

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Bob Ream, on March 2nd 1989, at 3:30 p.m.

ROLL CALL

Members Present: All with the exception of:

Members Excused: Rep. Daily, Rep. Gervais, Rep. Raney, Rep. Betty Lou Kasten and Rep. Eudaily

Members Absent: none

Staff Present: Doug Sternberg, Legislative Council and Maureen Cleary, Committee Secretary

Announcements/Discussion: none

HEARING ON SENATE BILL 39

Presentation and Opening Statement by Sponsor:

SEN. BISHOP: Senate District #46. Senator read text of the bill. This bill would recognize that these persons that this bill address would have to be flagrant violators.

Testifying Proponents and Who They Represent:

Mr. Don Chance/ Mt. Wildlife Federation, Helena

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena

Ms. Vera Cahoon/ Mt. Bowhunters Assoc, Helena

Proponent Testimony:

Mr. Chance: Poaching and other forms of major game violations are a real problem. It effects the landowners, sportsmen, outfitters and Fish and Game resources within the state. Poaching is extremely difficult to assess with any precision, to determine the magnitude of major game poaching within the state. We do have some available information. It has been estimated that 20% to 30 50% of fish and game harvested under certain circumstances is taken illegally. It reduces the resource for the legitimate sportsman. History has borne out that stiffer poaching penalties is a major deterrent. This bill will amend the current poaching penalties, by further prohibiting convicted poachers from

special drawings for five years after their conviction. The Montana Wildlife Federation is strongly in favor of this bill.

Mr. Marcoux: (See Exhibit #1)

Ms. Cahoon: (See Exhibit #2)

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. KELLER: Does this violation refer to fishing violations?

SEN. BISHOP: Those violations are listed on page one of the bill for specifics. Including game birds and game fish.

REP. REAM: On page 4, lines 4 and 5, why was that language struck? SEN. BISHOP: That was just unnecessary language.

Closing by Sponsor: SEN. BISHOP: waived his closing to the Committee.

DISPOSITION OF SENATE BILL 39

Motion: Rep. Kasten motioned a "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A "TO BE CONCURRED IN" FOR THIS BILL WITH A UNANIMOUS VOTE.

HEARING ON SENATE BILL 236

Presentation and Opening Statement by Sponsor:

SEN. SEVERSON: I call this my "compulsory check-out bill", it is much more "watered down" than when first introduced. Basically what the bill intended to do in it's original form was to require anyone elk hunting to report a kill within 10 days. I look at it as a game management tool. Harvest numbers are important, particularly for the outfitters. I believe that the post-paid mail in card is a good system for the Fish and Game to implement. I think the hunters will accept this tool.

Testifying Proponents and Who They Represent:

Mr. Ron Marcoux/ Dept. of Fish, Wildlife and Parks, Helena

Mr. Robert VanDerVeer/ Helena

Proponent Testimony:

Mr. Marcoux: (See Exhibit #3)

Mr. VanDerVeer: I think that this is a good bill, and will save us some money.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. KASTEN: This bill is for the special elk permits in an area, about how many would that be? SEN. SEVERSON: I would have to defer to Mr. Marcoux from the Dept. MR. MARCOUX: About 2,000 maximum. REP. KASTEN: A card would be issued on every license. MR. MARCOUX: The fiscal note was presented, presuming that we would do this for the entire state. That is why those particular figures are reflected on the fiscal note. REP. REAM: This was amended in the Senate for the special permit areas, therefore the figures on our fiscal note would be incorrect. This doesn't reflect the corrections.

REP. RANEY: What would the cost would be now? SEN. SEVERSON: The program will be cost saving. You will have an exact count when the season is through. Therefore, the Dept. would not have to conduct surveys.

REP. ELLISON: Wouldn't mailing in the permit be a problem? SEN. SEVERSON: It could be a check out computer card, the computer would do the detail work. It would have to be worked out in the beginning stages within the Dept.

REP. KASTEN: What would happen if someone should lose the card, or not send it in? MR. MARCOUX: It would place us in the position that technically s/he would not be allowed in drawings for an entire year. SEN. SEVERSON: We discussed in the Senate committee regarding the kind of card that would be implemented. We looked at a duplicate card system. As a hunter, they would then have some proof for themselves.

REP. RANEY: Why did the Senate reduce this down to just the special areas? SEN. SEVERSON: I believe it was yielded to

the Depts. wishes. It appears they wanted to have a trial study.

REP. ELLISON: Are your telephone surveys scientifically run?
MR. MARCOUX: We get a 90% confidence level in the telephone surveys, we base our estimates on that statistical sample.

REP. KELLER: Currently, do you also send out any type of questionnaires? MR. MARCOUX: On certain species we do send out questionnaires, and attempt to get 100% return.
REP. KELLER: Did you send, out this year in regard to landowner permits? MR. MARCOUX: Yes, that is a special situation. I believe on the landowners we have a 70% return and that was voluntary.

Closing by Sponsor: SEN. SEVERSON: It is important to note that there are several things that is needed to know in order to manage a herd of elk. First, you need to know how many elk you have. And how many in winter and in summer. This is an important tool. I can almost see the elimination of the permit system if this is enacted. This would be postage free and easy to implement.

DISPOSITION OF SENATE BILL 236

Motion: Rep. Hanson motioned a "do pass"

Discussion: Rep. Kasten: Addressed the Committee regarding her concern about the problem of perhaps a hunter not getting the mail-in permit back to be eligible for the drawings.
Rep. Ream: Suggested insert the word "or post-marked" after the word "returned", or "post-marked to the Dept.". Mr. Marcoux: This bill, I believe, would allow the Commission to establish rules. Generally speaking, a post-marked date would be sufficient. Rep. Raney: It was stated in testimony that the mail in was mandatory in Colorado and yet they had only a 25% return. Voluntary in Washington and they have a 50% return. That tells me, a voluntary return program would have a greater return. Mr. Marcoux: In the state of Washington, I believe the returns were from only the successful hunters. Rep. Raney: Would you expect a similar return from everyone, unsuccessful or not? Mr. Marcoux: We developed the idea of having a penalty with the goal to get a 100% return met. With the voluntary, I know we would get less. Rep. Ream: Out in the Breaks, there is a tremendous demand for the available permits. So your not being fair to others that don't respond. It seems like a relatively mild penalty. Rep. Hanson: I think you would get the opposite effect, eliminating quite a few people. Some other method without punishment may work better.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A

"TO BE CONCURRED IN" FOR THIS BILL.

HEARING ON SENATE BILL 237

Presentation and Opening Statement by Sponsor:

SEN. SEVERSON: This cow permit system was enacted for one purpose. To harvest a number of cows. If you are going to have a permit system, then you should be allowed to meet it's purpose. This bill was "watered down" in order to allow the Dept. to study it's effects within their system.

Testifying Proponents and Who They Represent:

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena

Mr. Robert VanDerVeer/ Helena

Ms. Julie Hacker/ self, landowner, Bonner

Proponent Testimony:

Mr. Marcoux: (See Exhibits #4 and #5)

Mr. VanDerVeer: We have a problem of too many people with too many permits. This bill will take care of some of these landowners with those problems.

Ms. Hacker: (See Exhibit #6)

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. RANEY: I don't quite understand what this bill will do.

MR. MARCOUX: What this bill will do is provide both residents and non-residents the opportunity to apply for permits. REP. RANEY: Do you think that this will increase the number of elk taken by non-residents? MR. MARCOUX: No, I think what this will probably do is allow the non-residents the same opportunities as the residents. Generally, speaking non-residents do not gravitate to cow hunting. We would have to wait and see what the results would be.

REP. ELLIOTT: On page 3, line 15, sub 3. I realize that this is to do with the amendments to the section, but is some concern in my area. A landowner with more than 640 acres

can put in for an A-7 license at any time, is that correct? MR. MARCOUX: That is correct. REP. ELLIOTT: Is there a particular reason for the designated 640 acres? MR. MARCOUX: That was an issue in 1985. It was bounced around and became the figure. REP. ELLIOTT: The majority of what are known as large land holdings in northwestern Montana are considerably less than 640 acres. The value of the crops grown on those individual acres is somewhat higher than the crops grown on acres in eastern Montana. Just because of the sheer volume. Would the Dept. object to lowering that acreage requirement? MR. MARCOUX: The trade off there is that the smaller the acreage included, is a 15% provision. The more landowners you have applying under those provisions, will lessen the percentage of those that will be successful. There are situations where you may have smaller acreage, with large numbers of elk population, but that is usually rare.

REP. PHILLIPS: The sportsmen groups didn't like the idea of the 640 acres. It was a compromise. If you cut that acreage down too much then you will have the problem that Mr. Marcoux mentioned, too many people applying.

REP. KELLER: There are alot of areas where people just go out and purchase 20 acres.

REP. ELLIOTT: I don't want to belabor this. But, probably the average size ranch in my county would be around 320 acres. There is hellacious elk damage in my area. If the intent of this permit is to reduce elk damage, then I would suggest changing the figures on acreage.

REP. REAM: You may have a valid point, but you might be beyond the scope and title of the bill.

REP. KASTEN: No sportsmen are here! Has anyone contacted you, senator? SEN. SEVERSON: I have had contact on this bill for many years. I hear this concern all of the time. They want this bill.

Closing by Sponsor:

SEN. SEVERSON: This bill, in it's amended form, will accomplish what I wanted it to do originally. It allows the Fish and Game Dept. and the Commission to regulate the cow permit. It is just another management tool. I agree that the figure of 640 acres is too high. But that was a figure agreed on by the Dept. REP. REAM: You support the amendments, and you would concur with those back in the Senate? SEN. SEVERSON: Yes.

DISPOSITION OF SENATE BILL 237

Motion: Rep. Kasten motioned a "do pass" on the bill.

Discussion: none

Amendments, Discussion, and Votes: Rep. Ellison motioned a "do pass" on amendments. (See attached Standing Committee Report)

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A
"TO BE CONCURRED IN AS AMENDED" FOR THIS BILL.

ADJOURNMENT

Adjournment At: 5:30 p.m.



REP. BOB REAM, Chairman

BR/mc

5005.min

DAILY ROLL CALL

FISH AND GAME

COMMITTEE

51st Session - Legislative Council

Date 3/2/89

NAME	PRESENT	ABSENT	EXCUSED
Bob Ream, Chairman	✓		
Jim Elliott, Vice-Chair	✓		
Robert Blotkamp	✓		
Ben Cohen	✓		
Fritz Daily			
Gene DeMars	✓		
Bob Pavlovich Bob Gervais			
Bob Raney			
Bill Strizich	✓		
Roger DeBruycker	✓		
Orval Ellison	✓		
Ralph Eudaily			
Marian Hanson	✓		
Betty Lou Kasten			
Vernon Keller	✓		
John Phillips	✓		

ROLL CALL VOTE

FISH AND GAME COMMITTEE
 DATE 3/2/89 BILL NO. SB39 NUMBER _____

Elliott

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Dally	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

15

maureen Cleary

Secretary

Chairman

MOTION: Kasten "do pass"

AS CONCURRED in comm.

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 3/2/89 BILL NO. SB 236 NUMBER

SWIFT

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	Ø	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(15)

maureen Cleary

Secretary

Chairman

MOTION: Hanson "do pass"

1 to be concurred

ROLL CALL VOTE

FISH AND GAME COMMITTEE
 DATE 3/2/89 BILL NO. SB237 NUMBER _____

GRADY

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(15)

maureen Cleary

Secretary

Chairman

MOTION:

ellison "amends"

ellison "do pass"

1 as concurred in comm.

STANDING COMMITTEE REPORT

March 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
Senate Bill 39 (REFERENCE copy -- BLUE) be concurred in.

Signed: _____
Bob Ream, Chairman

[REP. ELLIOT WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
SENATE BILL 236 (REFERENCE copy -- BLUE) be concurred in.

Signed: Bob Ream
Bob Ream, Chairman

[REP. SWIFT WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that SENATE BILL 237 (REFERENCE copy -- BLUE) be concurred in as amended .

Signed: Bob Ream
Bob Ream, Chairman

[REP. GRADY WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 2, line 21.

Following: "commission"

Strike: the remainder of line 21 through "holder" on page 3, line 5.

2. Page 3, line 10.

Strike: "a"

Following: "elk"

Strike: "license"

Insert: "licenses"

Following: "the"

Insert: "department's"

3. Page 3, line 11.

Strike: "a"

Following: "elk"

Strike: "permit"

Insert: "permits"

SB 39
March 2, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

We support SB 39 with the Senate amendments. Individuals who have been ordered to pay restitution under the provisions of 87-1-111 are those who have demonstrated a willful and wanton disregard for the law. This bill would not impact those who fail to properly tag or transport a legally taken animal.

Based on experiences in FY 1988, we anticipate 25-30 individuals per year would be subject to the penalty of not applying in any drawings for a special license or permit.

EXHIBIT #1
DATE 3/2/89
HB SB 39



Montana Bowhunters Association

Buddy Lundstrom, *President*

Box 1119

Malta, Montana 59538

exhibit #2

3/2/89

SB39

Telephone: Shop (406) 654-1041 — 7:00 to 8:00 a.m.

Home (406) 654-2167 — After 8:00 p.m.

HOUSE

~~Senate~~ Fish and Game Committee

Senate bill #39

The Montana Bowhunters Association would like to go on record in support of Senate Bill #39. We feel this bill will make the poacher think again before taking one of Montana's exotic species. We feel this is fair punishment for this crime.

Thank you for the opportunity to have input into your decision. Please vote yes on Senate bill #39.

Sincerely,

Buddy Lundstrom

Buddy Lundstrom

#2

3/2/89

SB39

Kera Carlson, Lobbyist

exhibit #3
3/2/89
EXHIBIT #3
DATE 3/2/89
NO. SB236

SB 236
March 2, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

The intent of SB 236 to obtain timely and total harvest results for elk populations, if successfully implemented with full compliance, would provide exact harvest rates on our elk species. Timely, complete harvest information would provide benefits for our elk management program.

In our efforts to evaluate this proposal for Montana, we contacted two western states who have experience with a "report card" or "license stub" similar to that proposed in this bill. Colorado had a mandatory report card that a sportsman was required to return 10 days after a kill or, if unsuccessful, 10 days after the end of the hunting season. Due to record keeping problems and only a 25% return rate, Colorado has dropped this procedure. Colorado had a penalty, but it was never enforced.

Washington also has a mandatory report card but only for successful hunters. There is no penalty for noncompliance and it is not enforced. Washington experiences an approximate return rate of 50%.

The Department primarily uses a telephone survey to gather its hunter harvest information. Names are selected in a manner to assure a statistically valid response from each license type and hunting district because a statistically valid response cannot be guaranteed, and is usually not achieved for all hunting districts through a mail survey. An advantage of a telephone survey is the ability to question sportsmen and assure accurate answers to questions.

For many sportsmen this call is the only "live" conversation with a department representative during the entire year, and we believe it is a valuable and positive contribution to better department/sportsman relations. Other states have found attempts to enforce the mandatory report rule very difficult and usually result in negative contacts with sportsmen, which is not experienced with our telephone survey. An example would be cards purported to be lost in the mail.

In 1981, the department converted its harvest survey from a mail questionnaire to a telephone survey to improve accuracy at a reduced cost. It also provides the department an important opportunity to request other information to assist in addressing management issues.

Given the experience of other states, we suggest taking the pilot approach in Montana to gauge compliance rates and receptivity before embarking on a statewide program.

SB 237
March 2, 1989

exhibit #4
3/2/89 EXHIBIT 4
DATE 3-2-89
HB SB 237

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

The department supports SB 237 as presented. This bill provides the opportunity to expand the A-7 antlerless elk license to nonresidents, and provides the Fish and Game Commission the flexibility to utilize this license in appropriate areas.

A two-part amendment is needed, however, the first to correct an editorial error on lines 9, 10 and 11 of page 3. The current wording would allow an individual to hold both an A-7 license and a permit. The intent of the Senate amendment was to allow the department to continue to use special elk permits in addition to the A-7 license.

Grammatically, the change is simply changing from the singular to the plural when referring to licenses and permits. However, the difference in meaning between the singular and the plural in this particular instance is significant. Those lines should be amended to read: "The use of Class A-7 antlerless elk licenses does not preclude the department's use of special elk permits."

The second part of the amendment is in reference to the exchange of an A-5 license for the A-7 antlerless elk license. Currently the commission requires an A-5 prerequisite license be purchased before the drawings. If this commission provision remains intact, a total of 18-20,000 A-5 elk licenses would have to be exchanged for A-7 cow elk licenses between mid-August and early September. This would be difficult to accomplish without inconveniencing a large number of our hunters.

We would propose sending a special stamp to the successful applicants to apply to their A-5 license to convert it to an A-7 antlerless license.

To accomplish this, we request that the bill be amended by striking from "but may not..." on line 21, page 2 through line 5 of page 3.

exhibit #5
3/2/89
SB237

AMENDMENT TO SB 237
THIRD READING (BLUE) COPY

EXHIBIT 5
DATE 3-2-89
~~HB~~ SB 237

1. Page 2, line 21 through line 25.
Following: "commission"
Strike: remainder of lines 21 through 25 in their entirety.
2. Page 3, lines 1 through 5.
Strike: lines 1 through 5 in their entirety excluding the period.
3. Page 3, line 10.
Strike: "a"
Strike: "license"
Insert: "licenses"
Following: "the"
Insert: "department's"
4. Page 3, line 11.
Strike: "a"
Strike: "permit"
Insert: "permits"

EXHIBIT 6
DATE 3-2-89
HE SB 237

exhibit #6
3/2/89

WITNESS STATEMENT

NAME Julia Hacker

BILL NO. SB 237

ADDRESS Banner

WHOM DO YOU REPRESENT? self - landowner

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

Neighbors agree with me that if they
have successfully drawn a cow-permit,
they should be required to harvest only
a cow elk.

Wrg support of this bill.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Fish and Game COMMITTEEBILL NO. Senate Bill 39DATE March 2SPONSOR Bishop

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Janet Ellis	Helena	✓	
Bera Carlson	St. Bonner	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Fish and Game COMMITTEE

BILL NO. Senate Bill 236

DATE March 2

SPONSOR _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Fish and Game COMMITTEE

DATE March 2

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.