

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

March 12, 1987

The meeting of the Fish and Game Committee was called to order by Vice-Chairperson Marion Hanson on March 12, 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. Moore and Ellison who were excused.

EXECUTIVE SESSION

SENATE BILL NO. 109: Rep. Driscoll moved SB 219 DO CONCUR. Question was called. The motion CARRIED unanimously with Rep. Daily voting NO.

SENATE BILL NO. 219: Rep. Keller moved SB 219 DO CONCUR. Researcher Dave Cogley passed out the amendments offered by the Fish and Game, and the committee felt it would be better to segregate the amendments before voting on them. Dave agreed to explain them separately.

Rep. Grady moved the #2 amendment to have the 640 acre limitation, and felt this was a good idea so it would not be abused an acre at a time. However, it would still give people a chance to hunt on these acres.

Rep. Brandewie spoke against the amendment stating it should be left the way it is. Himself, only having 142 acres meant he would not qualify but they do have 15-20 deer harvested off his acreage and, as he pointed out, you do not need to have 640 acres to have animals on your property.

Rep. Jenkins felt the comparison was oranges and apples, because the land was meant for elk and not deer. If it were deer or antelope, he stated he might be inclined to agree on smaller acres because you were probably going to have more damage on smaller acres from deer and elk.

Rep. Keller stated the amendment was different than the one the department offered at the hearing, which stated contiguous land. He wondered that, as stated now, could a private landowner go to a different district and obtain a permit.

Rep. Hanson stated she understood it to be the landowners in that specific district only.

Dave Cogley explained that Rep. Keller was correct, and he did leave out the word contiguous, as was suggested by the department at the time of the hearing and stood corrected.

Question was called on the #2 amendment. The motion CARRIED with Reps. Peterson and Giacometto voting NO. See Standing Committee Report #2.

Dave explained the way the amendment was drafted, #2 instruction included two different amendments proposed by the department. Since the committee voted on the entire #2 amendment and if there were no objections, it could be left the way it was. There were no objections or discussion by the committee.

Rep. Bulger moved to amend to clarify the number of acres of land by stating "some of which is used by elk". Thus clarifying the two different parts of the amendment in #2 and leaving that up to Dave to draft. Question was called. The motion CARRIED unanimously.

Rep. Bulger moved the #3 amendment. Question was called. The motion CARRIED unanimously. See Standing Committee Report #3.

Rep. Ellison moved the #4 amendment. Question was called. The motion CARRIED unanimously. See Standing Committee Report #4.

Rep. Grady moved the #5 amendment. Question was called. The motion CARRIED with Reps. Phillips, Driscoll, Keller and Gaicometto voting NO.

Dave explained why the #6 amendment was crossed out stating there was a question of when you have a 15% limitation, what happens if you exceed that 15% applying. It was not clear in the statute as written, whether that would be awarded by a drawing or a first come, first serve basis or how those would be issued. After talking with the department who stated they have rules which require a drawing in the case of a landowner preference for antelope and deer and which would also apply in this case. That is why the amendment is unnecessary.

Dave explained the #1 and #7 amendments go together. The Department suggested that the landowner preference apply also for the Class A-7 elk license, as well as the special permits. The title would then have to be amended to reflect that and to accomplish that, they have to pull in the section of law that established the Class A-7 license and amend it exactly like your were amending this section being the same language you were amending into this bill for

87-2-705 would be attached to 87-2-501 which is the section dealing with the A-7 licenses.

Rep. Brandewie moved both the #1 and #7 amendments. Question was called. A roll call vote was taken. The motion CARRIED 8-7. See Standing Committee Report Nos. 1 and 7.

Rep. Daily moved to amend SB 219 on Page 2, line 5, after family member, strike "or person employed by the landowner." He felt that was left extremely wide open and that could evolve it be someone who works for the landowner for one day, to someone who works there on a full time basis.

Rep. Ellison stated the reason that was in there was that is the way the antelope preference was.

Rep. Daily felt this could be very abused, especially when talking about elk. If you take an area, not knowing how many acres it included, would encompass a large number of ranchers who fall into this 640 acre category. He stated he did not object to those people getting a permit, or for them to give it to their son or daughter. His objection was when you start giving them to someone who worked for them.

Rep. Cobb suggested instead of putting just "employed person", you could put "regularly employed person" to show they are there on a regular basis.

Rep. Jenkins suggested putting "person employed year round" which would specifically pin this down, and asked Rep. Daily if he would have any objections to this. Rep. Daily had none. Rep. Brandewie called the question on the Daily amendment. The motion failed.

Rep. Brandewie moved SB 219 BE CONCURRED AS AMENDED.

#### DISCUSSION

Rep. Grady spoke against the bill as amended stating he felt the bill had some real problems. He pointed out it was not that he did not like the idea, because it may work, he felt it would be opening a can of worms when dealing with the department in making it workable.

Rep. Ellison stated it had been proposed several times in the past, and felt if it was going to make the sportsman mad, then it just was not worth the trouble. He stated he has talked with the commission regarding the proposal as far back as 1981, at which time they suggested it should be done to improve the landowner/sportsman relations. If you intend to make either side mad with a bill, it does not really improve the relations and defeats the purpose.

Rep. Keller stated, in answer to Rep. Ellison's concerns, he felt it would probably open up more land in many cases thus relieving the tension between landowner and sportsman, resulting in improved relations.

Rep. Brandewie stated he was for the bill and felt it would have a positive effect on the sportsman because we do nothing to help the landowner as far as his game damage was concerned. He has fed these animals and he can not even hunt on his own land. He felt if we gave the landowners an opportunity to take one of these animals they are supporting, perhaps they would look more favorably on the sportsman.

Rep. Daily stated if the bill was left to state "just the landowner had the opportunity to hunt", he believed the sportsmen would like this bill. But as is, the bill is left wide open and stated he felt it was a bad bill.

Rep. Grady stated his reason for opposing the bill was after having a chance to talk with different sources, he found out the landowners who supported the bill were, in fact, the same landowners who would not allow public hunting on their lands and that was his main reason for opposing the bill.

Question was called on the bill as amended. A roll call vote was taken. The motion CARRIED 12-6.

SENATE BILL NO. 352: Rep. Pavlovich moved SB 352 BE CONCURRED. He then moved to amend SB 352 on Page 1, line 25, by stating "the department shall reserve up to but no more than 8% of the number of Class A-7 licenses". He stated it was argued in committee that maybe 10% was too much, and by stating no more than 8%, that was all they would get. Rep. Hanson then added it would also demand a title change.

Rep. Daily stated he was opposed to the amendment and pointed out that they were going to take 15% and now, with this, they take an additional 8% or 10%. This meant that actually, they have taken 23% or 25% of the licenses, and in essence, that was what they were doing. By taking 25% of the licenses away from the sportsman, it would again go against the landowner/sportsman relations. He stated, for the record, this was an anti-sportsman committee, and wanted to direct that to all committee members except for Rep. Grady.

Rep. Ream stated he felt Rep. Daily brought up a good point, but seems they were opening it up to a series of different kinds of permits. Rather than amending it to 8%, it might be better to establish a pool, whether it be 15% or any percent, for the special consideration that had been given,

and draw from that pool. His own feeling was that the 15% should apply to both.

Question was called on the amendment. The motion CARRIED. Rep. Brandewie moved to TABLE Senate Bill No. 352. Rep. Ellison stated it was a nondebatable motion and asked for a roll call vote. The motion CARRIED 10-8.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 2:35 p.m.

*Orval Ellison*  
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ORVAL ELLISON, Chairman  
*Marian H. Hansen, V. Chairman*

DAILY ROLL CALL

FISH & GAME

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 12, 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           |         |        |         |
|                              |         |        |         |
|                              |         |        |         |
|                              |         |        |         |
|                              |         |        |         |

Amendments to SB 219 (Introduced bill)

1. Title, line 12.

Following: "A"

Insert: "CLASS A-7 ANTLERLESS ELK LICENSE OR A"

Strike: "SECTION"

Insert: "SECTIONS 87-2-501 AND"

2. Page 1, line 25.

Strike: "A landowner"

Insert: "Subject to the limitation of subsection (4), a person who holds fee title to 640 acres or more of land used by elk"

*contiguous*

3. Page 2, line 2.

Strike: "to hunt elk on land owned by him"

4. Page 2, line 3.

Strike: "APPROVAL FOR"

5. Page 2, line 6.

Following: "LANDOWNER."

Insert: "A corporation owning qualifying land under subsection (2) may designate one of its shareholders to receive the permit."

6. Page 2, line 9.

Following: "(2)."

Insert: "Permits must be issued in the order applications are received."

7. Page 2.

Following: line 11

Insert: "Section 2. Section 87-2-501, MCA, is amended to read:

# STANDING COMMITTEE REPORT

MARCH 12

19 87

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

report SENATE BILL 199

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

ORVAL ELLISON

Chairman

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**REP. DRISCOLL WILL CARRY**



# STANDING COMMITTEE REPORT

MARCH 13

19 87

Mr. Speaker: We, the committee on

**FISH AND GAME**

report

**SB 219**

- do pass  
 do not pass

- be concurred in  
 be not concurred in

- as amended  
 statement of intent attached

**Orval Ellison**

Chairman

1. Title, line 12.

Following: "A"

Insert: "CLASS A-7 ANTLERLESS ELK LICENSE OR A"

Strike: "SECTION"

Insert: "SECTIONS 87-2-501 AND"

2. Page 1, line 25.

Strike: "A landowner"

Insert: "Subject to the limitation of subsection (4), a person who holds fee title to 640 acres or more of contiguous land, at least some of which is used by elk,"

3. Page 2, line 2.

Strike: "to hunt elk on land owned by him"

4. Page 2, line 3.

Strike: "APPROVAL FOR"

5. Page 2, line 6.

Following: "LANDOWNER."

Insert: "A corporation owning qualifying land under subsection (2) may designate one of its shareholders to receive the permit."

6. Page 2.

Following: line 11

Insert: "Section 2. Section 87-2-501, MCA, is amended to read:

" 87-2-501. (Effective March 1, 1986) Class A-3, A-4, A-5, ~~A-6, A-7~~--resident deer, elk, and bear ~~licenses--special Class A-7 license requirements and preference.~~ (1) Except as otherwise provided in this chapter, a resident, as defined by 87-2-102, who will be 12 years of age or older prior to September 15 of the season

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) **REP. BRANDWIE WILL CARRY**

for which the license is issued may, upon payment of the prescribed fee or fees, be entitled to purchase one each of the following licenses at the prescribed cost which will entitle the holder to pursue, hunt, shoot, and kill the game animal or animals authorized by the license held and to possess the carcasses of those game animals as authorized by department rules:

- (a) Class A-3, deer A tag, \$9;
- (b) Class A-4, deer B tag, \$6;
- (c) Class A-5, elk tag, \$10;
- (d) Class A-6, black or brown bear tag, \$8;
- (e) Class A-7, antlerless elk tag, \$10.

(2) The holder of a Class A-7 antlerless elk license is entitled to take surplus antlerless elk in areas designated by the commission and at such times and upon such terms as set forth by the commission but may not simultaneously possess a Class A-5 and a Class A-7 license in the same year. The commission shall include in the terms of issuance of the Class A-7 license a requirement for surrender of a current Class A-5 license if held by a person at the time he purchases a Class A-7 license. If a current Class A-5 license is surrendered, as required by this section, the Class A-7 license must be issued without cost to the holder. No person may take more than one elk during any license year, and a person holding a Class A-7 antlerless elk tag may not take an elk during the same license year with a Class A-5 elk tag.

(3) Subject to the limitation of subsection (5), a person who holds fee title to 640 acres or more of contiguous land, at least some of which is used by elk, in a hunting district where Class A-7 licenses are awarded under this section shall be issued, upon application, a Class A-7 license.

(4) An applicant who receives a Class A-7 license under subsection (3) may designate that the license be issued to an immediate family member or a person employed by the landowner. A corporation owning qualifying land under subsection (3) may designate one of its shareholders to receive the license.

Fifteen percent of the Class A-7 licenses available each year under this section in a hunting district must be available to landowners under subsection (3).

Reamendment: subsequent section

B

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE MARCH 12, 1987 BILL NO. SB 219 TIME 1:33 p.m.

| NAME                       | EXCUSED | AYE | NAY |
|----------------------------|---------|-----|-----|
| ORVAL ELLISON, CHAIRMAN    |         | X   |     |
| MARION HANSON, V. 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       |     |     |

TALLY

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Lia Routh  
Secretary

Orval S. Ellison / by Lia Routh  
Chairman

MOTION: Rep. Brandewie moved both #1 and #7 amendments DO

PASS. Question being called, a roll call vote was taken.

The motion carried 8-7.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE MARCH 12, 1987 BILL NO. SB 219 TIME 1:40 p.m.

| NAME                       | EXCUSED | AYE | NAY |
|----------------------------|---------|-----|-----|
| ORVAL ELLISON, CHAIRMAN    |         | X   |     |
| MARION HANSON, V. 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   |

TALLY

12      6

Lita Routs  
Secretary

Orval S. Ellison / by Lita Routs  
Chairman

MOTION: Rep. Brandewie moved SB 219 BE CONCURRED AS AMENDED.

Question was called, a roll call vote was taken. The motion carried 12-6.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE MARCH 12 BILL NO. SB 352 TIME 1:55 p.m.

| NAME                       | EXCUSED | AYE | NAY |
|----------------------------|---------|-----|-----|
| ORVAL ELLISON, CHAIRMAN    |         | X   |     |
| MARION HANSON, V. 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   |     |

TALLY

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Lisa Rantz  
Secretary

Orval S. Ellison  
Chairman

MOTION: Rep. Brandewie moved to TABLE SB 352. Question being called, a roll call vote was taken. The motion carried 10-8.