

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

March 5, 1983

The meeting of the Fish and Game Committee was called to order by Chairman Ed B. Smith on March 5, 1983 at 12:30 P.M. in Room 402, State Capitol.

ROLL CALL: Roll was called with all members present.

CONSIDERATION OF HOUSE BILL NO. 402:

AN ACT LOWERING THE EXCEPTION AGE FOR PURCHASE OF DEER AND ELK TAGS AT HALF PRICE; ESTABLISHING HALF-PRICE LICENSE FEES FOR DISABLED PERSONS; 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.

Representative Eudaily, District #100, presented this bill as sponsor. He advised the Statement of Intent was required because Section 2 of the bill authorized the Department to make rules concerning disabled persons and exemptions to fishing and game bird license requirements. He explained each section of the bill. The bill was amended to conform with SB 47 by changing the age from 65 to 62.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in support of this bill. A copy of his written statement is attached as Exhibit 1.

Robert VanDerVere, representing Montana Senior Citizens, gave testimony in support of this bill. He feels this bill came out of the House in good shape and he does not believe it should be amended.

There were no opponents.

Chairman Smith asked for questions from the committee.

Senator Tveit referred to page 3, line 3, and asked Jim Flynn if there was a state charge for migratory hunting now.

Mr. Flynn said there is a federal stamp for hunting and that is all.

Senator Tveit said they may hunt upland and migratory birds. They would still have to have their stamp. He questioned why it was even in the bill.

Mr. Flynn said he does not know if it does mean that.

Representative Eudaily said you must have a state bird stamp in order to buy a migratory stamp but you do not have to buy a federal migratory stamp until age 16.

Senator Smith said he understands there was an amendment requested to the bill when it came out of the House.

Representative Eudaily said the House inserted Section 2, on page 2. The reason for that is a member of the House has a disabled friend in a wheelchair and the friend goes out and parks along the road, he gets off the road out of the way, and waits for somebody to run a deer past him. This amendment would allow that disabled person to be able to hunt deer and elk with a license that costs one-half the price of a regular license. He stated he has no recommendation on that.

Senator Lee asked Jim Flynn if he objected to the language inserted on page 2, lines 14-18 because the individual is incapable of hunting or because of the added rules and such.

Mr. Flynn said the combination will have a negative effect on our revenue. It will be an administrative burden to issue disability fishing licenses, consolidated with the youths and then to make sure that the people are certified disabled. He questions whether you should have that kind of a discount if you are disabled.

Senator Lee said according to the testimony for a free fishing license the disabled person has to come in with an affidavit from a physician. Couldn't you loosen that up a little bit.

Mr. Flynn said we could adopt a rule that says if you are certified as disabled by the Veterans Administration you would qualify.

Senator Smith said Mr. Flynn had testified this would have an adverse effect on income and asked Mr. Flynn how many disabled would come under sub-section 2.

Mr. Flynn said he couldn't even offer a reasonable guess.

Senator Lee asked for the figure on fishing licenses.

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

Senator Mohar asked if senior citizens currently get free fishing licenses.

Mr. Flynn said if they purchase a conservation license that entitles them to hunt and fish free of charge. For \$3.00 senior citizens can hunt game birds and fish.

CONSIDERATION OF HOUSE BILL NO. 672:

AN ACT TO WAIVE CAMPING FEES FOR TOTALLY DISABLED PERSONS

Representative Kitselman, District #60, presented this bill to the committee. He stated this bill is very straight forward in its intent. He had been contacted by Mary Jane Longmire of Helena, who is a disabled senior citizen, and occasionally she wishes to camp out and asked if anything could be done to ease the process for her. This bill simply establishes a waiver for camping fees under the most restrictive description of disabled. He read page 2, lines 6 through 10 of the bill. The fees were discussed when heard in the House and the \$2.00 to \$3.00 camping fee generates \$130,000 a year in revenue. He feels that this would include such a small group of people that there would be no fiscal impact.

Representative Marks, District #80, rose in support of this bill. He does not think the impact will be very great as there will not be very many people using it. This is a bill that will allow the policy makers in the state to establish something for those unfortunate people who are disabled as described in the bill. This is a gift that we can give them that doesn't cost very much and will create a better life for some of them. If there is some way to make life happier for them he would support that.

Robert VanDerVere, representing Senior Citizens, supports this bill. He does not feel there are too many that are in this category.

Chairman Smith asked for opponents.

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

Chairman Smith asked for questions from the committee.

Senator Mohar asked Jim Flynn what the fiscal impact of this bill would be.

Mr. Flynn said he does not have any idea. Once again, to adjudicate on something like this isn't possible. We do not know the substantial impact but we do know there will be a negative impact.

Senator Mohar asked Jim Flynn why he supported HB 402 with the age at 62. Your original testimony on Senator Jacobson's bill indicated this would mean a substantial loss of revenue.

Mr. Flynn said we gave testimony in the House and Senate stating we would hope the ages would be 65. The Senate took action lowering to 62 and the House did the same. Our preference would still be 65.

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Senator Smith pointed out to the committee that in the 1982 biennium at no time was the Fish and Game Department's budget below \$1.5 million and at times it was over \$4 million. He can't be too sympathetic with the Department's plea of not having enough funds to spend in a proper manner.

Senator Mohar asked Representative Kitselman if he would be agreeable to lowering the age to 62.

Representative Kitselman said this is not related to senior citizens, this falls under the golden years pass. This bill is intended to help a totally disabled person to enjoy some of the amenities we have. The total camping revenue generated last year was \$130,000. He does not feel there will be much of an impact on that.

Senator Lee said he does not think you can really judge an impact on this because there are other things involved. There maybe a few people or half a dozen people in the state who will use the camping grounds. They are going to buy a lot of equipment to go along with the camping and part of the tax will go to the Fish and Game Department.

DISPOSITION OF HOUSE BILL NO. 672: Senator Lee made a motion that HB 672 be concurred in.

A Roll Call Vote was taken and is attached. The motion carried unanimously.

CONSIDERATION OF HOUSE BILL NO. 345:

AN ACT PROVIDING FOR THE SALE OR DONATION OF ANIMAL MEAT OR PARTS CONFISCATED OR OTHERWISE ACQUIRED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; ESTABLISHING A REWARD PROGRAM WITH THE PROCEEDS FOR REPORTING VIOLATIONS OF THE LAWS ADMINISTERED BY THE DEPARTMENT; GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS;

Representative Spaeth, District #71, introduced HB 345 at the request of the Department of Fish, Wildlife and Parks. This bill allows the Department of Fish, Wildlife and Parks to sell animal parts and carcasses and to establish a crime watch program for enforcement of the rules of the Department of Fish, Wildlife and Parks. Crime watch programs help keep law enforcement at a minimal cost. This program will be set up from the sale of wildlife carcasses and parts. \$30,000 will be used for that end. Crime watch programs have been very successful in different parts of the state in enforcement of the laws of the state.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in support of this bill. A copy of his written testimony is attached as Exhibit 3.

Chairman Smith asked for opponents.

Robert VanDerVere is opposed to this bill. He is concerned this will make friend go against friend and relatives go against relatives. He does not think it is practical to put \$30,000 into a program such as this. He suggested using the money toward a game warden retirement fund or such as that. At the present time we have a program whereby you can call a toll free number. Many people call in on this. We do not need the crime stoppers program. We have got crime stoppers in Montana now that deals with more serious problems than this.

Chairman Smith pointed out to Mr. VanDerVere that the Fish and Game retirement program already has a large surplus in it.

Chairman Smith asked for questions from the committee.

Senator Severson asked if what this is all about is we will give rewards to people that report somebody for a game violation.

Mr. Flynn said we have looked at other programs that are conducted in Montana and other states but we do not have a summarized program ready to roll at the present time. You establish a reward system, whereby there is an arrest and conviction for a game violation, depending on the magnitude of the violation.

Representative Spaeth said he envisioned this program as being very similar to the present Crime Watch or Crime Stoppers Program. The Department of Livestock is also proposing a similar program. The way these programs work is you zero in on a crime and if you don't receive any substantial leads you then put that particular violation into the Crime Watch Program and set up a reward system. Sheriff O'Reilly's testimony before the Agriculture Committee on the Department of Livestock Crime Watch Program, was that of the violations that have been chosen to come under the crime watch program, 80% of the informants would not have called without this incentive. You have a particular violation that will come under the crime watch program.

Senator Severson thinks the toll free number to report violations is good. He does not want to make a bounty hunter type of thing out of this. He feels it is wrong to pay somebody for reporting a game violation. The idea of reporting a game violation should be with the thought that you are trying to protect game laws or the management of our wildlife. He does not want to see the Department involved in this.

Senator Jacobson asked Mr. Flynn if there is a toll free number and how effective it is.

Mr. Flynn said there is a toll free number which people can call if they see any game violations or it is frequently used to report trespassing. It is somewhat effective but we feel that the establishment of this program would be a more effective tool.

Senator Jacobson said it would seem to me that advertising the toll free number would be more effective. She stated she hunts and fishes and she does not know the toll free number.

Mr. Flynn said the toll free number is on all the hunting and fishing maps and is on the TV stations as a public service announcement.

Senator Lee asked Jim Flynn what the language in section 1 was inserted for.

Mr. Flynn said the original law pertained only to the sale of confiscated birds and animals.

Senator Lee said Section 4 allows for the disposition of meat from animals damaging property. Doesn't that take care of that.

Mr. Flynn said that pertains only to the meat, not to the heads, hides, teeth or other parts of the animals.

Senator Lee asked why property was crossed out and "a wildlife carcass" inserted on page 2.

Mr. Flynn said our attorney said property means property and we are specifically dealing with carcasses.

Senator Lee said it seems to me all the testimony we have heard from the state and in particular from the Department of Fish, Wildlife and Parks, is that they are claiming wild animals in the state as their property.

Mr. Flynn said they are the property of the State of Montana. Not the property of the Department of Fish, Wildlife and Parks. Their concern is that when you are talking about the sale of property that could be desks, chairs, a building or whatever but we are talking about wildlife carcasses.

Senator Smith asked if there will be concern from competing meat businesses if they sell a lot of this meat.

Mr. Flynn asked if they should take it to the dump and throw it away.

Senator Smith asked if there has been much success with donating some of the meat.

Mr. Flynn said some years we do have good success and other years we do not. The law specifically says confiscated animals from violations shall be auctioned off. We are just abiding by the laws.

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Senator Smith asked if they go through charitable organizations or institutions.

Mr. Flynn said under present law we can't give it to charitable institutions. We can give it to state institutions or to the Department of Social Rehabilitation. The SRS is not terribly receptive. Galen and Warm Springs sometimes want the meat and sometimes they do not.

Senator Severson asked Mr. Flynn if under this bill they would be able to give to charitable institutions.

Mr. Flynn said yes.

Senator Lee asked what the total amount of money that they spend on enforcement now is.

Mr. Flynn said from two and one-half to three million dollars.

Senator Lee said what you are doing is getting the authority to set up this reward program. You can't offer a reward now?

Mr. Flynn said no.

Representative Spaeth said it is not necessarily a reward program, it is more specific than that. A particular crime would be picked out. They would not give a reward for every time someone calls in. Reward programs are not something new, they have been used for a long time. This will allow for more law enforcement in the state of Montana for a relatively small amount of money. Eighty percent of the people who have participated in this program would not have called without this incentive.

Senator Lane asked Representative Spaeth how they would determine how much money they would pay the individual calling with information.

Representative Spaeth said that is all a part of the administration of the program.

DISPOSITION OF HOUSE BILL NO. 402: Senator Jacobson made a motion that HB 402 be concurred in.

A Roll Call Vote was taken and is attached. The motion passed unanimously.

CONSIDERATION OF HOUSE BILL NO. 345: Senator Severson made a motion to amend the bill by deleting lines 10-19 on page 4. He thinks it is wrong to put a bounty hunter type of basis on reporting crimes. He has no problem with reporting the violation but a reward should not be given for doing something like that.

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Senator Lee asked Senator Severson if his motion should include the deletion of the Statement of Intent and one line of the title.

Senator Severson would so move.

Senator Smith commented that except for a few minor changes, what you are doing is taking the insides out of the bill.

Senator Lee does not agree. He thinks this bill is doing something.

A Roll Call Vote was taken on Senator Severson's motion. The motion passed with a vote of 5-2. See attached roll call sheet.

Senator Smith suggested that Andrea Merrill, Researcher, go through the bill and see what we have done with the bill by taking this section out. He stated that he feels some of these reporting programs are very effective and are doing a good job.

Senator Mohar asked Senator Severson if he followed the same philosophy for the existing Crime Stoppers Program with the Police Department, or are you just pertaining to the Fish and Game Department.

Senator Severson said if you are reporting a crime you should not receive a reward.


Senator Mohar said you could report the crime and then turn the reward money back into the system. The Crime Stoppers Program has been an excellent way to reduce crime in this country. We could be looking at a time when Fish and Game violations will be increasing.

Senator Severson said he does not know everything there is to know about the Crime Stoppers Program. His understanding is that you can report a crime without becoming involved. If a person sees a crime he can report that crime without his name being used. He feels we should believe in our system enough that we would do that regardless.

Senator Mohar said Representative Spaeth has testified to the fact that the people who were involved in the Crime Stoppers Program, 80% would not have reported without this system. This program gets people involved.

Senator Smith said we live in a different generation where the people think they should be paid for everything they do. He advised we will not take action on the bill until our researcher has accessed the bill.

ADJOURNMENT: The meeting adjourned at 2:00 P.M.


ED B. SMITH, Chairman

ROLL CALL

FISH & GAME

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3-5-83

[illegible]

March 5, 1983

COMMITTEE ON FISH AND GAME

VISITORS' REGISTER

[illegible]

HB 402

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

March 5, 1983

I appear today in support of House Bill 402. This bill addresses the area of discounted licenses within the Department and would, if passed, consolidate the categories and simplify some of the complexities which now exist.

At present discount licenses are now available to senior citizens, young persons age 12-14, and to the disabled. Within these three categories, the Department issues eight separate special discount licenses. The intent of HB 402 is to reduce that number to the issuance of three special discount licenses.

In the senior citizen's category, under present law, residents 65 and older may purchase half price deer and elk licenses. In addition, residents 62 and older may fish and hunt birds for the price of a Conservation License.

The confusion over two different ages for qualifying, one at 65 and one at 62, needs to be addressed. House Bill 402, as it has been amended, would set that standard at 62.

In the disabled category, under present law, a person must be certified as disabled by a physician and then receives a free lifetime fishing license. This procedure has two shortcomings. The first is that even though a person might be certified as disabled by the Veteran's Administration or Social Security, for example, that person must still be certified as disabled by a Doctor. In some cases this is an imposition.

The second is that, at times, it is questionable whether or not the disability is deserving of a lifetime free fishing privilege.

The bill before you would first of all require the proof of disability be furnished annually, it would allow the Department to establish rules so that certifications already in place could be used, and finally it would allow that disabled person to hunt birds and fish for the price of a Conservation License.

The action by the House of Representatives on this measure has also allowed the disabled to secure an elk license and a deer license at half price. The language inserted is on page 2 lines 14-18.

We would suggest that this language be deleted and that the bill be returned to its original content on this subject.

It does not seem appropriate that a person who is certifiably disabled ought to be issued a discount license to hunt big game. If a person is certifiably disabled, it would seem to preclude one's ability to hunt deer or elk. As a result, the language inserted would seem to be inappropriate.

In the youth category, under present law, young people under 15 years of age may fish for free, may hunt birds for \$2.00, may hunt deer for \$2.00, and may hunt elk for \$2.00. These latter three categories all require a Conservation License also.

House Bill 402 is intended to allow youth under 12 years of age to fish for free. Youth between the ages of 12 and 14 may fish and hunt birds for the price of a Conservation License and may purchase a half price license to hunt deer and elk with a Conservation License.

As a result of the bill, one category of license would be the Conservation License and free fishing and bird hunting privileges. This would apply to senior citizens 62 and older, youth 12 through 14, and the disabled.

A second category would be half price deer for senior citizens 62 and older as well as youth 12 through 14.

A third category would be half price elk for senior citizens 62 and older as well as youth 12 through 14.

In the case of the disabled, if they only fish they will pay more, but if they fish and hunt birds, they will pay less. We also feel that an annual license is not unrealistic.

In the case of youth, those 12 through 14 will now pay to fish where they didn't before. However, if they fish and hunt birds, they will pay less than they previously did. Those 12 through 14 will pay more to hunt deer and elk than previously.

We are aware that in this consolidation, under some circumstances, some of these people may pay more for hunting or fishing. We have taken those circumstances into account. However, just as with our general license fee proposal, we feel that it is necessary for each sportsman afield to assume some of the burden before us.

We urge your support of House Bill 402.

COMPARISON OF NUMBER OF LICENSES NOW ISSUED AND PROPOSED IN HB 402

<u>Now</u>		<u>Proposed</u>
3	Senior Citizens	
1	Disabled	3
4	Youth	
<hr/>		<hr/>
8		3

HB 672

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

March 5, 1983

The Department of Fish, Wildlife and Parks is opposed to House Bill 672 solely because of the financial realities it presents. The State Park System's maintenance and operation is funded from a mix of sources including camping fees and the state's general fund. This bill would reduce the revenues in one area, the camping fees, at the same time that the other committees are considering the reduction of another source, the general fund.

At the same time the operation and maintenance of the present system is becoming more costly due in part to more use. We also hear much about the Department's abilities to manage the lands under its program.

The use of a park site or a campground by a Senior Citizen or a Disabled Person is no more nor no less than the use by anyone else. Therefore in the face of a shrinking contribution from the state's general fund, allowing more free use of the state's park system will only serve to reduce revenues; it will not allow for an accompanying reduction in the user of the system.

There was a time when costs, usage and availability of funds allowed the Legislature and this Department to authorize free uses and discounts for a number of activities, but those days are gone.

Budgets have seriously tightened up, needs have changed and the public expects more performance. We attempt to respond to these changes and feel we must have the ability to do so.

We would urge that House Bill 672 do not pass.

HB 345

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

March 5, 1983

House Bill 345 addresses three subjects of interest to the Department. The first is the broadening of our options in disposing of carcasses acquired by the Department, the second is to clarify the need for valuable or trophy parts of those carcasses to be clearly identified and to clarify the Department's authority to donate wildlife parts to educational and charitable institutions, and the third is to establish a reward program to assist in the enforcement of our state's fish and game laws.

With respect to broadening our options in disposing of carcasses, the present law embodied in Section 4 on page 4 of HB 345 requires that those carcasses be given to state institutions, school lunch programs or the Department of Social and Rehabilitation Services.

This present law causes difficulty in that frequently none of these entities wishes to receive the carcass. As a result we have no place to go. In addition, we frequently find that it costs more money to transport the carcass than it is worth.

The language proposed in HB 345 would allow us to consider other sources as recipients of these carcasses and additionally to dispose of them at auction if necessary.

With respect to the identification of trophy parts and clarifying that the Department may donate parts of wildlife to educational and charitable institutions, the language in Subsection 2 on pages 2 and 3 addresses our needs.

At present there is no clear requirement and authority for the marking of wildlife parts so that they can be traced if necessary to determine their origin. We feel that this language will aid in pinpointing the point of origin of wildlife parts and thus enable our enforcement efforts in this area.

In addition current law is not clear on the Department's authority to allow institutions, particularly educational institutions, to receive and utilize wildlife parts. The language before you clearly allows that action.

The final subject is the establishment of a reward program. This program has been a huge success in many of the other western states in getting concerned citizens involved in using a toll-free number to report violations involving our wildlife resources. If their information leads to an arrest or citation being issued, they become eligible for a reward.

The reward fund would be established through public donations and money received from the sale of confiscated meat. No more than \$30,000 per year of confiscated sales money would be used. None of this money would be used for administration purposes.

It is anticipated this project would be of substantial benefit to the Department as a deterrent to the illegal taking of our wildlife resources. It will also get the public more actively involved in the preservation and protection of Montana's fish and game, particularly in reporting details of flagrant violations that are now difficult to obtain.

With the high prices now being paid for animal parts on today's illegal market, poaching of Montana's wildlife has increased tremendously over the last few years. All of our western states seem to be having the same problems. Studies in Idaho, New Mexico and Michigan indicate that enforcement officers on routine patrol are likely to detect less than 2% of the actual violations that occur.

We urge your support of House Bill 345.

STANDING COMMITTEE REPORT

March 5, 19 83

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 402

EUDAILY (LEE)

Respectfully report as follows: That HOUSE Bill No. 402

BE CONCURRED IN

~~DOXKASX~~

SENATE COMMITTEE Fish & Game

Date March 5, 1983 Bill No. HB 402 Time 1:40 P.M.

NAME	YES	NO
Senator Severson	✓	
Senator Lee	✓	
Senator Tveit	✓	
Senator Lane	✓	
Senator Mohar	✓	
Senator Jacobson	✓	
Senator Smith	✓	

Agnes Hamilton
Secretary

Senator Ed Smith
Chairman

Motion: House Bill No. 402 be concurred in.

The motion passed.

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

SENATE COMMITTEE Fish & Game

Date March 5, 1983 Bill No. HB 345 Time 1:50 P.M.

NAME	YES	NO
Senator Severson	✓	
Senator Lee	✓	
Senator Tveit	✓	
Senator Lane	✓	
Senator Mohar		✓
Senator Jacobson	✓	
Senator Smith		✓

Agnes Hamilton
Secretary

Senator Ed Smith
Chairman

Motion: To strike lines 10-19 on page 4, the appropriate line in
the title relating to that section and the Statement of Intent.

The motion passed.

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