

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
HOUSE OF REPRESENTATIVES
50TH LEGISLATIVE SESSION

The meeting of the Fish and Game Committee was called to order by Chairman Orval Ellison on January 20, 1987, at 1:00 p.m. in Room 312 of the State Capitol.

ROLL CALL: All committee members were present, with the exception of Reps. Daily and Giacometto who were excused.

HOUSE BILL NO. 137: Rep. Loren Jenkins, District #13, sponsor of the bill stated HB 137 is to establish three separate non-resident big game combination licenses and to limit the number of licenses authorized for sale. He then went over a list of increased fees and what each license fee was. Rep. Jenkins stated hopefully, this will get around the problem we've had with outfitters being protected with the deer hunters not being able to get these licenses.

PROPOSERS: Smoke Elser representing Montana Outfitters and Guides submitted an amendment to HB 137 (Exhibit 1). He stated MOGA does support the bill with the offered amendment.

Jeanne Klobnak representing the Montana Wildlife Federation submitted testimony (Exhibit 2). MWF commends Rep. Jenkins' honest attempt to deal with this problem. Many options have been proposed regarding the B-10 non-resident licensing situation, however, two major questions must be addressed; including how license are to be allocated to the non-resident, and how many licenses shall be made available. MWF feels the answer to the first was an equitable distribution of all licenses; and to the second, MWF feels it would best benefit both sportsman and wildlife not to split up the B-10 license, but rather work within its currently allocated limitations. MWF does not believe it's in the resident's best interest to increase the absolute number of Deer A tags from 2,500 to 14,000. Although we do not disagree with the overall concept of HB 137, MWF does not believe the impact created by 14,000 new non-resident hunters with 11,500 more Deer A tags is the best solution at hand.

Jim Clausen, of Western Montana Fish and Game Association, stated this is another attempt to increase the non-resident pressure on the elk population. When the original 17,000 was established years ago, there was discussion of reducing it to 12,000. Mr. Clausen feels the number should be lowered, and thinks we have our ears coming out our ears, and feels they should at least keep a lid on the 17,000 and not let it get out of hand.

Rep. Phillips asked Jeanne in regard to the increase of 2,500 to 11,500, wondering where they got the 2,500 figure.

Jeanne stated it was her understanding there are currently 2,500 Deer A tags available for the non-resident hunters

Rep. Phillips stated in Section 4, regarding the B-7 deer license, there is a non-resident deer license which is restricted, with no limit on these.

Jeanne stated she stands corrected, if that is the case.

Rep. Phillips stated this number could be what they are issuing at the present time.

Dave Cogley, researcher, stated it was his understanding the 2,500 figure is a limit that was set by the Commission on the number of B-7 they will issue, and does vary from year to year.

Rep. Cobb asked as of right now, you can have unlimited non-residents set by the Commission for B-7 deer tags.

Mr. Cogley stated there is nothing in statute that limits the number of non-resident Deer A tags.

Rep. Grady asked Mr. Clausen why he feels we should not go above the 17,000.

Mr. Clausen stated we have enough pressure on the herds now, and the only reason the elk are in a better situation now, is due to the DFWP going to the permit system on cows.

Rep. Grady then asked Mr. Clausen to elaborate on why he feels it's so difficult to obtain a permit.

Mr. Clausen stated he feels we should go back to the seven year waiting period. The preference system was a good way to go, however, it was not followed up.

Rep. Grady asked Rep. Jenkins if he anticipated any of the prices being raised, since they seem relatively low.

Rep. Jenkins stated it depends on what the money is earmarked for.

Rep. Ream stated when figuring the difference between the B-11 and B-7, the B-11 is \$175; the B-7 is \$100. The B-11 includes fishing and game birds, and wondered if this was the only difference, other than it being statewide versus a specific area.

Rep. Jenkins stated you can buy the combination B-10 for \$350 which allows the birds and fishing, bear, elk and deer. In splitting it up, we felt fishing was a common ground to encourage people to go to the B-10 deer license which is a Deer A license including the birds also.

Rep. Moore thought the bird tags were separate somehow and asked for anyone to help answer this question.

Rep. Jenkins stated it's included with the deer, because the combination license contains elk, bear and deer. He was unsure of the bird license and asked Dave Cogley to address this.

Mr. Cogley stated the bird license was included with the B-10, however, you can buy a bird license separate also.

Rep. Phillips had questions regarding the amendment offered by Smoke Elser, specifying half of each type of license be available to licensed outfitters' clients. He feels with the total number of 16,500 licenses for outfitters' clients might be acceptable for elk, however, wondered if they could absorb this amount.

Mr. Elser stated right now, they don't know. Presently, the outfitting industry used over 6,000 in the last year of combination licenses, even though the 5,600 set aside from last year, doesn't reflect the activity. This state is always fighting for its last dollar on one hand, and closing the door on accepting new money into the state on the other hand. By allowing unlimited non-resident licenses, we could increase the amount of money that the state takes in, without hurting the deer or elk population.

Jim Flynn, Director, Department of Fish, Wildlife and Parks was unable to testify on HB 137, and at this time, Chairman Ellison recessed the hearing until later or the next meeting so he could testify.

Hearing was then recessed on HB 137.

HOUSE BILL NO. 183: Rep. Orval Ellison, District #81, sponsor of the bill stated this is a request from the Department of Fish, Wildlife and Parks which would let the commission set the fees for certain classes of licenses, and would allow the department to set these fees for both residents and non-residents to authorize the issuance of more than one license. It also sets the fees for extra licenses at half the price, if the person has previously purchased a license. DFWP would have the flexibility to sell non-resident antelope licenses for less than \$100. This legislation would create an antelope control or management license that could be issued over the counter for doe/fawn only, at a low price, and would be issued only during years that the antelope population is unusually high and the desired quantities will be determined by the department and commission.

NO PROPONENTS

OPPONENTS: Jeanne Klobnak representing the Montana Wildlife Federation submitted testimony (Exhibit 3). She stated the sportsmen in Montana rely on the oversight function of their legislators to set fees for hunting and other licenses.

MWF believes it is within the best interest of all hunters that this authority be left solely in the hands of the legislators and not that of the administrators.

Art Vender, a Great Falls resident, opposes the bill and feels the legislature should set all license fees. The legislature is accountable to the people of Montana, and with the Fish and Game Commission appointed by this body, should not be able to set any license fees. The commission is not accountable to the people of Montana, therefore, leave it to the Legislature. Mr. Vender submitted testimony (Exhibit 4).

Rep. Phillips felt this might be aimed at the antelope population, and had concerns regarding the statement "authorized by the commission, for game management purposes, the department may issue more than one license of any class." He feels the main issue is game management and with this, we might as well just clean everything off the books.

Rep. Ellison agreed with Rep. Phillips and explained this is the reason he would like to recess the hearing, in order to give Mr. Flynn a chance to testify, and hopefully clear up some of the confusion.

Rep. Brandewie felt that if game management problems do occur, often times, with so much else going on, perhaps 90 days would not be responsive enough to the problems and wondered what the reason was to allow them to do this.

Rep. Ellison stated they are trying to get away from the special late season hunts, that do seem to cause problems.

Rep. Moore asked if this was similar to a backup for the department to have the authority to go in and do game management.

Rep. Ellison stated it's strictly a management problem when they have excess game, and felt the bill, if too broad, could be tightened up by an amendment.

Rep. Jenkins stated the way this bill reads, it leaves it very wide open. The department already has the authority to have months that they have game management, along with the authority to issue kill permits, and doesn't see the need for the bill.

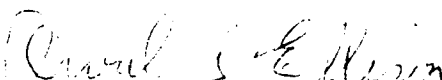
Rep. Ellison preferred to direct this to Director Flynn.

Rep. Cobb stated it seems this bill is involving a lot of special hunts and a lot of special permits, with the department saying the direction they are going is basically through the permit process. He voiced concerns that the bill is going more and more in the direction of everything being a special permit. There must be management, and they should be out there finding out.

Rep. Ellison pointed out this just applies to the second license. There has always been a controversy over how to manage the excess animals. If too many hunters are let in, the landowners start to worry, thus necessitating the special seasons.

At this time, Vice Chairman, Marion Hanson suggested a 15 minute recess, in order to give Mr. Flynn a chance to come down and give his testimony. The committee was then informed that Mr. Flynn was involved with testimony in the Senate and would not be able to attend. HB 137 and HB 183 hearings were recessed, and at the following meeting, they would then hear testimony on these two bills from Director Flynn.

ADJOURNMENT: Being no further business to come before the committee, the meeting was adjourned at 2:15 p.m.



ORVAL ELLISON, CHAIRMAN

DAILY ROLL CALL

Fish + Game

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan 20, 1987

NAME	PRESENT	ABSENT	EXCUSED
ORVAL ELLISON, CHAIRMAN	X		
MARIAN HANSON, VICE CHAIRMAN	X		
RAY BRANDEWIE	X		
TOM BULGER	X		
JOHN COBB	X		
FRITZ DAILY			X
GENE DEMARS	X		
JERRY DRISCOLL	X		
LEO GIACOMETTO			X
ED GRADY	X		
LOREN JENKINS	X		
VERNON KELLER	X		
JANET MOORE	X		
BOB PAVLOWICH	X		
MARY LOU PETERSON	X		
JOHN PHILLIPS	X		
PAUL RAPP-SYRCEK	X		
BOB REAM	X		
STAFF: DAVE COGLEY			

EXHIBIT (1)
DATE 1-20-87
HB 137

MONTANA OUTFITTERS AND GUIDES ASSOCIATION
PROPOSED AMENDMENT TO HB 137

LICENSE SALES

Non-resident B-10, B-11 and B-12 licenses go on sale April 1st. Half of each type of license will be available to licensed outfitters' clients. The other half of the licenses will be available to non-residents hunting with residents. All licenses left on May 1st would be sold first come, first serve starting May 15.



EDUCATION - CONSERVATION

(2) 12088

HB 137

Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

Testimony on HB 137

P.O. Box 3526
Bozeman, MT 59715
(406) 587-1713

House Fish & Game Committee

January 20, 1987

Mr. Chairman, members of the Committee, my name is Jeanne Klobnak. I stand before you today to represent the Montana Wildlife Federation in their opposition to HB 137.

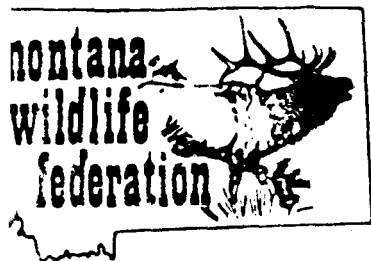
The Montana Wildlife Federation (MWF), comprised of 4600 members is a conservation organization dedicated to promoting wildlife, wildlife habitat and sportsmen's interests.

The 50th legislature has so far seen a myriad of options regarding the B-10 non-resident licensing situation. The two questions surrounding this issue seem to be: 1) How are such licenses to be allocated to the non-resident hunter ?; and, 2) How many licenses shall be made available? MWF's response to the first question was an equitable distribution of all such licenses. As to the second question, we feel it would best benefit both sportsmen and wildlife to not split up the B-10 license, but rather to work within its currently allocated limitations.

The sportsmen members belonging to MWF do not believe that it is in the resident hunter's best interests to increase the absolute number of Deer-A tags from 2500 to 14,000. Although we agree that an increase in the number of these tags is a possibility, an increase of 11,500 is too broad a leap. There will be a proposal before this body which would increase the number of Deer-A tags by 2500, the revenue from which would be allocated toward a habitat protection program. This proposal would not at this time seek to increase the number of B-10 tags. MWF will be supporting this proposal as part of a comprehensive wildlife habitat protection program. Much time and effort has gone into considering the possibilities of such a program, and we believe that it is the best alternative regarding sportsmen/landowner interests.

Although we do not disagree with the overall concept of HB 137, MWF does not believe that the impact created by 14,000 new non-resident hunters with 11,500 more Deer-A tags is the best solution at hand. We would ask that this committee do not pass HB 137. Thankyou.

(3)
1-20-87



Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

Testimony on HB 183

House Fish & Game Committee

January 20, 1987

P.O. Box 3526
Bozeman, MT 59715
(406) 587-1713

Mr. Chairman, members of the Committee, my name is Jeanne Klobnak. I stand before you today representing the Montana Wildlife Federation in their opposition to HB183.

Sportsmen in Montana rely on the oversight function of their legislators to set fees for hunting and other licenses. MWF firmly believes that it is within the best interest of all hunters that this authority be left solely in the hands of the legislators and not that of the administrators.

MWF asks that this committee oppose HB 183.

1600 5 Ave. S.W.
Just Falls, MT 59739
Jan. 20, 1987

Honorable Registrars:

I wish to speak to you today about a few issues regarding the Fish, and Wildlife and Parks Department.

1. Don't allow the Fish and Game Commission the right to set license fees. That is one duty that you should retain as you are an elected body and are accountable to the people of the State of Montana. They are only an appointed body and are therefore not accountable to anyone.

2. Regarding Out-of-State Hunters, I feel that because we have more people applying for these general licenses than are presently allowed to be sold that there should be some items changed.

A. Add an extra classification of Non-habitat Deer Licenses of about 3000. You could restrict the areas that these would be good for such as the 500, 600, and 700 series of hunting areas. Cost of license 100.

B. Have an earlier date for the license applications to be turned in than we presently have. Set a date such as Oct. 15 of the year preceding the hunting season.

C. Require all Out-of-State General Licenses to be sold through a drawing held on about Nov. 1 of the year preceding the hunting season. Require a non-refundable drawing fee from all license applicants. If all licenses aren't sold in the drawing then the balance of the licenses should be available on a first-come, first-serve basis at the Fish, Wildlife, and Parks Office in Helena.

D. If the Outfitters and Guides aren't satisfied with this situation and feel that they can't find enough customers in a year and feel that they need special-set-aside licenses for their customers, then a maximum of 1/3 of the licenses in each category could be set aside for their customers on special conditions. ~~For~~

(1) There would be a special nonrefundable surcharge of ~~10%~~ 30% of the license fee for these set-aside licenses.

(2) These special set-aside licenses must be sold by Oct. 15 of the year preceding the hunting season. Any not purchased by that date shall be placed in the pool for the general drawing.

③ These set-aside-licenses could be sold through the Outfitters and Guides so they would be able to contract for their services at the time.

E. There would have to be only certain reasons allowed for ~~refund~~ refund of these licenses such as death. The refunds would have to be applied for before a certain date such as 15 days before any hunting season starts in Montana. The refund would be granted only if the reason is valid and there is someone else who would purchase that license. ~~to~~

3. Regarding Crossbows, I feel that if compound bows are allowed for use during archery seasons, then crossbows should also be allowed. Otherwise allow only long bows.

Arthur R. Vonder
452-8834

VISITORS' REGISTER

FISH & GAME

COMMITTEE

BILL NO. HB 137; HB 183

DATE JANUARY 20, 1987

SPONSOR JENKINS; ELLISON

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
SmaKa Elser MOGA	Missoula MT.	HB 137	
Russell Greenwood MOGA	Broadus MT. with amend.	HB 137	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.