

## **MINUTES**

### **MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH & GAME**

**Call to Order:** By Bob Williams, on February 16, 1991, at 9:15 A.M.

#### **ROLL CALL**

##### **Members Present:**

Bob Williams, Chairman (D)  
Don Bianchi, Vice Chairman (D)  
Eve Franklin (D)  
Lorents Grosfield (R)  
Greg Jergeson (D)  
Dick Pinsoneault (D)  
David Rye (R)  
Paul Svrcek (D)  
Bernie Swift (R)

##### **Members Excused:**

Senator Anderson

**Staff Present:** Andrea Merrill (Legislative Council).

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Announcements/Discussion:**

Roll was taken and noted.

Senator Grosfield recommended that a committee bill be introduced to address the enforcement of the outfitters' laws and give the Department of FWP the authority to enforce the licensed outfitters.

Senator Swift asked Senator Grosfield if he intended this to encompass all hunting and fishing outfitters and river guides. Senator Grosfield explained that he did not know if this was a big problem with unlicensed hunting outfitters, but with a fishing outfitter, there was more involved than just purchasing a license. There is quite a bit of training involved, being familiar with all the fish and game laws and the test given is very difficult and often not passed the first time. Unlicensed outfitters coming into the State are taking potential money that Montana outfitters could be getting. He feels that enforcement should be provided that is not now there.

EXECUTIVE ACTION ON SB 252Amendments, Discussion, and Votes:

Senator Bianchi presented amendments to SB 252 and moved the amendments do pass.

Senator Bianchi's amendments suggests taking the funds for a wildlife habitat study out of the general license account of the FWP. He also suggested that changes not be made in the amount of money that goes into operation and maintenance of wildlife management areas. He further suggests to include in the study, a study of the operations and management of these wildlife management areas to see if, in fact, it is necessary to withdraw funds or have more funds available for operation and maintenance.

Senator Bianchi stated that 20% of the monies from HB 526 goes into a trust fund. He felt that to take monies from HB 526 funds and direct it to another area not originally planned by the previous legislature should not be allowed. Specific earmarked funds should not be tampered with.

Chairman Williams asked Senator Svrcek, who is sponsor of SB 252, if he had a chance to review the proposed amendments. Senator Svrcek stated that he had, but would resist the bulk of the amendments. He does not feel that the money should come out of the license account as the Department is at a point where it needs all the funds that are coming in from that source. Funds will be coming in from the proposed fee increases to do the things for which they have traditionally been used for. There is not enough flexibility for the Department to manage the areas properly. They barely had the money available on the Wilson property to hang the signs designating it a wildlife management area. As he mentioned in the hearing, the money that rolls to the operation and management side of this program goes into an account that is set up and used for operations and management of all of the Department's wildlife habitat lands, not just property purchased with HB 526 funds. The reason that they haven't been able to use it on all the wildlife habitat lands is because it hasn't generated enough money. The Department has had to prioritize the operation and management of these lands. Senate Bill 252 will require the Department to inform the legislature how they have used the operations and maintenance funds. He has no problem putting language into the bill stating that the \$150,000 allocation for the study is a one time thing. He feels that it is entirely appropriate to take monies from an acquisition account when you are studying \$6,000,000 worth of wildlife habitat.

Senator Bianchi commented that the FWP has not presented a budget of any type on how they intend to spend the additional funds for operation and maintenance. The FWP Wildlife Division

Administrator has said that the wildlife management areas are adequately funded through the next biennium.

Senator Grosfield made the motion to separate the amendments offered by Senator Bianchi. He recommended separating amendments 2-7-8, voting on these, and then voting on 1-3-4-5-6-9-10.

Senator Svrcek said he would have no problem with this recommendation.

The committee voted unanimously on amendments 2-7-8.

Senator Bianchi made the motion to approve amendments 1-3-4-5-6-9-10. Senator Bianchi voted "Aye" all other members voted "No." Motion did not pass.

Recommendation and Vote:

Senator Grosfield made the motion to approve SB 252 as amended. The bill passed with only Senator Bianchi voting no.

ADJOURNMENT

Adjournment At: 10:00 A.M.

  
\_\_\_\_\_  
BOB WILLIAMS, Chairman

  
\_\_\_\_\_  
JULIA LEVENS, Secretary

BW/jl

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 16, 1991

MR. PRESIDENT: \*

We, your committee on Fish and Game having had under consideration Senate Bill No. 252 (first reading copy -- white), respectfully report that Senate Bill No. 252 be amended and as so amended do pass:

1. Title, line 7.

Following: "IMPROVEMENT,"

Insert: "OPERATIONS, MAINTENANCE,"

2. Page 4, line 15.

Following: "improvement,"

Insert: "operations, maintenance,"

3. Page 4, line 17.

Following: "improvement,"

Insert: "operations, maintenance,"

Signed: \_\_\_\_\_

Bob Williams, Chairman

Jan 2-16-91  
Ad. Coord.

2-18-91 12:15  
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 16, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 33 (first reading copy -- white), respectfully report that House Bill No. 33 be amended and as so amended do pass:

1. Title, line 5.

Strike: "PUBLIC"

Insert: "STATE AND FEDERAL"

2. Page 1, line 11.

Strike: "public"

Insert: "state and federal"

3. Page 1, line 13.

Strike: "public"

Insert: "state or federal"

4. Page 1, lines 15 and 16.

Strike: "PUBLIC" on line 15 through "LANDS" on line 16

Insert: "state or federal land"

5. Page 1, line 20.

Strike: "public"

Insert: "state or federal"

Signed: \_\_\_\_\_  
Bob Williams, Chairman

*JPL 2-16-91*  
Ad. Coord.

*SP 2-16 12:15*  
Sec. of Senate