICATE OF OWNERSHIP FOR CERTAIN WATERCRAFT AND CHANGING THE EXPIRATION DATE OF A CERTIFICATE OF NUMBER TO DECEMBER 31 OF EACH YEAR; AMENDING. . .

Senator Manning, District #18, presented this bill. This bill provides the owner of some of your larger watercrafts with a title of ownership, something that most of them do not have at the present time. He stated he did not think people are aware boats can be stolen and they have a hard time showing proof of ownership in a court of law without a certificate of

ownership. This bill would make it easier for lending institutions to loan money on a boat. There is a one time fee when you originally purchase the title of ownership, unless you decide to sell the boat and they would have to pay it again, just like with an automobile.

Ken Hoovestol, representing the Montana Marine Trade Association, gave testimony in support of this bill. A copy of his written statement is attached as Exhibit 3.

Robert Miller, Safety Administrative Officer in the Enforcement Division of the Department of Fish, Wildlife and Parks, gave testimony on this bill. A copy of his statement is attached as Exhibit 4.

There were no opponents to this bill. Chairman Smith asked for questions from the committee.

Senator Smith asked how many other states have similar laws.

Mr. Hoovestol said that thirteen states have this law at the present time but there is a national move to enact this legislation in all states.

Senator Jacobson, in reference to Mr. Hoovestol's testimony, asked what a UCC-1 was.

Mr. Hoovestol said a UCC-1 is used by lending institutions or anyone with a financial interest and that gives them protection for security interest.

Senator Smith asked if the cost would be a one time charge of \$3.00.

Mr. Hoovestol said that the only time you would pay any additional fee would be if you sold it and there would be a transfer charge.

Senator Smith asked if there are presently taxes being charged.

Mr. Hoovestol said this bill does not address the tax. That is addressed in another bill.

Senator Lane asked when the boats are licensed what ownership do they go on.

Mr. Hoovestol said there is no record of ownership. You have a registration slip. There is no proof of ownership. You do not have to have proof of ownership to get a registration slip.

Senator Severson asked if the registration slip was the only identifying mark on the boat.

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Mr. Hoovestol said the tax receipt plus the registration slip.

Senator Severson asked if there was an identifying sticker for on the boat.

Mr. Miller said there is a decal that shows they have paid property taxes. The identifying number decal can go with the individual or stay with the boat if the boat is sold. The new owner can write to the registrar, to the proper department, to say they would like the number left on the boat.

Senator Severson asked if the numbers would tell the officer that the boat is licensed.

Mr. Miller said no.

Senator Jacobson stated this bill mandates that motor boats must have this certificate of ownership. If this is solely to protect the owner they would do that without a mandate.

Mr. Hoovestol said it would be compatible to the present registration if it were not mandated.

Larry Majerus, Motor Vehicle Division, Department of Justice, said the registration does carry the owner's name but we do not receive proof of ownership at that time. I could register your boat.

Senator Smith asked if the prime reason for this was so that all motor boats could be identified.

Senator Manning said for proof of ownership.

Senator Smith asked Mr. Miller if their office would be responsible to see that the boats were properly registered.

Mr. Miller said it would fall on his Department the same as the decals.

Senator Smith asked Mr. Majerus if he felt the money collected would be sufficient to carry out the program.

Mr. Majerus said it is hard to know. We will have to work with boat owners to show proof of ownership. Implementation of the program will be expensive but thereafter the money collected should handle it. His answer would be yes over a long period of time.

Senator Smith said the way this would be handled would be identical to licensing your car.

Mr. Majerus said that is correct. Enforcement of this certificate would be at the time of registration. They would have to have

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a certificate of ownership.

Senator Lee asked if there was some penalty for not obtaining the certificate of title.

Mr. Majerus said you would not be able to register your boat without a title.

DISPOSITION OF SB 257: Senator Severson made a motion that SB 257 DO PASS. Senator Lee seconded the motion. SB 257 passed unanimously.

DISPOSITION OF SB 47: Senator Lee moved that SB 47 DO PASS. Senator Severson seconded Senator Lee's motion. SB 47 passed unanimously.

CONSIDERATION OF SB 126: Senator Severson suggested amending the bill so that the owner of the land, lessee of the land, be defined as a bona fide agricultural operation. He feels this would get rid of the opposition that the outfitters have to the bill. He can see their point as far as everybody going out and leasing half of Montana for hunting rights and having the right to outfit on that land. If there was ever a law that told a landowner he couldn't outfit on his own place it is unconstitutional.

Senator Jacobson agrees with everything Senator Severson has said but sees some problems in doing this. She asked if he was suggesting that a landowner should be running an outfitting business on his land without an outfitters license.

Senator Severson feels that if he should so desire that then that is his privilege. When he owns that piece of land and wants to take in some hunters for a fee, is there any law in the land that should stop that man from doing that if he so desires.

Senator Jacobson agrees with the concept. He should be able to do what he wants. The liability falls on the Fish and Game if there is a complaint, not on the landowner. She suggested, as an alternative to Senator Severson's suggestion, to simply remove the word "consideration" completely.

Senator Severson asked how the word "consideration" is defined.

Andrea Merrill said she talked with Mr. Meek, Attorney for the Fish and Game Department. The Department wouldn't abuse this word consideration. They do not consider a gratuity as consideration. Their concern with Mr. Harmon was that he advertised in a paper back east and took money for his services. Trespass fees is where a landowner charges a fee just for being on their

land. The conflict comes in when you offer your services for something. When there is a verbal agreement that you are going to trade something for something.

Senator Lee said so much time was spent on this last year. He suggested that the committee straighten it out this session. The Fish and Game does not prosecute. It is the County Attorney.

Senator Smith gave the committee members copies of testimony from Teddy Thompson and Franklin Grosfield, Charles Rein, Scott Fraser and Bud Arneson, in support of SB 126. (Exhibits 5 & 6) Senator Smith referred to his amendment which was passed out to the committee at the hearing on this bill. He feels that amendment would cover the problem.

Senator Severson said there are operations that lease ground that take care of that land as their own. He feels if you lease a piece of ground you have control over that land.

The committee members were concerned with leased land from BLM, U.S. Forest Service, State Lands, Champion, etc., with regard to the contract between the landowner and the lessee. They did not want this bill to interfere with that contract.

Senator Jacobson is in agreement with specifying for agricultural purposes. She is concerned that someone from out of state could buy Montana land and set up a hunting camp.

Senator Lee suggested amending the bill on line 7 to read "AN ACT ALLOWING A PERSON WHO OWNS, OPERATES AND LEASES AGRICULTURAL PROPERTY TO PROVIDE OUTFITTING SERVICES..." The same amendment to line 22.

Senator Lane said what if a rancher would just as soon, if he wants to advertise and take hunters out, get a guide license.

Senator Severson said he can do that.

Senator Smith pointed out he would have to go to school once or twice a year and it is usually in the western part of the state.

Senator Smith said Senator Lee's language might work. We will wait until Andrea Merrill, Staff Researcher, can work up the wording on the amendment.

Senator Tveit feels that the word "consideration" on line 8 could cause some problems.

Senator Mohar said that the outfitters have problems with this bill. There will be people advertising trying to run a game ranch off of their place. The outfitters feel their professional standards will drop which will reflect on Montana.

DISPOSITION OF SB 132: Senator Lee made a motion to amend page 8, line 12, after the period, strike all the language in the rest of subsection 2 and insert "The Department shall require that written contract be used by all outfitters providing service to the public and may require a copy to be on file with the Department." This was the biggest problem with this bill and he thinks this amendment will satisfy all concerns.

Senator Jacobson, sponsor of the bill, said the Department is not going to write the contracts. They are still going to write their own contract. The Department is requiring this specific information be included in the contract that they write to cover problems they are having in the area of complaints.

Senator Lee said he retracted his statement that the Department is writing the contracts. He thinks he speaks on behalf of the outfitters and they take offense at the legislature writing their contracts.

Senator Jacobson said Senator Hims1 made the statement on the date the bill was introduced that this is a \$25 million business and that the contracts would also protect the guides and outfitters.

Senator Severson said he was at the audit committee hearing and after long discussion it came out that every outfitter had some kind of understood contract.

Senator Tveit seconded Senator Lee's motion.

Senator Severson made a substitute motion to exclude lines 10 through 24. The motion failed. See attached Roll Call Vote.

The committee acted on Senator Lee's original motion. The motion passed with a vote of 4-2. See attached Roll Call Vote.

Senator Lee made a motion that SB 132 DO PASS. Senator Jacobson seconded Senator Lee's motion. The motion passed unanimously. See attached Roll Call Vote.

ADJOURNMENT: There being no further business the meeting adjourned at 2:52 p.m.


ED B. SMITH, Chairman

ROLL CALL

FISH & GAME

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/3/83

[illegible]

(This sheet to be used by those testifying on a bill.)

NAME: ROBT VAN DER VERE DATE: _____

ADDRESS: 2300 WILDER HELENA

PHONE: 442 3252

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: SB. 47

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

tes specified on the licenses.

3. No-Drawing Licenses (Unlimited Sheep): Hunters may get bighorn sheep licenses in a number of districts without entering drawings if application is made to the Fish, Wildlife and Parks office in Helena no later than August 31. Each of these sheep hunting districts is assigned a harvest quota. When the quota is reached or approached, the sheep season in that district is closed on 48 hours' notice. This could possibly be within a few days after season opening in some districts.

4. Limit: One bighorn sheep subject to the sex and age specifications in the hunting regulations. Hunters taking bighorn sheep must be able to show on demand for inspection the kill site and complete head.

5. Anyone taking a sheep with a license valid for a "legal ram" must not alter the head and

Exhibit 1
plete head and cape to any Fish, Wildlife and Parks office or Game Warden for tagging and issuance of a possession and transportation permit. A holder of a valid bighorn sheep license, **not issued through a drawing**, who kills a bighorn sheep in hunting districts 300, 301, 302, 303, 500, 501 and 502 must personally present complete head and cape within 48 hours to any Fish, Wildlife and Parks office or Game Warden nearest the kill site for tagging and issuance of a possession and transportation permit.

"Pick-up" sheep heads will not be plugged and will be confiscated.

Quiet Zones: All mountain sheep hunting in the "quiet zone" portion of sheep hunting districts 423 and 424 closes one-half hour after sunset November 14, 1982. See legal descriptions of deer-elk hunting districts 427 and 428 for descriptions of "quiet zones."

MAKING APPLICATION FOR DRAWINGS

1. Application for license or permit drawings must be made on forms available from Montana hunting and fishing license agents or from an office of the Department of Fish, Wildlife and Parks. A clear photo copy of an application form will be accepted.

2. Residents do not need elk licenses prior to applying for special elk permits nor deer licenses prior to applying for special deer permits.

3. An individual may make only one application for each type of license.

4. Applications for drawings must be postmarked no later than June 15, 1982.

5. License fees must accompany all applica-

tions. Nonresident fees should be in the form of money orders, certified checks or cashier's checks. Personal and company checks will not be accepted from nonresidents. Please do not send cash.

6. Persons applying for drawings must be at least 12 years of age prior to September 15 of the season for which application is being made and must have completed required firearms safety training if under age 18.

7. No more than 10 percent of licenses issued through drawings for each district may be issued to nonresidents. In districts where there are fewer than 10 licenses to be issued, none will be issued to nonresidents.

PREFERENCE IN DRAWINGS

5-Year Preference For Moose, Bighorn Sheep, and Mountain Goat

The system whereby persons may receive preference in drawings after applying for moose, sheep or goat licenses for five or more consecutive years is being phased out.

Persons who hold a 1982 notice showing five or more years preference may claim preference for the 1982 drawings. Seventy five percent of the licenses authorized for moose, sheep and goats will be available to this group. To maintain preference status, hunters must submit applications with the current preference notice for 1982 drawings.

Anyone with less than five years preference will not receive preference consideration for 1982 or any future drawings. Applicants in this group will receive 25% of the licenses available for each species. After 1983 the preference system will be

discontinued and thereafter all applicants will have an equal chance of success in drawings.

Preference notices are sent to persons with five or more years preference. If there is an error on the notice or if the notice is not received by February 1, 1983 the preference holder has until March 1 of the same year to notify the department.

Landowner Preference

Montana landowners who qualify may receive up to 15 percent of the antelope licenses, deer B licenses and special deer permits annually issued in each hunting district. To qualify, one must be the owner of record or be contracting to purchase at least 160 acres of land within the hunting district applied for. The land must be used primarily for agricultural purposes.

SB 47

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

January 20, 1983

I appear here today in opposition to SB 47 with some regret. However, in the spirit of consistency the Department of Fish, Wildlife and Parks does oppose passage of this bill.

As you are aware, we have proposed a request for a rather substantial increase in general hunting and license fees. That request has been introduced in the House of Representatives and is based upon our funding needs for the program we feel is necessary for the next two years for the agency.

Because we are requesting an increase in most licenses, and in some cases those increases are considerable, we do not feel that this is the time to be granting benefits which will reduce our current revenues. This bill will have a negative fiscal impact to the Department of about \$26,000 per year or of around \$52,000 in the biennium.

In addition, this past year the Governor's Management Council in reviewing this agency, criticized the Department's issuance of a variety of special licenses. The Council recommended that the discounts be standardized and that they not be as liberal as they have been in the past.

In response to that we have a proposal in the House which would standardize the age for Senior Citizens at 65 and which would also address standardizing discounts for the disabled and young people.

In closing, I would suggest that the Department is attempting to present a realistic appraisal of our needs to this Session with our budget request. We have had to take a difficult route in proposing fee increases to fund that budget request.

Passage of this bill either places more financial burden on those under 62 years of age or it lessens the revenues to be considered in funding the requests we now have before you.

TESTIMONY IN SUPPORT OF SB 257 submitted by Ken Hoovestol,
representing the Montana Marine Trade Association

Presently there is no proof of ownership on boats in Montana.

A person who steals a boat can simply go to the courthouse and register the boat in their name and thus has more current documentation than the rightful owner.

Another major problem arises when buying a boat. While it's true that a lender can secure the loan by filing a UCC-1, an individual buying a boat from another individual, does so on a buyer-beware basis. Few people would know that they should search for a possible UCC-1 filing to protect themselves.

SB 257 applies only to "motorboats", however, titles could be obtained on non-motorized watercraft at the option of the owner.

The cost to the boat owner would be a one-time charge of \$3.00
A small price to pay for the protection obtained.

The Coast Guard and the National Marine Manufacturers Association support this legislation.

SB 257 provides a 20-day grace period for operation from time of purchase; changes the registration date from April to January; presently those people buying a boat prior to April 1st are required to register at time of purchase and again in April. This change would eliminate most of this hassle; specifies the effective date to be January 1, 1984. DMU has stated this would be ample time to implement the procedures.

Bud Sh~~940~~ from DMU helped in writing this bill to insure
the requirements of this act to be compatible to their present system.

Testimony Senate Bill 257

I am Robert M. Miller, Safety Administrative Officer in the Enforcement Division of the Department of Fish, Wildlife and Parks.

In this position as administrator of boat safety programs, and Vice-Chairman of the Enforcement Committee of the National Association of Boating Law Administrators, I have been asked to present information on this bill.

The number of stolen boats has been increasing over the past years with 22,384 stolen boats on file with the National Crime Information Center (NCIC), and increasing about 1,500 each year with 59% under 16 feet. The entry of these stolen boats is principally accomplished through recording the Hull Identification Number (HIN). In Montana we do not have the requirement that the HIN must be used on the application for numbering and decals. We do have a space for this information, but it is not always used.

This act would require the use of HIN's and would assist other enforcement agencies to recover and trace stolen boats. It would also aid the department in locating the owner of a boat, as we have a problem with the present system, particularly if the ownership has changed hands.

January 26, 1983

Senator Ed B. Smith
Chairman
Senate Fish and Game Committee

Dear Senator Smith:

I am writing to you regarding S.B.#126, which will allow private landowners the right to let hunters hunt on private land without having an outfitters license. I am writing as a proponent for S.B.#126 and as a licensed outfitter having out of state hunters hunt on private land for deer and antelope.

I want to give your committee some of my reasons for being in favor of S.B.#126.

When I have hunters who like to hunt whitetail deer and antelope, I have always sent them to private ranches to get their game. Most of the time, the landowner's hired help or their sons will take our hunters out on their ranches to help them get their game and to supervise their conduct so they do not wander on land other than their own.

The hunters have always reimbursed them for their time and effort. All the hunters consider these arrangements to work very well and they are all grateful for having these privileges extended to them.

I feel as an outfitter and a landowner, you committee should give a "Do Pass" on S.B.#126.

Should these landowners find that as an outfitter, I did not speak in favor of S.B.#126, they could very well tell me to find somewhere else to take my clients to hunt.

As for the arguments used by the opponents of S.B.#126, that more "bar stool" outfitters would benefit from passage of this legislation simply cannot be true. I do not consider the landowners that allow the hunters to hunt on their property as fly-by-night outfitters. I am also sure the landowners in question would take offense to that kind of label.

Senate Bill #126 could very well help keep some of these private lands open to responsible hunters.

Thank you very much for your kind consideration on this matter.

Sincerely,



Teddy Thompson

Exhibit 6
February 3, 1983

January 27, 1983

Senator Ed Smith
Capitol Building
Helena, Montana

Dear Senator Smith:

We support S.B. 126, your bill to allow a rancher to provide outfitting service on his own ranch without having to obtain an outfitters license.

The State of Montana and the Department of Fish, Wildlife and Parks certainly can find better things to do than to meddle with ranchers trying to make a living on their own places.

There is a great deal of ill will right now in the ranching community toward those who want to use our ranches for recreation. This bill and others like it could go a long way in correcting this serious problem.

Sincerely,

Franklin Grosfield
Charles Rein
Scott Fraser
Bud Arneson

STANDING COMMITTEE REPORT

February 3, 19 83

MR. **PRESIDENT**

We, your committee on **FISH & GAME**

having had under consideration **SENATE** Bill No. **257**

Respectfully report as follows: That **SENATE** Bill No. **257**

DO PASS

STANDING COMMITTEE REPORT

February 3,

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MR. **PRESIDENT**.....

We, your committee on **FISH & GAME**.....

having had under consideration **SENATE**..... Bill No. **47**.....

Respectfully report as follows: That **SENATE**..... Bill No. **47**.....

DO PASS

STANDING COMMITTEE REPORT

February 3, 19 83

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 132

Respectfully report as follows: That SENATE Bill No. 132

introduced bill, be amended as follows:

1. Title, line 10 and 11

Following: "TO"

Strike: remainder of line 10 through "FORMS" on line 11

Insert: "require that outfitters use written contracts"

2. Page 8, line 10

Following: "that"

Insert: ":(a)"

3. Page 8, line 12 through 24

Following: "public"

Strike: remainder of line 12 through "trip" on line 24

Insert: "; and
(b) a copy of the contract form be on file with the
department"

And, as so amended,

DO PASS

SENATE COMMITTEE Fish & Game

Date February 3, 1983 Bill No. SB 132 Time 2:43P.M.

NAME	YES	NO
Senator Severson	✓	
Senator Lee	✓	
Senator Tveit	✓	
Senator Lane	Absent, left the meeting early.	
Senator Mohar		
Senator Jacobson		✓
Senator Smith		✓

Agnes Hamilton
Secretary

Senator Ed Smith
Chairman

Motion: Senator Severson's motion to strike language on lines 10
through 24 on page 8.

The motion failed.

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

SENATE COMMITTEE Fish & Game

Date February 3, 1983 Bill No. SB 132 Time 2:45 P.M.

NAME	YES	NO
Senator Severson	✓	
Senator Lee	✓	
Senator Tveit	✓	
Senator Lane	Absent, left the meeting early.	
Senator Mohar		✓
Senator Jacobson		✓
Senator Smith	✓	

Agnes Hamilton
Secretary

Senator Ed Smith
Chairman

Motion: Senator Lee's motion to amend page 8, line 12, after the period strike all the language in the rest of subsection 2 and insert "The Department shall require that written contract be used by all outfitters providing service to the public and may require a copy to be on file with the Department."

The motion passed.

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

SENATE COMMITTEE Fish & Game

Date February 3, 1983 Bill No. SB 132 Time 2:48 P.M.

NAME	YES	NO
Senator Severson	✓	
Senator Lee	✓	
Senator Tveit	✓	
Senator Lane	Absent, left the meeting early	
Senator Mohar	✓	
Senator Jacobson	✓	
Senator Smith	✓	

Agnes Hamilton
Secretary

Senator Ed Smith
Chairman

Motion: Senate Bill No. 132 DO PASS.

The motion passed.

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