

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

March 5, 1987

The meeting of the Fish and Game Committee was reconvened at the call of the Chairman, Orval Ellison as a continuation of the meeting held on Thursday, February 19, 1987. The meeting was called to order at 1:00 p.m. in Room 312.

ROLL CALL: All committee members were present with the exception of Reps. Hanson, Pavlovich and Moore who were excused.

SENATE BILL NO. 243: Senator Eleanor Vaughn, District #1, sponsor, stated SB 243 was an act to allow a county to require purchase of a temporary permit for operation of certain out-of-state boats on waters within the county in Montana to provide for enforcement, penalties and disposition of permit fee revenue, amending section 23-2-511. She stated this came from some of the problems they have in Lincoln County where they have such an influx of out-of-state boats, particularly from Idaho. It was not unusual to have as many as 1,000 boats on Lake Kookanusa, which at times, takes an hour or more to just get your boat in the water and sometimes longer to get it out. There have been fist fights over the problem. SB 243 is perhaps, a way of generating money to be able to get some additional boat ramps and to improve the fishing access in the area. Idaho does charge a fee, and this would mean any county could do this and the fee would be enforced. The licenses would be available anywhere fishing licenses are sold. The Fish and Game has agreed to police this because while they are checking fishing licenses, they can also check the permits for these boats, thus incurring no extra costs.

PROPOSERS: Ted Rollins, a Troy resident, stated he was in support of SB 243 because the Canadian Fisheries people have spilled Kokanee salmon in the Kootenai River and created a tremendous salmon fishery in Lake Kookanusa thus creating a great influx of boat fishermen from Idaho and Washington to take advantage of this fish bonanza. Also, if someone from Montana were to take their boat to Idaho, they would assess a fee similar to the one proposed by Senator Vaughn. (Exhibit No. 1).

JIM FLYNN, Director, Department of Fish, Wildlife and Parks submitted testimony (Exhibit No. 2). He stated SB 243 allowed the various counties some discretion in generating revenue for boating facilities through a \$10 special use

permit. This permit would only be implemented for those motorboats registered in states other than Montana, temporarily operated on the waters of a county. The permit, purchased from any county, would be valid for a 30-day period statewide. This legislation was quite similar to Idaho's requirements for boats registered out-of-state that use Idaho's waters.

NO OPPONENTS

REP. JENKINS asked if the Fish and Game had agreed to take the responsibility of enforcing and checking the permits, and wondered where the money would go.

SENATOR VAUGHN stated the Fish and Game indicated they could check these permits while checking licenses at the same time, and there would be no additional fee required.

REP. VAUGHN stated no, they have not had any indications this would be a problem. She stated that fees could be used in conjunction with the Fish and Game, the federal government and the counties to improve fishing areas and boating facilities.

REP. BRANDEWIE asked why the Senate chose to make this county by county, rather than the Fish and Game Department.

MR. FLYNN stated the stimulus for the bill was the situation that existed in the state of Idaho which had caused some confusion. Their concerns, in having a statewide program, were that they would have to enforce every boat that came into the state of Montana. As an example, Wyoming did not have this sort of program, so they would not want to instigate a program that would affect any of the other states, other than the state that was stimulating the reaction to seeing the bill being introduced. They suggested it be up to the counties to do it, and then if another county decided to follow suit, that would be fine.

REP. REAM had concerns with the way the fee would be administered and wondered if there would be any kind of agreement with the county.

MR. FLYNN stated the approach taken on Lake Kookunusa was not foreign, whereby they would put in some money, the counties would put in some money and the federal government would put in some money to perhaps build some facilities that they themselves might not be able to do. The approach was not that foreign at all.

REP. REAM asked if they expected to see some of the money coming back to the department for enforcement.

MR. FLYNN stated no, they would not expect any. However, they were not sure about fines for not complying with this section of the statutes in general, not knowing exactly how that was distributed. They envisioned this as a matter of course. When enforced, to check boat registrations and state licenses.

REP. ELLISON stated, as he read the bill, the decals would be available at the Fish and Game license office, and wanted to know what mechanism there was for transferring that money over to the county.

MR. FLYNN stated DFWP would not be distributing the decals through their central office as they did with fishing and hunting licenses; however, they would be using their dealership outlets which would transfer the money directly to the county.

REP. ELLISON asked if Montana boat licenses were good in Wyoming.

MR. FLYNN stated yes, and also Idaho.

REP. ELLISON wondered why they could not use their reciprocity law; whereby, those government entities that have reciprocity with Montana licenses would not be charged, and the others would, thereby taking care of the county by county situations.

MR. FLYNN stated he had a hard time understanding why the committee did not want the counties to do this.

REP. ELLISON stated if we allow Yellowstone County to charge a Wyoming boat when they came to Montana, then Wyoming would have objections to this; thus, charging us when in Wyoming.

MR. FLYNN stated he did not see that happening, and in fact, they were trying to prevent that from happening by not having a statewide program.

SENATOR VAUGHN closed by stating, as Mr. Rollins testified, as good as the fishing had been and with predictions of it being even better, they anticipate further problems in the years to come. By setting up this program, they did protect the Yellowstone areas from getting problems from Wyoming. By being initiated through the counties, it would serve a good purpose and could be a means of additional revenue to improve fishing facilities with the possibilities of their own boats being licensed where they should be.

Hearing closed on SB 243.

SENATE BILL NO. 171: Senator Bill Yellowtail, District #50, sponsor, stated SB 171 was a clarification bill and simply clarified an existing statute which eliminated any confusion of whether a sportsman must first purchase an upland game bird license, before being allowed to purchase a waterfowl license. There had been some confusion over the issue and this would merely clarify the statutes that relate to upland game bird licenses.

PROPOSERS: Jim Flynn, Director, Department of Fish, Wildlife and Parks submitted testimony (Exhibit 3). He stated DFWP did support this legislation which separated the upland game bird license from the waterfowl stamp. One of the requirements for buying the waterfowl stamp for hunting was the pre-requisite of an upland game bird license. This was required whether a person hunted upland birds or not. It was not the intent of the program, when adopted, to create this requirement. There are people who only hunt waterfowl and thus are required to buy an unnecessary license. They felt they should not be required to purchase a license which was totally separate from waterfowl hunting. They felt that in the essence of fairness, those hunting only waterfowl should not be required to buy an additional license they would not use.

NO OPPONENTS

NO QUESTIONS FROM THE COMMITTEE

Hearing on SB 171 closed.

SENATE BILL NO. 172: Senator Bill Yellowtail, District #50, sponsor, stated SB 172 amended the section that pertained to license application process, in order to provide clear authorization for a resident to purchase resident licenses for family members. As he understood it, that attitude had been common practice by the department in the past. But, their counsel had pinpointed the section of the law, which really did not give clear authorization. The amendment specified that authorization, and for which family members the authorization extended.

PROPOSERS: Mr. Jim Flynn, Director, Department of Fish, Wildlife and Parks, submitted testimony (Exhibit No. 4). He stated for many years the department had allowed the practice of one family member purchasing licenses for other members of the immediate family. While this practice worked well from the standpoint of the sportsman, as well as the department, the practice was discontinued in 1985 upon the advice of their legal counsel who felt there was not clear authority to conduct license sales in that manner. SB 172 would allow the former practice to be resumed. In many

cases, it is inconvenient for residents to buy licenses for themselves. This is particularly true in rural areas where license agents are some distance away from those wanting the licenses. They found no abuses with the past practice and felt the change would better serve the sporting public in Montana.

NO OPPONENTS

REP. RAPP-SVRCEK asked how the department would determine proof of residency.

MR. FLYNN stated the proof of residency, if there was a question, would probably have some sort of affidavit, that specified who was the father of someone and would be signing the license and purchasing it for them. When the license is sold, it is filled out with all pertinent information included, regarding height, weight and so on which must be included. We have found, doing it this way, alleviates abuse of the practice and on the advice of the legal counsel, felt would be best to institute the practice again.

In closing, Sen. Yellowtail merely thanked the committee for their time and consideration in hearing the bills he brought before them.

Hearing on SB 172 closed.

EXECUTIVE ACTION:

SENATE BILL NO. 172: Rep. Grady moved SB 172 BE CONCURRED IN. Question being called, the motion CARRIED unanimously.

SENATE BILL NO. 171: Rep. Rapp-Svrcek moved SB 171 BE CONCURRED IN. Question being called, the motion CARRIED unanimously.

SENATE BILL NO. 243: Rep. Jenkins moved SB 243 BE CONCURRED IN. Question being called, the motion CARRIED unanimously.

ADJOURNMENT: There being no further business to come before this committee, the hearing was adjourned at 1:45.



ORVAL ELLISON, Chairman

DAILY ROLL CALL

FISH & GAME

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 5 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 PAVLOVICH			X
MARY LOU PETERSON	X		
JOHN PHILLIPS	X		
PAUL RAPP-SVRCEK	X		
BOB REAM	X		
STAFF: DAVE COGLEY			

STANDING COMMITTEE REPORT

MARCH 5

19 **27**

Mr. Speaker: We, the committee on FISH AND GAME

report SENATE BILL NO. 171

- do pass
- do not pass

- be concurred in
- be not concurred in

- as amended
- statement of intent attached

ORVAL ELLISON

Chairman

STANDING COMMITTEE REPORT

MARCH 5

19 37

Mr. Speaker: We, the committee on FISH AND GAME

report ~~SENATE~~ BILL NO. 172

- do pass
- do not pass

- be concurred in
- be not concurred in

- as amended
- statement of intent attached

ORVAL ELLISON

Chairman

STANDING COMMITTEE REPORT

MARCH 5

1987

Mr. Speaker: We report on FISH AND GAME

report HOUSE BILL NO. 243

- do pass
- do not pass

- be concurred in
- be not concurred in

- as amended
- statement of intent attached

ORVAL ELLISON

Chairman

THIRD

B
reading copy (BLUE)

color

WITNESS STATEMENT

NAME T.M. Rollins BILL NO. SB-243

ADDRESS P.O. Box 187 Troy, MT 59935

WHOM DO YOU REPRESENT? Self

SUPPORT OPPOSE AMEND

COMMENTS: MR CHAIRMAN, MEMBERS OF THE
COMMITTEE. FIRST MY NAME IS TED ROLLINS,
I HAVE BEEN A RESIDENT OF TROY FOR THE
PAST TWENTY-FIVE YEARS. I VISE IN
SUPPORT OF SB-243 FOR THE FOLLOWING
REASONS: SINCE THE CANADIAN FISHERIES PEOPLE
SPILLED KOKANISE SALMON IN THE KOSTENAI
RIVER AND CREATED A TREMENDOUS SALMON
FISHERY IN LAKE KOOKANUSA, A GREAT INFLOX
OF BOAT FISHERMEN FROM IDAHO AND WASHINGTON
APPEARED TO TAKE ADVANTAGE OF THIS FISH
BONANZA.

IF I TAKE MY BOAT TO LAKE PENDORE,
IDAHO I WILL BE ASSESSED A FEE SIMILAR TO
THE ONE PROPOSED BY SENATOR VAUGHN.

T.M. Rollins'

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

(2)

3.5.87

S 243

SB 243
March 5, 1987

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

The department supports SB 243 as amended. It allows the various counties some discretion in generating revenue for boating facilities through a \$10 special use permit. This permit would only be implemented for those motorboats registered in states other than Montana, temporarily operated on the waters of a county. The permit, purchased from any county, would be valid for a 30-day period statewide.

This legislation is quite similar to Idaho's requirements for boats registered out-of-state that use Idaho's waters.

SB 171
March 5, 1987

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

The department supports SB 171 which separates the upland game bird license from the waterfowl stamp. The 49th legislature created the waterfowl stamp program which has been overwhelmingly accepted by the public.

One of the requirements for buying the waterfowl stamp for hunting was the prerequisite of an upland game bird license. This was required whether a person hunted upland birds or not. It was not the intent of the program, when adopted, to create this requirement. There are people who only hunt waterfowl and thus are required to buy an unnecessary license. They feel they should not be required to purchase a license which is totally separate from waterfowl hunting, and we agree.

The number of people this bill would affect is probably limited, since most people who hunt waterfowl also hunt upland birds and thus would ordinarily buy the upland bird license. We feel that in the essence of fairness, those hunting only waterfowl should not be required to buy an additional license they will not use.

We urge your support of this bill.

EXHIBIT (4)
DATE 3-5-87
SB 172

SB 172
March 5, 1987

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

For many years the department has allowed the practice of one family member purchasing licenses for other members of the immediate family. While this practice worked well from the standpoint of the sportsman, as well as the department, the practice was discontinued in 1985 upon the advice of our legal counsel who felt there was not clear authority to conduct license sales in that manner. This legal advice reflected the current statute which requires sportsmen to sign for licenses in person.

SB 172 would allow the former practice to be resumed. In many cases it is inconvenient for residents to buy licenses for themselves. This is particularly true in rural areas where license agents are some distance away from those wanting the licenses.

We found no abuses with the past practice and feel this change will better serve the sporting public in Montana.

We urge passage of SB 172.

