

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

March 10, 1987

The meeting of the Senate Fish and Game committee was called to order at 1:00 P.M. on March 10, 1987 by Chairman Ed Smith in Room 402 of the State Capitol.

ROLL CALL: All members were present at roll call with the exception of Sen. Bishop, who was excused.

CONSIDERATION OF HOUSE BILL 210: Representative Ed Grady, House District No. 47, sponsor of HB 210, stated that the bill requires the Fish, Wildlife, and Parks Department to investigate game damage within forty-eight hours of the complaint. Because of the minimum winter kill, Montana will see an increase of game damage throughout the state. The complaints heard are those that the department does not take action quick enough after receiving the acknowledgement of the damage. The landowner can receive a large economic damage in a short period of time. Rep. Grady gave an example of elk in a newly seeded alfalfa field. The bill directs the department to employ the manpower to the damaged areas in a faster manner to address the problem. The proposed amendment would read "arrange to investigate". Rep. Grady stated the original intention would be "arrange to" after shall. The department shall arrange to investigate and study the situation. The original means of the bill was not to say that the department had to actually go to the damage and start herding or shooting the game within forty-eight hours, but could employ a number of different means of alleviating the problem within the time period.

PROPOSERS:

Ron Marcoux, Fish Wildlife and Parks Department, gave written testimony to the committee. (Exhibit 1)

Robert Vandervere, a concerned citizen lobbyist, stated the reason the bill was drafted was due to personal efforts. Many complaints from landowners were received because the Fish, Wildlife and Parks personnel did not respond to calls made to the Department. There was an interim legislative committee set up during the 1985 Legislature for various purposes. Although the reports were made previously, the problems were not rectified. At present, there are eighty-seven game wardens with sixty-three people employed in the Wildlife Division. Vandervere feels there are adequate numbers of people working for the Department to take care of the game damage problems at the time they occur.

Janet Ellis, Audubon Legislative Fund, submitted written testimony. (Exhibit 2)

OPPONENTS:

There were no opponents to HB 210.

QUESTIONS FROM THE COMMITTEE

Senator Wm. Yellowtail asked what the recourse is for the landowner who does not get satisfaction. Marcoux replied that if the landowner does not get a response from the department individual that was called, the recourse would be to go to the Fish and Game Commission or to call the main office in Helena. Although complications do arise, the department makes a concentrated effort to take care of the game damage reports as soon as possible.

Senator Bengtson asked what lines of communication are open with the federal government in regards to dealing with wild geese. Because geese are migratory waterfowl, the Animal Damage Control personnel from the state have assumed the responsibility of dealing with game damage problems of the migratory geese. The department interacts with the federal government agencies by trapping birds and moving the birds downstream into areas that do not affect agricultural land activities. Sen. Bengtson reported that efforts to deal with the migratory birds have been unsatisfactory in her constituency. Sen. Bengtson asked if the department pays for the fencing around the haystacks. Marcoux stated that the department works with the landowners in a variety of ways. Sometimes materials are dropped off. Although the materials can be provided, the department prefers to reserve the manpower to be available for other work.

Representative Brady closed by stating there is adequate department personnel throughout the state and the situation can be addressed in a prudent manner. Montanans are getting serious economic damage, and the state must be responsible to address the damage in a short period of time.

Senator Smith closed the hearing on HB 210.

CONSIDERATION OF HOUSE BILL 183: Representative Orval Ellison, House District No. 81, stated the bill was drafted at the request of the Department of Fish, Wildlife and Parks. The bill authorizes the department to set fees for certain licenses for game management purposes and to issue more than one license in a class. Ellison stated that often times when there is an over population of game, many landowners complain.

FISH AND GAME COMMITTEE

March 10, 1987

Page 3

Instead of allowing a great number of hunters to hunt a certain area, the department will issue more than one license to a single applicant. The bill will allow the commission to issue licenses for purposes of game management.

PROPONENTS:

Ron Marcoux, Fish, Wildlife and Parks Department, offered written testimony to the committee concerning HB 183. (Exhibit 3)

There were no further proponents to HB 183.

OPPONENTS:

Jeanne Klobnak, Montana Wildlife Federation offered written testimony in opposition to HB 183. (Exhibit 4)

There were no further opponents to HB 183.

QUESTIONS FROM THE COMMITTEE:

Senator Bishop asked Mr. Marcoux about kill permits. Can a kill permit be issued to landowners only. Mr. Marcoux stated that the use of kill permits deals with damage situations and there is not the opportunity for sportsmen to come into the area to harvest the game. The Department kills the game or allows the landowner to kill the game. The Department retrieves the carcasses. Senator Bishop asked what effect the legislation will have on the nonresident hunters. Mr. Marcoux explained that Montana has an extremely high antelope population. There may well be many nonresident hunters who would be able to hunt under these circumstances. Although the nonresident hunters would be limited to ten percent of the drawing. Frequently, all of the licenses are not sold in Eastern Montana. Therefore, the nonresident hunters could offer a possible solution to the problem of harvesting the over population of the game in various areas.

Senator Smith asked if the various districts had a problem in filling the harvest quotas. Mr. Marcoux stated that the Miles City area had surplus of game. Mr. Marcoux further stated the Department continued to sell licenses during the hunting season.

Senator Severson asked if there was a way the surplus licenses could be purchased more readily. Mr. Marcoux replied that the licenses are sold in the regional offices, and are sold to licensed dealers in all areas of the state. The problem with this method is keeping track of the number of licenses sold in relationship to the quota set.

Senator Yellowtail asked Ms. Klobnak whether the Federation would want the Legislature to propose direction concerning the price and criteria for every situation that comes up in regards to the harvest of all surplus game. Ms. Klobnak replied no. The Federation is concerned about lowering the fees so that there would be a "wholesale" hunt on the surplus game. Senator Smith stated that if there is a problem in some areas, the Fish, Wildlife and Parks Department must have some latitude to reduce the number of animals. This is especially true in areas where there is documented wildlife damage. Ms. Klobnak stated the concern of the legislation was that loopholes would be provided and that the price of the licenses would be so low that hunters would wait to purchase the licenses at a reduced price.

Senator Jergeson asked if this indeed had been a problem in the past where hunters actually waited to purchase the reduced license. Mr. Marcoux stated that if the hunter had an unused license, that hunter would be allowed to use that license. The total objective of the situation is to harvest the game. Mr. Marcoux does not anticipate future problems.

Senator Smith said that the hunter would have to buy the first license at the regular price. The hunters would not necessarily have to buy the full price license. Based on the population, the Department could set fees at a reduced price, and stipulate that either sex could be harvested. Licenses fees for the second animal could be reduced, and the licenses could be purchased late in the season for a reduced price. The purpose of the rationale would be to harvest the surplus game, and each situation would have to be evaluated.

There being no further questions, Senator Smith asked Representative Ellison to close.

Representative Ellison stated that many sportsmen are agitated when landowners are allowed to kill the game with a kill permit. The legislation provides a desirable alternative and gives the sportsmen the opportunity to hunt. The Department will not have a "fire sale" on licenses.

Senator Smith closed the hearing on HB 183.

DISPOSITION OF HOUSE BILL 183:

Senator Severson moved the committee to recommend a BE CONCURRED IN.

FISH AND GAME COMMITTEE

March 10, 1987

Page 5

Senator Jergeson proposed that after a period of two years, it would be wise to require the applicants to hold a traditional license and then the department can judge the situation with proper data in two years.

Senator Severson stated there is no reason to be charged for the first tag that was not filled and then charged for the second tag. The hunter should be charged for the first tag only even though the hunter is not successful, but bags game in the special hunt.

Senator Bishop stated perhaps the intent of the bill is being misconstrued, and from a public relations standpoint, department would not "fire sale" the licenses for a \$1 each. The intent is to constructively address the overpopulation problem. Perhaps, the resident hunter could be charged half price.

Senator Smith asked Marcoux if the Department would hold a public meeting to set the fees. Yes, there would be debate at that time to receive public input. The guide lines, according to Senator Smith, are built in so the local sportsmen would be able to voice ideas concerning licenses and fees. According to Merrill, the Montana Administrative Procedure Act would be implemented.

In line with Senator Severson's motion, the committee passed the BE CONCURRED IN recommendation unanimously.

DISPOSITION OF HOUSE BILL 210:

Senator Jergeson moved the amendment. Page 1, line 20 strike "ARRANGE TO" and Insert on line 21 the "arrange to".

Senator Severson moved the bill as amended. The committee will recommend a BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 1:45 P. M.

Ed Smith

SENATOR ED SMITH, CHAIRMAN

ROLL CALL

SENATE COMMITTEE--FISH AND GAME

50TH LEGISLATIVE SESSION - 1987

+++++

Date: _____

NAME	PRESENT	ABSENT	EXCUSED
Senator Ed Smith, Chairman	x		
Senator John Anderson	x		
Senator Judy Jacobson			
Senator Elmer Severson	x		
Senator Greg Jergeson	x		
Senator Al Bishop			x
Senator Esther Bengtson	x		
Senator Wm. Yellowtail Vice-Chair	x		

VISITORS' REGISTER

NAME	Complete Address and REPRESENTING :	BILL #	Check One	
			Support	Oppose
Robert VanClerke	Self	210	X	
Janet H Ellis	Audubon	210	X	
Mike Albia	Asst. County Commissioner			
Dennis	Audubon	210	X	
Jan Carlson	Belgrade	210		
Inaci Benson	Belgrade	210		
Brenda Schmidt	Belgrade	210		
Ebbie Rohlfert	Belgrade	210		
Sam Ryan	Belgrade			
John Poole	Belgrade	210		
Stacey Plum	Belgrade	210		
Micki Cleary	Maas	210		
Judi Bernath	Belgrade	210		
Jennifer Orne	Belgrade	210		
Keith Hampton	Belgrade	210		
Jennett Forman	Belgrade	210		
Brian Lutz	Belgrade	210		
Darwin Stevens	Belgrade	210		

HB 210
March 10, 1987

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

In 1985 the department established guidelines for its personnel to follow regarding game damage complaints. Following is the first paragraph from our Department Guidelines for Big Game Damage Procedures:

"The Department of Fish, Wildlife & Parks will respond to a damage complaint as soon as possible, and within 48 hours. If the department person who received the complaint is unable to respond within 48 hours, he will immediately refer the complaint to the nearest department employee who can respond within a 48-hour period. Exceptions can be made if complainant is agreeable to a longer waiting period."

Each year the department receives a number of game damage complaints. With few exceptions, the 48-hour goal has been met. The few occasions it is not met are usually the result of having received several complaints at one time or a complication with the 40-hour limitation for Enforcement personnel. The recent court rulings which require overtime for enforcement hours in excess of 40 each week have hampered our abilities in a number of response areas, including game damage. Making the 48-hour requirement statutory would not change the circumstances under which we currently attempt to meet our goal.

We would suggest a change in the bill which we feel would address those few instances when it would not be possible to "investigate and study" within 48 hours:

On page 1, line 20, move the words "arrange to" so they follow the word "shall."

Our guidelines would still apply and the complaints in most instances would still be responded to in 48 hours. However, we fear it is not possible to assure that we could investigate and study each complaint within 48 hours every year.

With this amendment, a more realistic law would be at hand.

SENATE FISH AND GAME

EXHIBIT NO. #1 page 2

DATE 3-10-81

BILL NO. HB 210

AMENDMENT TO HB 210

THIRD READING (BLUE) COPY

PROPOSED BY DEPARTMENT OF FISH, WILDLIFE & PARKS

Page 1, line 20.

Following: "shall"

Insert: "arrange to"

Following: "and"

Strike: "ARRANGE TO"

Montana
Audubon Legislative Fund

Testimony on March 10, 1987 for HB 210
Senate Fish & Game

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Legislative Fund. The Audubon Fund is composed of members of the National Audubon Society, which includes 2500 members in nine chapters located throughout the state.

We support HB 210 as amended ~~in the House~~ ^{by Rep. Grady}. It is already the Department's policy to respond to game damage complaints within 48 hours. And our research tells us that the Department is doing an excellent job at meeting the 48-hour response time. Because administrative policy changes in the Department and because it is possible to meet that deadline today, we feel that it is appropriate to require this response time statutorily to insure that landowner complaints are handled in a timely fashion.

Thank you.

HB 183
March 10, 1987

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

HB 183 amends the present licensing structure in three ways as it applies to those additional or surplus licenses which are issued for deer and antelope. The bill will allow residents the same discounts on certain licenses that are presently enjoyed by nonresidents. It will provide flexibility to the commission to create management-purpose licenses that can be sold by the department for less than full price, and it will simplify the issuance of deer and antelope licenses.

On the first point, our present law allows price breaks to nonresidents for antelope and deer licenses. Although residents receive the same price break as nonresidents for their second antelope license, they are required to pay full price for second deer licenses. The proposed legislation would allow the department to treat residents and nonresidents the same by offering price breaks for deer and antelope to both groups.

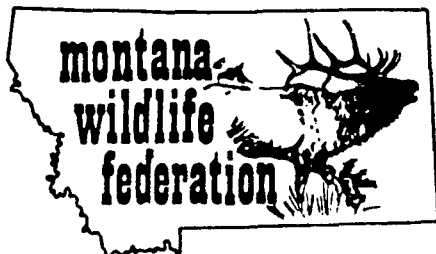
On the second point, our experience shows most nonresidents are willing to pay \$100 for a buck license, but few will pay \$100 for the first doe/fawn, or even \$50 for the second doe/fawn license, yet this is what we must charge as required by law. In 1985, in the eastern part of the state we had several thousand doe/fawn antelope licenses which were unsold because of this requirement. This bill will give the commission and the department the authority to lower the price of the second license to make it more attractive to the sportsman, and thus obtain the needed harvest. The price would be set according to the circumstances in a given area, but would not exceed the price of the first license as prescribed by law.

And finally, under present law the sportsman can receive the second license at half price only if he previously purchased a full priced license for that class. HB 183 would allow persons to purchase these extra licenses and pay the fee set by the department whether or not they had previously purchased a license for that class. We feel this would assist in stimulating sportsmen to harvest the animals at which these additional licenses are aimed.

This legislation should not have any measurable fiscal impact on the department. We may sell management control deer and antelope licenses for less than the current price, but we feel this would be offset by selling more licenses.

We recommend approval of HB 183.

Thank you.



Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

Testimony on HB 183

Senate Fish & Game

March 10, 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.

STANDING COMMITTEE REPORT

March 10, 1987

..... 19.....

MR. PRESIDENT

Fish and Game

We, your committee on.....

House Bill

183

having had under consideration..... No.....

Third

Blue

reading copy (_____)
color

AUTHORITY OF FISH AND GAME COMMISSION TO SET FEES FOR CERTAIN LICENSES

Representative Orval Ellison (Senator Ed Smith)

House Bill

183

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~XXXXXX~~
~~DO PASS~~

~~XXXXXX~~
~~DO NOT PASS~~

Senator Ed Smith.....

Chairman.

STANDING COMMITTEE REPORT

March 10, 1987

19.....

MR. PRESIDENT

Fish and Game

We, your committee on.....

House Bill

210

having had under consideration..... No.....

Third

Blue

reading copy (_____)
color

REQUIRE INVESTIGATION OF GAME DAMAGE COMPLAINT WITHIN 48 HOURS

Representative Ed Grady (Senator Elmer Severson)

House Bill

210

Respectfully report as follows: That..... No.....

be amended as follows:

Page 1, line 20.

Following: "shall"

Insert: "arrange to"

Following: "and"

Strike: "ARRANGE TO"

AND AS AMENDED
BE CONCURRED IN

~~DO NOT PASS~~

Senator Ed Smith.....

Chairman.