

MINUTES OF THE MEETING  
FISH AND GAME COMMITTEE  
MONTANA STATE SENATE

March 10, 1983

The meeting of the Fish and Game Committee was called to order by Chairman Ed B. Smith on March 10, 1983 at 1:00 P.M. in Room 402, State Capitol.

ROLL CALL: Roll was called with Senator Tveit excused and all other members present.

CONSIDERATION OF HOUSE BILL NO. 434:

AN ACT TO ALLOW A FISH AND WILDLIFE LICENSING AGENT TO POST SECURITY OTHER THAN A SURETY BOND IN ACCORDANCE WITH DEPARTMENT RULES; AND TO REQUIRE LICENSE AGENTS TO PAY INTEREST ON LICENSE REVENUE THAT IS REMITTED LATE

Representative C. Smith, District #18, presented this bill at the request of the Department of Fish, Wildlife and Parks. At the present time licensing agents have to post a \$1,000 bond and in the case of small agents it is unrealistic. This bill will allow for a more reasonable form of checking. It will also allow the Fish and Game Department to collect interest on license fees that are not turned in in a timely manner.

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 1.

Jennifer Cody, Western Montana Fish and Game Association, Missoula, stated this bill had favorable comment at their meeting. Large license dealers in Missoula take the license money and purchase a money market certificate and pay the state when the money market certificate becomes due. They support the portion of this bill that would charge interest to license dealers that would do that.

There were no opponents to this bill.

Chairman Smith asked for questions from the committee.

Senator Severson asked when they have to send the money in.

Mr. Flynn said they report the sales in December and send the money in by January 15th. The problem with the present law is we only have one option, we either put up with it or take their license away. We do not have a penalty position.

Senator Lee asked is the thirty cents per license comparable to other states.

Mr. Flynn said that just went into effect last year. It used to be 15 cents. He does not know if a comparison with other states was used.

Senator Smith said we did double the license and we were told this was more comparable to other states that were selling licenses.

DISPOSITION OF HOUSE BILL NO. 434: Senator Severson made a motion that the bill be amended to have an effective date of March 1, 1984. The motion passed unanimously.

Senator Severson made a motion that the bill be concurred in as amended. The motion passed unanimously.

CONSIDERATION OF HOUSE BILL NO. 541:

AN ACT TO GENERALLY REVISE THE LAWS CONCERNING THE ISSUANCE  
AND TERMINATION OF FISH AND GAME LICENSES

Representative Phillips, District #43, presented this bill to the committee. He stated this is more or less a clean up bill in the area of issuance of licenses. Section 1 addresses members of the armed forces. They are authorized, after being in the state for 30 days, to be able to be licensed. The language used "members of their immediate family" is not specific. This cleans up the language to say "their dependents who reside in their Montana household with them". That was the intent. Section 2 gives the commission a chance to issue licenses. This gives them the authority to issue extra deer tags or antelope special license tags or whatever. Section 3 deals with licensing by mail. People write in for a license. That has been the practice but the codes say you have to appear before an official of the Department to get a license. This just cleans up the law to allow licensing by mail. Section 4 merely changes the expiration date of licensing from the 30th of April to the last day of February. Somewhere along the line we'll get shorted two months. The reason for this is to give the Department a chance to get the special licenses out to the out of state hunters and we will know earlier on the drawings.

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

Maxine Morehavre, Capitol Sports and Western, stated they are a licensed dealer and would be in favor of Section 4 where the licenses will be changed to the last day of February. We can expect people to start coming in to buy new licenses after the first of January. By the time we do get the new licenses, which is usually the last two weeks in April, we have already come into the major part of the fishing season in the lake area around here and everybody needs a license. We write 15,000 licenses a year and 20% are written in the first month after new licenses come out.

There were no opponents.

Chairman Smith asked for questions from the committee.

Senator Smith said this could cause a problem, in changing the date, to people who have bought their licenses for years. Will there be an educational program so that the licensing agents and the sportsmen will be notified of the date change.

Mr. Flynn said we would hope this wouldn't cause a problem. If this bill passes we will do our utmost to advertise this date change. This only affects the license. The season will still open on the regular day but you will be able to buy your license a few months early.

Senator Jacobson thinks the title should be amended to go along with this.

DISPOSITION OF HOUSE BILL NO. 541: Senator Lee moved the amendments suggested in Mr. Flynn's testimony. The motion passed unanimously.

Senator Lee made a motion that HB 541 be concurred in as amended. The motion passed unanimously.

CONSIDERATION OF HOUSE BILL NO. 345: Senator Lee moved that HB 345 be concurred in as amended.

Senator Jacobson made a substitute motion to reconsider the amendments.

Senator Smith said he had been approached by the sponsor of the bill and that he had requested that he be able to present the committee with information in regard to how the crime watch program is working in other states. He feels it is only fair to give that person a chance to furnish additional information to the committee if the committee does not object to that.

Senator Lee does not like the bounty hunter deal in the bill.

Senator Smith said he told Representative Spaeth that we would not act on this bill today and would allow him to present his information to the committee. If the committee doesn't mind, we will hold the bill in committee.

Senator Lee said Representative Spaeth made a lot of references to the Crime Watch and Crime Stoppers Program doing a good job. They operate on donations. He is against taking state funds for this type of thing. There is nothing in the books that precludes them from doing this but not out of state funds.

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Senator Smith said the subcommittee did authorize the spending of \$30,000 for this Crime Watch Program if this bill is passed.

Jennifer Cody, representing Western Montana Fish and Game Association, said their organization originally planned to solicit for the funds to start a program such as this. She went to the Department and talked to Jim Flynn and he said they were trying to get authorization for the funding of this program. We felt that \$20,000 would be enough to begin the program and from there it would become self-supporting.

Senator Smith pointed out that the subcommittee authorized the reward program from donations.

Senator Lee said if these groups are excited about this reward program, let them set one up. The state should not endorse this program.

Senator Severson said if you have that kind of interest in this type of a program you don't need the reward to make this thing work.

Jennifer Cody said we discussed that but she would have to say that she represents the people who would be more willing to become involved. We normally represent 1% of the total license holders in Missoula County in a year. We have a problem with people who see this as the wild west and anything they can get away with is fine. We are not talking about \$10.00 rewards, but large scale rewards relating to the 40 deer that were shot in Swan Valley last year to be transported out of state. Our realization is that people aren't as fine as we would like to think they are. We are trying to reach the section of the population who are more likely to be around to see something but who are unwilling to get involved. The Crime Stoppers Program has been very successful. We felt it would be better to have a program through the Department of Fish, Wildlife and Park because they are a stable ongoing agency and when you depend on a volunteer agency sometimes you have problems. If this bill is killed we will probably set up the program ourselves. It would work better if operated through the Department.

Senator Severson pointed out we have a program in operation right now, the toll free number, and he really can't see adding this reward system. He is opposed to this bounty hunter concept.

Senator Mohar said Representative Spaeth testified at the hearing on this bill that 80% of the people participating in the Crime Stoppers Program would not have done that unless the reward was there. He feels it is more human nature to say what the heck on some violations and not to report them. This program is trying to add, at a very minimal cost, additional enforcement.

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Senator Smith said we will have further debate on this bill at our next meeting when Representative Spaeth can be present. He does not think the motion is necessary until our next meeting.

ADJOURNMENT: The meeting adjourned at 1:55 P.M.

  
ED B. SMITH, Chairman

## ROLL CALL

## FISH & GAME

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3-10-83

[illegible]

DATE \_\_\_\_\_

March 10, 1983

COMMITTEE ON

## Fish and Game

## VISITORS' REGISTER

[illegible]

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

NAME: Marlene Mankau DATE: 3/10/83

ADDRESS: Helena, MT

PHONE: 443-2978

REPRESENTING WHOM? Capital Sports & Recreation

APPEARING ON WHICH PROPOSAL: HB 544

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



HB 434

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

March 10, 1983

At the present time the Department has about 350 dealers commissioned in various parts of the state to sell licenses on behalf of the Department. These dealers receive a commission of 30 cents for each license they sell.

Under present law these dealers are all treated pretty much the same. The dealer in a small rural area is treated the same as the dealer in a large urban area. The dealer who sells 30 licenses is basically treated the same as the dealer who sells 3000 licenses. This lack of recognition for some basic differences causes some concern.

In some rural areas it is to the benefit of the sportsmen as well as the Department to have a license dealer even though the volume is low enough that it is not economically feasible to have that dealer perform to the same standards as a high volume dealer. Yet under present law there is not much flexibility for bonding and reporting of license sales.

This causes a hardship upon the dealer, the sportsman and the Department. House Bill 434 is intended to address this area.

House Bill 434 would allow the Department to establish license classes and to consider the appropriate reporting deadlines for each class. It would also allow for discretion in the type and amount of security necessary for each dealer class. And finally, it would authorize the charging of interest to those in appropriate license classes who might have a tendency to not remit the large sum of money due to the Department in a timely manner.

We would like to amend the bill to provide for a March 1, 1984 effective date.

House Bill 434 will do a lot towards tying up some loose ends which now exist in our license agent process. We urge your favorable consideration of the measure.

HB 541

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

March 10, 1983

House Bill 541 is a bill which addresses four areas of concern for the Department. Those being the definition of dependents of military personnel stationed in Montana, the issuance of more than one class of license to an individual, the issuance of licenses by mail, and the changing of the license year.

With respect to the dependents of military personnel, the present law refers to "members of their immediate family" who after 30 days are eligible for resident status. We feel that this language is broad enough and vague enough to make it difficult to expect this definition to cover only children and spouses of military personnel which is what was originally intended.

The proposed language is "their dependents who reside in their Montana household with them". We feel this language is more appropriate and that it clears up any vagueness.

With respect to the issuance of more than one class of license, at the present time Montana law states that only one license of any one class, except certain fishing licenses, can be issued to any one person. Generally this means that a person is restricted to one deer on his A license and one deer on his B license.

This restriction has been a detriment to our management of big game herds, particularly deer and antelope, in many parts of the state. In these areas and in these times of high game populations, the ideal management tool is to sustain a high harvest level during the regular season. The next best tool is to achieve the harvest desired through special seasons.

However, to achieve either of these with the present license language in the law requires large numbers of hunters afield with a high success rate.

The large number of hunters afield causes another concern; that being the increased numbers causing pressure on the private landowners. In addition, frequently the hunter is only after the Big Buck and harvests nothing if not the Big Buck.

As a result the Commission has issued surplus permits, usually in a Special Season, to get the harvest and still remain within the law. However, there is some question regarding this current practice.

The bill before you would resolve the current question. It would authorize the Commission to grant more than one license and it could continue to use this reasonable management option for controlling large numbers of big game animals with a realistic number of hunters.

The question of issuing licenses by mail arises with the present language found on page 3, lines 9-11 of HB 541. That current language would seem to call for the physical presence of the applicant before either a Department employee or a license agent.

The language proposed in HB 541 would clearly allow for the process which presently exists to take place.

And finally, HB 541 would allow for the license year to end on the last day of February. This is proposed primarily to accommodate the issuance of our Special Licenses and our Nonresident Licenses at an earlier date.

By moving this time period up by about 60 days, we hope to inform people at least 30 days earlier of whether or not they will be hunting their special species in the fall or not. The same applies to non-residents regarding their general license. In both cases, firm plans can be made earlier by sportsmen.

We urge your support of House Bill 541.

Proposed Amendment to HB541

Page 4, after line 4.

Insert: "Section 5. Section 87-2-202 is amended to read:

87-2-202. Application -- stamp attachment -- fee -- expiration.

(1) A wildlife conservation license shall be sold upon written application. The application shall contain the applicant's name, age, occupation, place of residence, post-office address, and length of time in the state of Montana; state whether the applicant is a citizen of the United States or an alien; and be subscribed by the applicant. The applicant shall present a driver's license or other identification to substantiate the information.

(2) Hunting, fishing, or trapping licenses in the form of tags or stamps issued to a holder of a wildlife conservation license must be affixed to or recorded on the wildlife conservation license according to such rules as the department may prescribe.

(3) Resident and nonresident wildlife conservation licenses may be purchased for a fee of \$2.

(4) Licenses issued shall be void after ~~April-30~~  
the last day of February next succeeding their issuance.

# STANDING COMMITTEE REPORT

March 10, 1983

MR. **PRESIDENT**

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

having had under consideration **HOUSE** Bill No. **434**

**C. SMITH(SMITH)**

Respectfully report as follows: That **HOUSE** Bill No. **434**

third reading, be amended as follows:

1. Title, line 11.  
Following: "MCA"  
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"
2. Page 3, line 14.  
Following: line 13  
Insert: "NEW SECTION. Section 3. Effective date.  
The act is effective March 1, 1984."

And, as so amended,  
BE CONCURRED IN

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**ED B. SMITH**

Chairman.

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# STANDING COMMITTEE REPORT

March 10, 19 83

MR. **PRESIDENT**

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

having had under consideration **HOUSE** Bill No. **541**

**PHILLIPS (LEE)**

Respectfully report as follows: That **HOUSE** Bill No. **541**

third reading, be amended as follows:

1. Title, line 8.  
Strike: "AND"  
Following: "87-2-111,"  
Insert: "AND 87-2-202,"
2. Page 2, line 12.  
Following: line 11  
Insert: "(1)"
3. Page 4, line 5.  
Following: line 4  
Insert: "Section 5. Section 87-2-202, MCA, is amended to read:  
"87-2-202. Application - stamp attachment - fee - expiration.  
(1) A wildlife conservation license shall be sold upon written application.

~~XXXXXX~~

(cont.)

CAC

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The application shall contain the applicant's name, age, occupation, place of residence, post-office address, and length of time in the state of Montana; state whether the applicant is a citizen of the United States or an alien; and be subscribed by the applicant. The applicant shall present a driver's license or other identification to substantiate the information.

(2) Hunting, fishing or trapping licenses in the form of tags or stamps issued to a holder of a wildlife conservation license must be affixed to or recorded on the wildlife conservation license according to such rules as the department may prescribe.

(3) Resident and nonresident wildlife conservation licenses may be purchased for a fee of \$2.

(4) Licenses issued shall be void after April-30 the last day of February next succeeding their issuance."

And, as so amended,  
BE CONCURRED IN