

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

January 31, 1985

The fourth meeting of the Senate Fish and Game Committee was called to order at 1:00 P.M. on January 31, 1985 by Chairman Max Conover in Room 402 of the Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SB 197: Senator Yellowtail, District 50, presented this bill to the committee. He stated the bill was introduced at the request of the Department of Fish, Wildlife and Parks to clarify a number of rather minor issues in various statutes. The Section 1 amendment essentially replaces requirements that are currently faced by disabled persons when they come to the Department seeking a reduction in license fees which is allowable to them. The new language simplifies the burden for proving that they are disabled and eligible for a price reduction. Section 2 refers to the trapping license and amends the ending date for the trapping license to coincide with the ending date of the trapping season. Section 3 clarifies a matter relative to disabled persons. They need not buy a bird license, only a conservation license, in order to purchase a wild turkey tag. Section 4 specifies "big game" so that the interpretation cannot be misunderstood. Section 5 clarifies that the minor that is able to fish without a license is a resident and not a nonresident. Section 6 permits the Department to establish rules for the provisions of this bill.

Chairman Conover asked for proponents.

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

Robert VanDerVere, concerned citizen lobbyist, stated this is a good bill and he supports it.

There were no further proponents and no opponents to this bill.

Chairman Conover opened the hearing to questions.

Senator Smith referred to Jim Flynn's testimony where he stated that Section 6 was needed in relation to defining the disability requirements in Section 1. Section 1 allows for the adoption of rules by the Department. He can see no reason for Section 6.

Mr. Flynn said his understanding is that Section 1, Sub-section 3, says that we shall establish the fees in accordance with rules adopted by the Department but that language does not give us the authority to do it. The authority to implement and develop that is in the new Section 6.

Andi Merrill asked Mr. Flynn if there were rules already developed about the disabled.

Mr. Flynn said we have rules for the disabled. We have hunting and fishing license rules but not for a disabled camper.

Andi Merrill said the reason rule making authority is in there is they already have the rules and they are going to change those a little bit.

Senator Smith said we already have in the state law what a disabled person is. In many instances the rule making authority works in the reverse of what it is intended.

Andi Merrill said if you are concerned that there might be some changes in the rules and wanted to direct those rules in some way, it is possible to issue a statement of intent. You could do that but she does not think it is necessary.

Senator Smith agrees that there is not that much of a problem. He raised the question because there has been a problem with other legislation.

Senator Yellowtail closed.

ACTION ON SB 197: Senator Severson made a motion that SB 197 DO PASS. The motion passed unanimously.

Chairman Conover closed the hearing on SB 197.


Chairman Conover introduced Jim Flynn to the committee and advised that he had brought slides to show to the committee on White Sturgeons.

Mr. Flynn introduced Allen Elser, Chief of the Fisheries Management Bureau, and advised that he would present slides to the committee about fish in general in Montana.

Allen Elser presented a slide program to the committee which was very amusing and informative. He went through the fish that are in the state, showing slides of the White Sturgeon, and advised that the Fish and Game Department has programs to enhance the fishing throughout the state.

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ADJOURNMENT: The meeting adjourned at 1:45 P.M.


MAX CONOVER, Chairman

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SENATE AND HOUSE COMMITTEE FISH AND GAME

DATE 1/31/85

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Exhibit 1

SB 197

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

January 31, 1985

SB 197 covers a variety of housecleaning subjects, some of which are the result of actions taken by the last legislative session. The first subject in Subsection 3 on page 2 addresses the difference within the current law between the definition of disability for camping permits in state parks and the issuance of fishing and hunting licenses to disabled people.

Prior to the last session, the disabled person - in order to qualify for a disabled hunting and fishing license - was required to provide proof of disability from a physician. That law was changed last session because annual certification required a person who was permanently disabled to visit a doctor every year in order to get the certification to present to the department for the issuance of the license.

We changed that law last session to state that if a person is certified as disabled under any program, that on-going certification would be valid for a department disabled license for fishing and hunting.

At the same time last session, a bill was introduced to give a disabled person's waiver to people using the state parks system. Unfortunately, when that law was enacted they used the definition for fishing and hunting licenses that we were in the process of changing. As a result, we now have two disabled requirements - one for people utilizing the parks and another for fishing and hunting. This section of law provides the same definition for both hunters and fishermen as well as persons using the state parks system.

The second subject covered in Section 2 on page 2 is to change the ending period for the trappers' license to coincide with the end of the trapping season. Last session we moved the end of the license year to the last day of February for a variety of reasons. The result was that trappers now must buy a new license on the 1st of March even though their trapping season does not end until June 30. Therefore, they basically have to buy two licenses in one trapping year.

The amendment in Section 2 would make an exception to that March 1 license year to be July 1 and thus be concurrent with the trapping season.

The third subject is covered in Section 3, Subsection 3. It clarifies that a disabled person and a resident minor may purchase a wild turkey tag upon presentation of their wildlife conservation license. Under present law, a person must have a bird license and a conservation license in order to purchase a wild turkey tag. Because the disabled and the youth only need a conservation license to hunt birds, they do not have the bird license to present when they apply for a wild turkey tag. It was not clear under present law that the conservation license would be valid for the wild turkey tag and this amendment would clarify that concern.

The next subject is covered on page 3, Subsection 2 and applies to the 10% nonresident quota for drawings for big game licenses. When this law was first enacted many years ago, it was intended to provide that in any big game drawing, up to 10% of the quota would be available to nonresidents. The way the statute has read through the years, it could be interpreted to cover other drawings such as the drawing for swan permits. Since that was never the intent of the original legislation, we would like to insert "big game" before the word "licenses" to ensure that the 10% nonresident rule only applies to big game drawings.

The final subject covered is on page 4 in Section 5. It clarifies the current language giving hunting and fishing privileges to minors age 12 through 14. Under present law, it could be construed - when reference is made to the word "minor" - that we are talking about both resident and nonresident minors. With the change as proposed in this legislation, it would clarify that when we are saying that minors ages 12 through 14 may fish and hunt upland game birds with only a conservation license, we are only talking about resident minors.

Section 6 is a new section giving the department rule making authority to implement rules if this bill is passed and that would pertain primarily to the first subject we talked about - defining the disability requirements for permits to use the state parks system.

As I mentioned at the outset, this is a housekeeping measure. It covers a variety of subjects, but we feel they would clear up some conflicting points and some grey areas that now exist in the state law, and we would urge your favorable consideration of the bill.

Thank you.

STANDING COMMITTEE REPORT

January 31, 1935

MR. PRESIDENT

We, your committee on SENATE FISH AND GAME

having had under consideration SENATE BILL No. 197

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color

AMENDS FISHING, HUNTING, AND TRAPPING LICENSE LAWS

Respectfully report as follows: That SENATE BILL No. 197

DO PASS

~~FOR RELEASE~~

**STATEMENT OF INTENT ADOPTED
AND ATTACHED**

MAX CONOVER,

Chairman.