#### MINUTES

#### MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON FISH & GAME

Call to Order: By Senator Bob Pipinich, Chair, on February 4, 1993, at 1:00 p.m.

#### ROLL CALL

#### Members Present:

Sen. Bob Pipinich, Chair (D)

Sen. Gary Forrester, Vice Chair (D)

Sen. Tom Beck (R)

Sen. Don Bianchi (D)

Sen. Chris Christiaens (D)

Sen. Bruce Crippen (R)

Sen. Gerry Devlin (R)

Sen. Judy Jacobson (D)

Sen. Terry Klampe (D)

Sen. Kenneth Mesaros (R)

Sen. Dennis Nathe (R)

Members Excused: None.

Members Absent: None.

Staff Present: Andrea Merrill, Legislative Council

Kathy Collins, Committee Secretary

Please Note: These are summary minutes. Testimony and

discussion are paraphrased and condensed.

#### Committee Business Summary:

Hearing: None.

Executive Action: SJR 2, SJR 3, SB 3, SB 200, SB 199,

SB 201, SB 167

Senator Klampe was present at the time roll was taken and left shortly afterward to present a bill to another committee. Senator Klampe submitted proxy votes for the above bills.

#### EXECUTIVE ACTION ON SJR 2

#### Discussion:

Senator Pipinich stated there was a comment that SJR 2 would require some money and that perhaps it should go to

Appropriations or Taxation first. Senator Beck commented that the Committee should have a fiscal note on SJR 2 before action be Senator Forrester said the Legislature ranks the resolutions in order, and he felt it would be difficult to determine a fiscal impact on SJR 2 at this point until it was actually known that the study would be conducted. Andrea Merrill stated if SJR 2 requires the Department of Fish, Wildlife & Parks (DFWP) to do the study, it will not go through the ranking. Senator Bianchi stated he would also like to have a fiscal note before taking action. Senator Pipinich asked Pat Graham, DFWP, to comment on this issue. Mr. Graham stated SJR 2 was drafted by the representatives of the outfitting industry and sportsperson's groups, the Department of Commerce and DFWP. There has not been a fiscal note prepared, but SJR 2 was presented at this stage to see if it embodied the types of things the Committee thought should to be included in the study. Mr. Graham directed the Committee's attention to the copy of the Department's recommended resolution which would replace the original SJR 2 (Exhibit # 1). Senator Pipinich stated the recommended replacement is satisfactory to SJR 2's sponsor, Senator Ed Kennedy. Senator Pipinich asked Mr. Graham if he could come up with a fiscal note for SJR 2 within a couple days. Mr. Graham stated he could try.

Senator Beck asked why the Department of Commerce was involved in the study. Mr. Graham said the Department of Commerce oversees the regulations of the outfitting industry, and it is his understanding that the funds for the study would not come from the Department of Commerce, per se, but from the Board of Outfitters, under the Department of Commerce. Mr. Graham stated the study would be funded jointly because both sides of the issue stand to benefit.

Senator Bianchi stated Exhibit #1 represented a different resolution than what was presented to the Committee for hearing. He said he did not believe the sportspersons in Montana want large amounts of their license dollars spent for a study to benefit outfitters. Senator Bianchi stated he would vote against SJR 2 until he knew how much money was actually involved. Mr. Graham stated he could not come up with the dollar amount at this time, but he reiterated SJR 2 was developed through a joint meeting of sportspersons and outfitters to try and identify issues that were of mutual concern. The study was not intended with one specific group in mind. Senator Pipinich reminded the Committee that Senator Kennedy has agreed to the DFWP's recommended resolution.

Senator Devlin stated if SJR 2 was replaced with the DFWP's recommended resolution, it would still cost the same amount of money, and he wants to know how much that amount will be before there is action taken.

#### Motion/Vote:

Senator Beck moved the Committee wait to take executive action on SJR 2 until such time that a fiscal note be prepared. MOTION CARRIED UNANIMOUSLY.

#### EXECUTIVE ACTION ON SJR 3

#### Discussion:

Senator Pipinich directed the Committee's attention to the amendments to SJR 3 (Exhibit #2), which represent amendments suggested by both Representative Bob Ream and DFWP.

#### Motion/Vote:

Senator Crippen moved the amendments to SJR 3. Motion CARRIED UNANIMOUSLY.

#### Motion:

Senator Jacobson moved SJR 3 DO PASS AS AMENDED.

#### Discussion:

Senator Bianchi asked about the amendments suggested by Senator Kennedy. Senator Pipinich stated those amendments were suggested by the Stockgrowers Association, and they had not been discussed yet. The amendments that were moved were those of Representative Ream and DFWP. Since Senator Jacobson moved the bill, a substitute motion must be made for the Stockgrower's set of amendments, which dealt with multiple-use issues.

Senator Christiaens asked Andrea Merrill how the Stockgrower's amendments would fit with the amendments just moved if the Committee acts on the Stockgrower's amendments. Andrea Merrill said the two sets of amendments appeared to be two different concepts, and it might be difficult to mesh them.

#### Motion/Vote:

Senator Beck made a motion to move the Stockgrower's amendments. Motion resulted in a TIE VOTE by Roll Call Vote.

#### Vote:

The DO PASS AS AMENDED motion for SJR 3 CARRIED 6-5 by Roll Call Vote.

#### EXECUTIVE ACTION ON SB 3

#### Motion/Vote:

Senator Devlin moved SB 3 be TABLED. Motion CARRIED with Senator Nathe voting NO.

#### EXECUTIVE ACTION ON SB 200

#### Motion:

Senator Bianchi moved the amendments to SB 200.

#### Discussion:

Senator Pipinich asked Senator Bianchi to explain the suggested amendments to SB 200 (Exhibit #3). Senator Bianchi stated DFWP, in conjunction with the National Parks Service and other federal groups, have ongoing studies to come up with a long-term plan for the management of wild buffalo. Senator Bianchi said SB 200 did not recognize that the study is ongoing; item #2 of the amendments would insert that recognition into SB 200. The rest of the amendments would not require DFWP to set a season and use hunting as the only method of controlling buffalo populations; it does give them the authority to do that, but it is not a requirement.

Senator Pipinich stated he would like to see the study by DFWP completed before a hunt is conducted. Senator Crippen said he agreed with item #6 of the amendments, striking "shall" and inserting "is authorized to," but didn't understand the rationale behind "establishing hunting districts by hunting wild buffalo on a sustained annual yield basis." Senator Bianchi stated when buffalo populations were being reduced, before the legislation took away the licensing authority, the goal by DFWP and the Department of Livestock was to kill every buffalo that walked out of Yellowstone Park. Senator Bianchi said that type of approach did not sit well with him; the goal should be a long-term management plan so there are some buffalo moving out each year with a predetermined level and then annually harvesting the biological surplus. Senator Crippen asked Senator Bianchi if DFWP had that authority now. Senator Bianchi said "no," but he wanted the Department to manage wild buffalo in the same manner in which they manage other species--if a herd reduction was necessary, the establishment of a hunting district would be a solution. Senator Bianchi said he did not want the buffalo managed as they had been in the past.

Senator Beck commented to Senator Bianchi that he did not see the correlation between the elk and deer to the buffalo. Senator Beck stated he would also like to see the study completed by DFWP

and change the effective date on SB 200 to April 1, 1995.

Senator Devlin asked Senator Bianchi how the brucellosis-free certification on livestock will be affected if a sustained annual yield is maintained and hunting districts are established. Senator Bianchi stated he did not feel it would be affected any more than it is now; there are buffalo out in Montana on public lands at the present time. Senator Bianchi said the establishment of the hunting districts would be up to DFWP, and he assumed those districts would be on public lands unless a private landowner wanted his or her land included. Senator Devlin asked Senator Bianchi if there would be enough hunters to handle a large surplus of buffalo coming out of Yellowstone. Senator Bianchi stated the Department could have a special drawing or issue more licenses in that case. Senator Devlin stated there are a lot of unanswered questions and until a study is completed he feels SB 200 is premature.

Senator Mesaros--referring to the amendment suggested by Senator Burnett, sponsor of SB 3, to strike "buffalo" on page 3, line 3, and insert "animal"--stated SB 200 would have to be limited to buffalo management because the management of buffalo sets certain parameters because of brucellosis.

#### Vote:

Motion to move Senator Bianchi's amendments FAILED by Role Call Vote.

#### Motion/Vote:

Senator Beck moved the effective date of April 1, 1995 be amended to SB 200. Motion CARRIED UNANIMOUSLY.

#### Motion:

Senator Bianchi moved Senator Burnett's amendment to SB 200.

#### Discussion:

Senator Beck stated the amendment would not go along with the title of SB 200. Andrea Merrill replied that more laws would have to be changed in the Department of Livestock's section of the code to allow them to regulate wild animals. Section 87-1-215 of SB 200 was always intended just for wild buffalo.

Senator Bianchi withdrew his motion.

#### Motion:

Senator Bianchi moved SB 200 DO PASS AS AMENDED.

#### Discussion:

Senator Crippen asked where in SB 200 does it tell DFWP that hunting buffalo will be an alternative. Senator Bianchi stated without SB 200, there would be no license, therefore, no hunting of buffalo in 1995, as amended. In response to Senator Crippen, Senator Bianchi referred to page 2, lines 5-11.

#### Motion:

Senator Devlin made a substitute motion to TABLE SB 200. Motion resulted in a TIE VOTE by Roll Call Vote.

#### Motion:

Senator Bianchi restated his original DO PASS AS AMENDED motion. Motion FAILED by Roll Call Vote.

#### Motion/Vote:

Senator Devlin moved SB 200 DO NOT PASS AS AMENDED. Motion FAILED by Roll Call Vote.

#### EXECUTIVE ACTION ON SB 199

#### Motion/Vote:

Senator Bianchi moved SB 199 DO PASS. Motion CARRIED by Roll Call Vote.

#### EXECUTIVE ACTION ON SB 201

#### Motion:

Senator Bianchi moved SB 201 DO PASS.

#### Discussion:

Senator Bianchi gave a short description of SB 201 for the benefit of Senator Beck, who was not present at the hearing on 2/2/93.

Senator Nathe asked if SB 201 would apply to federal feeding programs. Senator Pipinich stated the state has no jurisdiction over federal agencies.

Senator Devlin stated he felt DFWP is being loaded with something that will be hard to administer, and the fiscal note does not represent the cost needed to cover it.

#### Vote:

The DO PASS motion on SB 201 FAILED by Roll Call Vote.

#### Motion/Vote:

Senator Devlin moved SB 201 be TABLED. Motion CARRIED with Senators Bianchi and Christiaens voting NO.

#### EXECUTIVE ACTION ON SB 167

#### Motion:

Senator Bianchi moved SB 167 DO PASS.

#### Discussion:

Senator Beck stated he feels it is a bad idea to take away the licenses that many outfitters depend on for their business.

Senator Crippen stated there are two many limits to access, and he has a hard time with that. He said he agrees with Senator Beck, however, with regard to taking away the licenses. Senator Crippen stated he understands the problems but does not feel SB 167 is the solution.

Senator Mesaros stated there is a lot of focus on addressing this problem in many different areas; SB 167 would be an economic loss to Montana, and now is a bad time to make a move such as this.

Senator Beck stated SB 167 will not help the access problem. This particular problem should be looked at, but SB 167 does not address it.

Senator Bianchi stated he takes objection to Senator Beck's comments; the outfitters tie up a lot of public land by tieing up the private lands surrounding those public lands. Senator Bianchi said SB 167 will not devastate the outfitting industry.

#### Vote:

The DO PASS motion FAILED by Roll Call Vote.

#### Motion/Vote:

Senator Forrester moved SB 167 be TABLED. Motion CARRIED UNANIMOUSLY.

SENATE FISH & GAME COMMITTEE
February 4, 1993
Page 8 of 8

### **ADJOURNMENT**

Adjournment: 2:40 p.m.

Melas Odly Tipulla SENATOR BOB PIPINICH, Chair

KAZHY COLLINS, Secretary

BP/kc

### **ROLL CALL**

SENATE COMMITTEE FISH & Game DATE 2-4-93

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Senator Nathe	У		
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#### SENATE STANDING COMMITTEE REPORT

Page 1 of 2 February 5, 1993

#### MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Joint Resolution 3 (first reading copy -- white), respectfully report that Senate Joint Resolution 3 be amended as follows and as so amended do pass.

Signed:

Senator Bob Pipinich, Chair

That such amendments read:

1. Title, line 6. Following: "TO"

Insert: "PROVIDE THE RESOURCES AND ASSISTANCE TO STATE WILDLIFE MANAGEMENT AGENCIES TO"

2. Title, line 7.
Strike: "HABITAT"
Insert: "POPULATION"

3. Title, line 8. Strike: "AND"

Strike: "AND"
Insert: "TO"

Following: "FEASIBLE,"

Strike: "TO"

4. Title, line 10.

Following: "PROJECTS"

Insert: "AND URGING FEDERAL AGENCIES TO PERSUADE CONGRESS TO AMEND THE ENDANGERED SPECIES ACT TO GIVE STATE WILDLIFE MANAGEMENT AGENCIES THE NEEDED FLEXIBILITY TO MANAGE THE GRAY WOLF IN THE AREAS AFFECTED BY THE EXPANSION OF ITS HABITAT"

5. Page 1, line 12.

Strike: "reintroduction"

Insert: "recovery"

6. Page 1, line 13.

Strike: "habitat will"

Insert: "range may"

7. Page 1, line 14.

Strike: "Montana"

Following: "opportunities"

Insert: "in Montana and other states"

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8. Page 1, line 16. Strike: "Montana" Following: "hunters" Insert: "in Montana and other states"

9. Page 1, line 18.
Following: "populations"
Strike: "."

Insert: ": and

WHEREAS, the expertise to flexibly manage gray wolves, big game animals, habitat, and hunting opportunities lies with state wildlife management agencies"

10. Page 1, line 23. Following: "to" Insert: "provide the resources to state wildlife management agencies to"

11. Page 1, line 24. Strike: "habitat" Insert: "population" Strike: "reintroduction"

Insert: "recovery"

12. Page 2, line 1. Strike: "habitat" Insert: "range"

13. Page 2, line 3.
Following: "to"

Insert: "provide the financial resources to state wildlife management agencies to"

14. Page 2, line 4. Following: "feasible," Insert: "and"

15. Page 2, line 6. Following: line 5

Insert: "(3) That the appropriate federal agencies be strongly encouraged to persuade the United States Congress to amend the Endangered Species Act of 1973 to ensure that state wildlife management agencies have the necessary flexibility to manage the gray wolf in areas affected by the expansion of its habitat."

Renumber: subsequent subsection

#### SENATE STANDING COMMITTEE REPORT

Page 1 of 1 February 5, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 199 (first reading copy -- white), respectfully report that Senate Bill No. 199 do pass.

Signed

Senator Bob Pipinich, Chair

Amd. Coord.

MY Sec. of Senate

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SENATE JOINT RESOLUTION NO. 2
INTRODUCED BY SENATE FISH AND GAME COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A JOINT STUDY OF THE OUTFITTING AND GUIDING BUSINESS BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THE DEPARTMENT OF COMMERCE; REQUIRING A REPORT OF THE STUDY RESULTS AS WELL AS ANY RECOMMENDATIONS FOR PROPOSED LEGISLATION TO THE FISH AND GAME COMMITTEES OF THE 54TH LEGISLATURE.

WHEREAS, outfitting and guiding is an important industry in Montana; and

WHEREAS, the Department of Fish, Wildlife and Parks has the responsibility to manage wildlife populations and the Department of Commerce is responsible for the issuance of licenses for outfitters and guides,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That in order to facilitate the planning and implementation of a viable outfitting and guiding industry while providing for minimum conflict among all resource users:

- (1) The Department of Fish, Wildlife and Parks and the Department of Commerce are directed to undertake and complete a joint study of the hunting outfitting and guiding business in Montana, including but not limited to:
  - (a) Determine, and to the extent practical, quantify the conflicts between outfitted and non-outfitted hunters.
  - (b) Assess the trends and amount of private lands leased to outfitters and the impacts on access by non-outfitted hunters and on game management.
  - (c) Develop strategies that minimize loss of non-outfitted hunting on public and private lands while maintaining a viable outfitting industry.
  - (d) Assess factors affecting the hunting outfitting industry and develop strategies to reduce the negative impacts.
- (2) The departments shall provide the public the opportunity to comment on the results of the study and any recommendations that result from the study.
- (3) The departments shall report the results of the study, as well as any recommendations for proposed legislation, to the Fish and Game Committees of the Senate and the House of Representatives during the first week of the 54th Legislature.

EXHIBIT ID. 2 53rd Legislature

DATE

SJR 0003/01

SENATE JOINT RESOLUTION NO. 3 INTRODUCED BY KENNEDY

AREAS AFFECTED BY GRAY WOLF RECOVERY PROJECTS, sugar been by a present to present the devolutions of present AGENCIES INVOLVED IN THE GRAY WOLF RECOVERY PROGRAM TO. CONDUCT BIG GAME HABITAN STUDIES IN AREAS AFFECTED BY THE REPRESENTATIVES OF THE STATE OF MONTANA URGING FEDERAL RECOVERY PROGRAM AND, WHERE FEASIBLE, TO IMPLEMENT HABITAT A JOINT RESOLUTION OF THE SENATE AND THE HOUSE BUL NO STR 3

increased predation of native big game species; and Liston MTONG OLLIS Statisme WHEREAS, Montana hunters should not suffer reduced reduce Montana big game hunting opportunities through and expansion of gray wolf habitest with affect and possibly hunting opportunities as a result of federal government WHEREAS, federal relatioduction, of gray wolf populations

Whence the expertise to flexibly moving gray wolone, I efforts to increase predator populations.

OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That federal land and wildlife management agencies wildlife ogrues to be strongly encouraged to finitiate and complete big game.

habitet studies in areas affected by the \*\*eintroduction, of

gray wolf populations and the expansion of gray wolf

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SJR 0003/01

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rear habitas. (2) That the appropriate federal agencies be strongly provided Advenced to State William Offencouraged to implement habitat improvement projects, where feasible, to increase big game populations in areas affected by gray wolf recovery projects.

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Director of the National Park Service, the Director of the Forest Service, the Director of the U.S. Fish and Wildlife Service, and the members of the Montana Congressional (43) That the Secretary of State send copies of this resolution to the U.S. Secretary of the Interior, the federal Bureau of Land Management, the Chief of the U.S.

slickly encouraged to personal corpers to owered the Endengers Species Cit. > (3) that the opposition

Delegation.

THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OPPORTUNITY. USO WILL STARE WILLIAM MONOGENTERINES OF THE SENATE AND THE HOUSE

INTRODUCED BILL 55R 3

#### MONTANA WILDLIFE FEDERATION

PROPOSED AMENDMENTS TO SB 20(

SENATE FIGH AND GAME

Page 1, line 14 1.

Following:

"and [section 2]"

Strike:

"require"

Insert:

"authorize"

2. Page 1, line 19

Following:

"practices."

Insert:

"The authorization for a special wild buffalo license is proposed in recognition and anticipation of the long term management agreement being prepared as part environmental impact study by the department of fish, wildlife and parks, department of livestock, national park service and the U.S. forest service."

3. Page 2, line 11

Following

"should be used"

Strike:

"whenever possible."

Insert:

"as part of sound game management."

Page 2, line 17 4.

Following:

Strike:

"responsible for and shall"

Insert:

"authorized to"

5. Page 3, following line 20,

Insert:

"(4) the department of fish, wildlife and parks and the department of livestock are strongly urged to enter into and implement an agreement with the national park service and U.S. forest service for the long term management of the Yellowstone national park

bison herd."

6. Page 3, line 22

Following:

"(1) The department"

Strike:

"shall"

Insert:

"is authorized to"

#### 53rd LEGISLATIVE SESSION

### FISH AND GAME COMMITTEE

PROXY VOTE

I, Senator	do hereby
grant my proxy vote follows:	to Chairman Ripinich or Secretary Collins as
BILLNUMBER (C	7 199
MOTION	68
Do Pass Yes	No 201
Do Not Pass Yes	No
Indefinitel Yes	y Postponed No
Tabled Yes	No
	, Lew Day
$\frac{2-4-93}{\text{Date}}$	Signature No
	SR3 NO
	5B200 NO
· ·	
	SB-199 Yes
	SB-201 NO
	1 SB167 4/2