

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Bob Pipinich, Chair, on February 9, 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: SB 115, SB 297
Executive Action: SB 115

HEARING ON SB 115

Opening Statement by Sponsor:

Senator Eve Franklin, Senate District 17, Great Falls, stated hunter safety instructors are a pivotal force in Montana's hunting heritage. Senator Franklin said hunter safety instructors are driven by the highest motives of volunteerism and altruism, and SB 115 is about supporting and acknowledging the efforts of these instructors. Senator Franklin stated that while the Department of Fish, Wildlife & Parks (DFWP) does attempt to acknowledge the efforts of the instructors, SB 115 seeks to provide, on request, a sportsman's license to the instructors

with long years of service. Senator Franklin asked the Committee to keep in mind, while listening to testimony, a couple issues she feels are critical to the premise of SB 115. First, the Department requires a hunter safety course, but they have no obligation to budget for this, and they depend on the voluntary service of the instructors. Should the Department actually have to pay the instructors, their classification would be a grade 9. Second, the premise of the fiscal note is based on the fact that all hunter safety instructors have been requesting sportsman's licenses. Senator Franklin stated she feels the fiscal note is somewhat inflated because it is not necessarily the case that all instructors would request a license. Rather than a cost to the Department, it should be viewed as a loss of revenue. Senator Franklin stated SB 115 was drafted at the request of hunter safety instructors.

Proponents' Testimony:

A.M. Bud Elwell, representing the Weapons Collection Societies of Montana, spoke from prepared testimony in favor of SB 115 (Exhibit #1).

Opponents' Testimony:

Jan Hamer, chief instructor for the Bowhunter Education program in Helena, spoke from prepared testimony in opposition to SB 115 (Exhibit #2). Ms. Hamer presented copies of signatures of hunter safety instructors who also oppose SB 115 (Exhibit #3).

Dan Sellers, representing himself, stated he opposes SB 115. Mr. Sellers said giving out hunting licenses to one group is discriminatory, and he feels if the instructors are to be compensated, it should be done monetarily.

Bill Holdorf, representing himself, stated he has been a hunter safety instructor for 24 years and has never expected to be compensated for the work he does. Mr. Holdorf said he strongly opposes SB 115.

Ron Weiss, President, Helena Sharpshooters Club, spoke from prepared testimony in opposition to SB 115 (Exhibit #4).

Jim Stipcich, representing himself, stated he is a bowhunter instructor and is opposed to SB 115 because he does not feel this type of compensation is necessary.

Jay Ramlo, a volunteer hunter safety instructor for 20 years, spoke from prepared testimony in opposition to SB 115 (Exhibit #5).

Informational Testimony:

Pat Graham, Director, DFWP spoke from prepared testimony for information purposes (Exhibit #6).

Questions From Committee Members and Responses:

Senator Beck asked Senator Franklin if she had instructors from her area who were interested in SB 115. Senator Franklin stated she was approached by the Montana Shooting Sports Association. Senator Franklin said she spoke with several instructors in her area who were pleased with SB 115.

Closing by Sponsor:

Senator Eve Franklin stated SB 115 is an important effort for those who brought it forth. Senator Franklin said individuals have the need and desire to articulate the way they best feel acknowledged and it will not be the same for everyone.

HEARING ON SB 297Opening Statement by Sponsor:

Senator Terry Klampe, Senate District 31, Florence, conducted a brief video presentation of Smith River. Senator Klampe stated the Fish, Wildlife & Parks Commission has done a lot of good things since the 1989 statutes to control the Smith River and should be recognized for that fact. Currently the river is restricted to nine launches per day, and Senator Klampe stated he feels that is fine; however, he feels there should be a couple changes in how the river is managed. Senator Klampe stated SB 297 is about the Smith River, and it deals with fairness. SB 297 addresses a problem that, if not dealt with now, could get out of hand. SB 297 seeks to control the number of people in a group on the river, reducing the number from 15 to 12. SB 297 also seeks to prevent the outfitters from selling their launches or permits.

Proponents' Testimony:

Stan Frazier, representing the Prickly Pear Sportsman's Club, stated he supports SB 297 basically on the issue of fairness to all. Mr. Frazier said Prickly Pear does not feel the state should be in the business of setting up special privileges on a natural resource.

Dan Sellers, representing himself, stated he supports SB 297, and the Smith River should be open to all Montanans who desire to float the river.

Nancy Davis, representing herself, stated the Smith River should be made available to everyone who wants to fish or float the river. The river is a public resource and "should not be zeroed in on 16 certain outfitters." Ms. Davis said in her personal experiences on Smith River, the outfitters she came across did not respect her rights to enjoy the river. Ms. Davis stated she did not feel it was right to commercialize a public resource.

Mike Meloy, representing himself, stated he has been floating the Smith River since 1963. Mr. Meloy said when he first started floating the river, it was rare to come upon other floaters; it wasn't until the 80s that a person would have to compete for campsites on the river. Toward the middle of the 1980s, the Department concluded that Smith River was becoming too crowded, and in the late 80s, the Department began talking about regulating the river. At this time the competition with outfitters for campsites increased dramatically. Mr. Meloy stated he has had a personal experience where every decent campsite on the river had a post declaring the campsite reserved for outfitters. Mr. Meloy said he feels the regulations the Department has come up with are more favorable to outfitters than they are to the general public, and if SB 297 does anything to address this issue, he supports it.

Opponents' Testimony:

Robin Cunningham, Executive Director, Fishing Outfitters Association of Montana (FOAM), spoke from prepared testimony in opposition to SB 297 (Exhibit #7).

John Kowalski, member of PRO Outfitters, stated the so-called "big bucks" for the outfitters is simply not there--the outfitters on the Smith River are not getting rich. Mr. Kowalski said he agrees with Mr. Cunningham that the efforts being undertaken concerning the Smith River deserve a chance to work, and for this reason he opposes SB 297.

Mike Bay, Smith River outfitter, stated a lot of people have put in a lot of work to clear up the problems concerning Smith River. Mr. Bay stated there have been compromises from both the public and the outfitters. Like Mr. Kowalski and Mr. Cunningham, Mr. Bay feels these efforts deserve the chance to work.

Jean Johnson, Executive Director, Montana Outfitters and Guides Association (MOGA), reiterated what the previous opponents said with regard to the work being done in the management of the Smith River and stated these efforts need more time to work. Ms. Johnson said SB 297 is not going to take care of the intolerance between the outfitters and the public.

Paul Roos, representing himself as an outfitter, stated not only does the outfitting industry need to be managed, but the resources in the state also need to be managed. Mr. Roos said the Department has been given the responsibility to manage those resources, and about three sessions ago, the legislative body allowed for the creation of the Board of Outfitters to manage the outfitting industry. Mr. Roos stated he realizes there are outfitters within the industry who reflect poorly on the other outfitters. Mr. Roos said he feels the Board of Outfitters should have more authority in order to better manage the outfitting industry, thereby better meeting the needs of the public also.

Jerry Wilkerson, representing himself, stated he opposes SB 297.

John Maki, outfitter on the Smith River, stated he realizes there are some problems on the Smith River, but the Department has plans being implemented along with the Smith River Management Plan, and he feels these plans should be given the opportunity to work. For that reason Mr. Maki opposes SB 297.

Informational Testimony:

Pat Graham, Director, DFWP, spoke from prepared testimony for informational purposes (Exhibit #8).

Questions From Committee Members and Responses:

Senator Mesaros stated that residents along the Smith River are pleased with the steps the Department has taken in the management of the river. Senator Mesaros asked Pat Graham to reflect on the involvement of the two river rangers as far as controlling the campsites along the river. Mr. Graham stated the river rangers serve a couple of functions. One is to assist people in putting in for campsites. Another function is to patrol the areas and make sure the sites are being kept clean and things are being done according to rules and regulations in order to maintain good relations with private landowners who provide private leases.

Senator Beck asked Pat Graham if the Department has any plans that could take care of some of the problems that SB 297 address. Mr. Graham stated there are attempts to insure that public citizens using the river have equal access to the campsites. Mr. Graham said the Department's intention is to allocate those campsites fairly.

Senator Beck asked Pat Graham if there were times when only a couple people use a launch or if the majority of the launches are filled to capacity. Mr. Graham stated most of the launches are not filled to capacity. The average is four for the public and seven for the outfitters. Senator Beck asked Mr. Graham if it were possible for people to double up and combine their launch. Mr. Graham said, "yes."

Senator Christiaens asked Pat Graham if there have been additional campsites developed. Mr. Graham stated there was one added last year, and there will be three added this year. Part of the limitation of the river is the campground facilities, and to a large degree, the river capacity is dependent on the campground facilities.

Closing by Sponsor:

Senator Klampe stated SB 297 is not an attempt to micromanage the Smith River, but rather it is a response to public complaint. SB 297 is an attempt to control the number of floaters and to control the institutionalization of commercialism on Montana's

streams. Regulation of the Smith River is a fact of life, and these problems need to be addressed because they are not going to go away. Senator Klampe urged the Committee's support of SB 297.

EXECUTIVE ACTION ON SB 115

Motion/Vote:

Senator Bianchi moved to TABLE SB 115. Motion CARRIED with Senator Forrester voting NO.

EXECUTIVE ACTION ON SB 297

Motion/Vote:

Senator Mesaros moved to TABLE SB 297. Motion CARRIED with Senators Klampe, Bianchi and Forrester voting NO.

EXECUTIVE ACTION ON SB 200

Senator Beck handed out copies of a resolution he feels the Committee should consider with regard to SB 200 (Exhibit #9).

Motion:

Senator Bianchi moved SB 200 DO PASS AS AMENDED.

Discussion:

Senator Crippen requested an update on SB 200. Andrea Merrill stated an April 1, 1995 effective date was amended to SB 200 at the Committee meeting of February 4. The amendments suggested by the Wildlife Federation did not pass.

Senator Bianchi stated the problem of going the route of Senator Beck's resolution is that it does not give the Department the authority to have the buffalo hunt, whereas SB 200 does give the Department the authority to do so.

Senator Mesaros asked if the bill would be telling the Parks System to hunt buffalo regardless of what the EIS comes up with if SB 200 was passed before the EIS was completed. Senator Mesaros said he feels it would be better to wait for the EIS to be completed and then proceed with a long-term management plan.

Senator Devlin stated his problem with SB 200 was the establishment of the hunting districts.

Senator Crippen stated he feels the Legislature should state that hunting will be one of the alternatives in the long-range management plan and let the Department take care of how that will be done.

Senator Beck stated there has to be some major amendments to SB 200 before he could support it. The resolution he presented emphasizes to the National Parks Service that they're the ones who are creating the buffalo problem and they have to stay in tune with the Department of Livestock and the DFWP to address this problem. The resolution is also saying to the DFWP that the Legislature expects hunting to be used as one of the methods of controlling the buffalo.

Senator Klampe stated the EIS is a study and what is being attempted is to tell them what their conclusions are before the study is completed. Senator Klampe commented to Senator Crippen that this does not sound right and will probably not sit well with the public. Senator Crippen stated he has seen what has happened in the past, and the Department needs the direction that the Legislature can give. Senator Klampe stated the EIS is to find solutions and this would give them a solution before the study is completed. Senator Crippen stated it would be giving them one solution. Senator Beck stated there is nothing in SB 200 or the resolution telling them they have to have the hunt, rather it is telling them to look at the option of hunting as a management tool.

Senator Bianchi asked Senators Beck and Crippen if lines 21-23 on page 2 were the problem for them. Senator Crippen stated that was one area of concern. Senator Beck asked Senator Bianchi what problem he had with the resolution he introduced. Senator Bianchi stated for one thing, the resolution is not binding; for another thing, it does not establish a hunting season.

Motion/Vote:

Senator Christiaens made a substitute motion that the Chairman appoint a subcommittee to work on SB 200 for presentation to the Committee at the next meeting. Motion CARRIED UNANIMOUSLY.

Senator Pipinich appointed Senators Bianchi, Beck, Christiaens and Crippen to the subcommittee.

ADJOURNMENT

Adjournment: 3:00 p.m.


SENATOR BOB PIPINICH, Chair


KATHY COLLINS, Secretary

BP/kc

ROLL CALL

SENATE COMMITTEE Fish & Game DATE 2-9-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Pipinich	✓		
Senator Forrester	✓		
Senator Klampe	✓		
Senator Nathe	✓		
Senator Devlin	✓		
Senator Mesaros	✓		
Senator Beck	✓		
Senator Crippen	✓		
Senator Christiaens	✓		
Senator Bianchi	✓		
Senator Jacobson	✓		

SENATE FISH AND GAME
EXHIBIT NO. 1
DATE 2-9-93
BILL NO. SB 115

S.B. 115 TESTIMONY

MR. CHAIRMAN MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS ALFRED M. (BUD) ELWELL AND I AM HERE ON BEHALF OF THE WEAPONS COLLECTION SOCIETIES OF MONTANA.

CURRENTLY, I AM ONE OF THE 700 ACTIVE HUNTER EDUCATION INSTRUCTORS IN THE STATE AND HAVE SERVED FOR OVER FIFTEEN YEARS. I AM ALSO A CERTIFIED INSTRUCTOR WITH THE NATIONAL RIFLE ASSOCIATION IN ALL SHOOTING DISCIPLINES.

S.B. 115 DEALS WITH MERITORIOUS VOLUNTARY SERVICE BY THE HUNTER EDUCATION INSTRUCTORS IN THIS STATE. THE PURPOSE OF THIS BILL IS TO RECOGNIZE THE SERVICE OF THESE VOLUNTEERS BY REQUESTING DEPT. OF FISH WILDLIFE AND PARKS TO ISSUE A SPORTSMAN LICENSE WITHOUT FEE, UPON REQUEST, TO ALL HUNTER EDUCATION INSTRUCTORS WITH TEN (10) YEARS CONTINUOUS SERVICE (OR TEN OF 11 YEARS), AND FOR EVERY YEAR, THEREAFTER, AS LONG AS THE INSTRUCTOR IS ACTIVE YEARLY. AFTER TWENTY YEARS OF CONTINUOUS SERVICE, HAS BEEN ATTAINED, A LIFETIME SPORTSMAN LICENSE SHOULD THEN BE ISSUED. THIS LICENSE WILL BE ISSUED ONLY UPON REQUEST OF THE INSTRUCTOR, AND BE VALID ONLY AS LONG AS RESIDENCY WITHIN THE STATE OF MONTANA IS MAINTAINED.

MONTANA HUNTER EDUCATION INSTRUCTORS GIVE GENEROUSLY OF THEIR TIME, FINANCES, AND RESOURCES TO THE YOUTH AND COMMUNITIES OF THE STATE. THESE TEACHERS PROVIDE INSTRUCTION, WITHOUT FEE, TO ANYONE WHO NEEDS, OR WANTS, A HUNTER EDUCATION CERTIFICATION FOR THE PURPOSE OF OBTAINING A HUNTING LICENSE IN THIS STATE OR WISHES TO ENHANCE THEIR KNOWLEDGE IN THE SAFE HANDLING OF FIREARMS. THESE UNSELFISH PEOPLE PROVIDE THIS SERVICE VOLUNTARILY AND WITH NO COMPENSATION.

THESE VOLUNTEERS SPEND HUNDREDS AND SOMETIMES THOUSANDS OF DOLLARS FOR TEACHING AIDS. HUNTER EDUCATION INSTRUCTORS ARE VERY DEDICATED AND BELIEVE THAT WHAT THEY ARE TEACHING IS VERY IMPORTANT. THEY COMMIT THEIR TIME, EFFORT AND ALMOST ALWAYS USE THEIR OWN PERSONAL FIREARMS FOR THEIR CLASSES. TO ENHANCE THEIR SKILLS AND TO BROADEN THEIR TEACHING ABILITIES THEY ATTEND WORK SHOPS AND SEMINARS, ALMOST ALWAYS AT THEIR OWN EXPENSE.

THE COURSE TAKES SIXTEEN HOURS OF CLASSROOM INSTRUCTION AND SOMETIMES A SATURDAY. THEN COMES SEVERAL HOURS OF PAPER WORK, AND THAT DOESN'T EVEN COUNT CLASS PREPARATION TIME, TRAVEL TIME, OR MEETINGS WITH THE OTHER INSTRUCTORS, AND SOMETIMES PARENTS.

HUNTER EDUCATION INSTRUCTORS ARE THE ONLY VOLUNTEERS IN THE STATE, WHICH THROUGH THEIR DIRECT ACTION GENERATES A SUBSTANTIAL AMOUNT OF REVENUE FOR THE STATE BY THE SALE OF HUNTING LICENSES. IT IS MANDATORY THAT ALL HUNTERS UNDER THE AGE OF EIGHTEEN (18) COMPLETE THIS COURSE BEFORE A HUNTING LICENSE CAN BE ISSUED. IN MOST CASES ANY HUNTER WHO APPLIES FOR AN OUT-OF-STATE LICENSE MUST COMPLETION OF A SAFETY COURSE

CURRENTLY, THERE ARE 66 ACTIVE INSTRUCTORS IN THE STATE THAT ARE ELIGIBLE FOR THE 10 YEAR CERTIFICATION, AND TWO HUNDRED TWENTY THREE (223) THAT COULD QUALIFY FOR THE LIFETIME RECOGNITION!

AS YOU CAN NOTE BY THE NUMBER OF ELIGIBLE TEN-YEAR AWARD INSTRUCTORS. IT WOULD SEEM THAT THE RECRUITMENT AND RETENTION OF QUALIFIED INSTRUCTORS, IS VERY DIFFICULT IN THE STATE OF MONTANA AND PASSAGE OF THIS BILL, AS WRITTEN, COULD BE THE INCENTIVE THAT WOULD KEEP A HIGHER PERCENTAGE OF GOOD QUALIFIED INSTRUCTORS IN THE PROGRAM. HISTORICALLY A HIGH PERCENTAGE OF THESE INSTRUCTORS LEAVE THE PROGRAM AFTER 3 TO 5 YEARS.

MOST OF THOSE OUTSTANDING INDIVIDUALS WHO HAVE QUIETLY SERVED FOR TWENTY YEARS ARE IN THERE LATE FIFTIES TO EARLY SIXTIES AND UPWARD. THE DEPARTMENT OF FISH WILDLIFE AND PARKS ALLOWS THOSE RESIDENTS OF MONTANA WHO HAVE ATTAINED THE AGE OF SIXTY THREE (63), TO PURCHASE THERE LICENSE AT HALF PRICE, DOES IT DOT SEEMS FAIR TO AWARD THOSE WHO HAVE DONE SO MUCH FOR SO LONG FOR SO LITTLE THE OTHER HALF.

WE ASK THAT YOU VOTE SENATE BILL 115 DO PASS AS DRAFTED.
THANK YOU, MR. CHAIRMAN MEMBERS OF THE COMMITTEE.

Testimony presented by Jan Hamer, Montana Bowhunter Association before the Senate and Game Committee.

Mr. Chairman and Committee members,

I am Jan Hamer and I am the chief instructor for the Bowhunter Education program here in Helena. As a "hunter education instructor" I can appreciate someone trying to provide increased recognition for all of our volunteer efforts. However, I am opposed to this bill.

If SB 115 was passed would we be able to provide quality instruction. I have heard some instructors say they were considering quitting because of "burnout". but would stay on now just to receive the free license. I ask you if they are burnt out now do you think that just having that license at the end of a tunnel is going to make them the quality instructor's to our new hunter's?

A hunter safety instructor is required to teach one class a year, with the minimum of 10 hours..the average is 18. in order to keep current. To reduce "burnout", team teaching is required in both programs. This allows the sharing of the time burden so no one instructor has to carry a full load. There are however, in a couple of cases where there are only one instructor.

Furthermore, the individual who asked this of Senator Franklin isn't looking out for all instructors. Even though it will be 5 more years, before any bowhunter instructor is eligible for this free license, no mention was given to include the volunteer bowhunter education instructor in the proposed legislation. There are over 350 Bow ed instructors.

The Fish, Wildlife & Parks already has workable recognition program. Those who need more maybe should re-evaluate their reasons for being an instructor.

I know that the Department of Fish, Wildlife & Parks have other Programs where they have volunteers assist them....will they be coming before you also, to ask for a free license?

I teach not to be given a license or any other recognition. I teach to give our youth and let time bowhunter's the skill needed to be a responsible, ethical hunter's. We all hope that what they learn in the short period of time we have them in our classes, will also give them the lifeskills to be more responsible and involved citizens.

My reward for teaching these classes are when you complete your class and have young men and women, father's and mother's thanking you for your time and telling you how they enjoyed the classes's. That's the recognition that is the best.

I ask you to oppose SB 115.

SENATE FISH AND GAME

AMOUNT NO 2
DATE 2-9-93
BILL NO SB 115

We, the undersigned, oppose SB # 115, as Volunteer Instructors, we do not want this concept acted on, if for no other reason, the undue financial costs it will incur on the Department of F, W & P. Because of this, we are signing this petition in OPPOSITION to this bill.

NAME	ADDRESS	PHONE #	YEARS INSTRUCT
Richard Parker	Whitefish	862-6753	7
Michael Shepard	Col Falls	892-3870	11
Thomas McArthur	Gr. Falls	761-1352	6
Dave Thutler	"	452-3238	6
Garth Epler	Billings	254-2270	6+
John L. Lantieri	BLGS	256-3731	1
John J. McDuff	Libby	293 5795	34
Robert E. Little	Butte	662-3427	25
Robert McElroy	Billings	259 2143	8
Rand M. Tschel		572 82 2018	4
Candace L. McBurn	Libby	293-5795	25
Melvin Kieninger	Shelby, MT	434-2722	5
John Collins	Sioux Falls, SD	252-1646	10
Michael A. Bracken	Shelby	434-5036	5
Anthony C. Costello	#151142	862-5979	6
Sammy White	2114 Galt Hall	259-7898	8
Mr. Dawson	Billings	256-0139	10
Ron Maden		256-7099	15
Art Wilson	Spokane	775-6332	27
W. L. Knapp		822-0741	7

NAME	ADDRESS	PHONE #	VRS INSTRUCTED
Steeve Osgood John Osgood	PO Box 641 Sunburst	937-6172	5
Stan J. Nuttall	P.O. Box 605 CHESTER	759-5526	5
Randy L. Allen	P.O. Box 625 Chester	759-5634	3
Charles D. Allen	PO Box 674 Chester	456-3226	1
Jan Hamer	3902 Wylwhe Helena	227-6003	5

SENATE FISH AND GAME
EXHIBIT NO. 4
DATE 2-9-93
BILL NO. SB 115

January 16, 1993

Senator Bob Pipinich, Chairman
Fish and Game Committee
State Capitol Building
Helena, Montana 59620

Dear Senator:

I'm writing to you in regard to SENATE BILL 115 "An Act Recognizing Hunter Safety Instructors...." I wish to oppose the bill. I have been involved in teaching fire arms safety for over 30 years and have been a quest hunter safety instructor for 17 plus years. The heart of these activities has been the volunteer nature of the instructors. The programs have always been volunteer in nature. This volunteerism has come from men and women from all walks of life. Volunteers have been responsible for providing thousands of hours of their time. This time has not only created effective high quality hunter safety and fire arms safety programs but has provided the "soft match" for the Pittman Robinson Hunter Safety funds. If this match is lost, then hard match, license fee funds, may be required to obtain the PR funds.

We do not need instructors who are interested in a paid benefit (salary) or free hunting privileges. We need instructors who freely give of their time. Those interested in the continuation of high quality programs, not special recognition.

What finer recognition can a volunteer receive than the satisfaction of being part of a first rate program and having former students come up and say "Thanks". Or the huge smile from the young hunter after taking their first game animal, "I got him with the first shot!"

I respectfully request you vote against SENATE BILL 115.

Ronald J Weiss
President,
Helena Sharpshooters Club
717 S. California
Helena, Montana 59601

SENATE FISH AND GAME

EXHIBIT NO. 5

DATE 2-9-93

BILL NO. SB 115

February 9, 1993

Senators:

I am in opposition to SB 115 "An Act To Recognize Hunter Safety Instructors"

I have been a volunteer hunter safety instructor for twenty years and Lewis & Clark County Chief Instructor for 16 years. The heart of the Hunter Education Program has been the volunteer instructors who are interested in maintaining a quality ~~and~~ ^{program} give freely of their time

Currently Instructors receive many benefits such as subscriptions to MONTANA OUTDOORS and HUNTER EDUCATION NEWSLETTER together with special discounts offered by various sporting goods businesses. Awards are also given recognizing years of service.

Awarding complementary hunting licenses would only serve to divert meager financial resources from those funds used to purchase much needed training aids such as video tapes and movies that are used by all instructors.

SB 115 will not benefit the Hunter Education Program. It would only serve to attract the type of Instructor who will have ever increasing requests for "pay" and/or "benefits".

I request a vote against SB 115.

Jay Ramlo
Chief Instructor, Lewis & Clark Co.
1 Capital Ct.
Helena, Mt. 59601

SB 115
February 9, 1993

**Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
before the Senate Fish and Game Committee**

This legislation proposes to give free sportsman's licenses to hunter safety instructors with over 10 years of service.

In a state where young hunter and first-time bowhunter education training is required by law, it's safe to say we owe much of our hunting heritage to these volunteer instructors. Since the inception of Montana's Hunter Education Program's in 1957, our volunteer instructors have certified nearly 250,000 students. Approximately 6,000 new hunters are certified annually.

Our Bowhunter Education instructors have certified an additional 3,100 students since that program's inception in 1988.

Perhaps the most revealing testament to the commitment of these instructors is the longevity of many of our volunteers. Nearly half our Hunter Education instructors have taught for 10 or more years, and nearly 20 percent for 20 or more years.

Before deciding the fate of this legislation, I would like to provide you with more background information:

- The Department of Fish, Wildlife and Parks initiated Hunter Education instructor recognition in the late '60s. Initially,

instructors were recognized for the number of students they certified. In addition, instructors who achieved 20 or more years of volunteer service were recognized.

- In an attempt to develop a recognition program that better suited the preferences of instructors, in 1986 we conducted a survey of our instructors. The majority of those who responded indicated that recognition and awards were not necessary. Teaching youth firearm safety, in their words, was fulfilling enough.

In spite of that response, the department opted for recognition at 10-year intervals. In addition to a plaque, they receive an engraved Buck knife for 10 years of service; a silver belt buckle for 20 years, and a Ruger .357 stainless steel revolver for instructors who teach 30 years.

- In 1989, the department increased the program to recognize instructors at 5-year intervals.

- Our current recognition program is as follows:

5 years	plaque
10 years	plaque and engraved Buck knife
15 years	plaque
20 years	plaque and Montana Silversmith belt buckle
25 years	plaque

30 years plaque and Ruger .357 stainless steel revolver
30 years+ Instructors' Hall of Fame enlarged plaque
 located in Fish, Wildlife and Parks offices.

- In addition to the above, the department provides instructors with a subscription to Montana Outdoors magazine, door prizes at workshops and reimbursement for out-of-pocket expenses for conducting courses and participating in instructor training workshops. The recent meeting in Billings attracted over 250 instructors. In addition, we encourage members of the local media and sportsmen's organizations to recognize volunteers for their efforts.

The department also has volunteers who assist us with many other efforts. As examples:

- There are over 250 volunteers in the Parks program.
- Over 75 volunteers assist our staff in the Great Falls headquarters.
- We have 20 volunteer Project WILD facilitators who assist us with youth education.
- Numerous volunteers also assist in the boat, snowmobile and OHV safety and education programs.

To this point, we have not provided complimentary or discounted licenses to any of these groups or any other persons.

Our best estimate is that the fiscal impact of SB 115 would be an annual reduction of \$36,672 in license fees paid to the department.

On behalf of the sportsmen and -women of Montana, we would again like to acknowledge and thank our volunteer instructors.

FISHING OUTFITTERS ASSOCIATION OF MONTANA

Testimony given before the Senate Fish and Game Committee regarding SB 297

POINT of AGREEMENT:

Reduction of the maximum group size from 15 to 12 persons per launch.

FOAM must consider the fisheries and recreational resource before any other aspect of our industry. This smaller group size will better achieve the three primary management plan goals and will certainly not harm any outfitter's business.

POINT of DISAGREEMENT:

Placement of unused individual outfitter allocated launches in the unassigned public launch pool.

This "use it or lose it" policy places unwarranted pressure on the outfitter to use his launches regardless of water conditions or floating pressure. During the prolonged drought years of the late '80s and early '90s, many Smith River outfitters chose not to launch during low-water periods or peak use periods, knowing that the fishing quality and floating experience would be substandard. Dragging a boat over rocks is not what any client has in mind for the Smith River experience.

Under this new policy, outfitter discretion would be pitted against possible loss of allocated days. Individual outfitters who chose not to launch in poor water conditions, during crowded periods, or who lost launches due to client cancellations for whatever reasons, would sacrifice their launches. Eventually, the overall pool of outfitter allocated launches could slowly, irreversibly revert to the public pool of launches - *a pool that suffers no such restrictions and could grow at the expense of the outfitter pool until the original allocations, based on historical use, are wiped out.*

It appears to us that the intent of this policy is to ultimately reduce outfitter use of the Smith River to zero. If so, what is its justification? If not, what other purpose does it promote?

POINTS of NEUTRAL COMMENT:

Redrawing authorized outfitters annually; nontransferable, unsellable launches; conditions of eventual sale of an outfitter business.

FOAM represents a mix of outfitters, some who employ no more than two employees and operate out of their homes, others who employ up to six guides and maintain fly and tackle shops, occasionally associated with accommodations and boat rentals. This diverse group holds a variety of opinions about annual drawings of "authorized" Smith River outfitters, commoditization of launches and the value of permits in the sale of an outfitting business.

SENATE FISH AND GAME

EXHIBIT NO. 7

DATE 2-9-93

BILL NO. SB 297

FOAM members have respect for historical use, individual effort, and the expense of acquiring and maintaining equipment appropriate for the Smith River and would consider an annual reshuffling of "authorized" outfitters an insurmountable burden for those who specialize in Smith River trips.

On the other hand, those FOAM members who utilize a number of rivers to provide variety for their clients would welcome the chance to float the Smith even once a season, most likely during off-peak periods, and would gladly participate in an annual drawing.

These two groups hold different views as to individual launches and overall permits as commodities that may increase the value of an outfitting business at the point of sale. Many feel that a service business like outfitting should not put any value on the privilege of using public waters for recreation. Others want their initiative and expense rewarded when they retire.

With such opposing and exclusive member opinions, FOAM cannot support or oppose these sections of SB 297, but calls for continued dialogue *within the framework of the current Smith River Management Act* to work out a compromise solution.

OVERALL POSITION:

FOAM would like to see the current Smith River Management Act, the 1993 Smith River Allocation Rule, and work on the proposed 1994 Biennial Fee Rule continue. We think it's inappropriate to seek legislative remedy to an act barely underway. Many groups have worked long and hard to develop the Act, public comment was taken at every stage of development of the current rules, and these efforts deserve a chance to work.

Accordingly, FOAM OPPOSES SB 297.

SENATE FISH AND GAME

EXHIBIT NO.

8

DATE

2-9-93

SB 297

February 9, 1993

BILL NO.

SB 297

**Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
before the Senate Fish and Game Committee**

The Smith River is a valuable Montana resource. Its aesthetic beauty and prime fishing opportunities are enjoyed by many floaters each year. The demand for this resource has led to river management, primarily to reduce social conflicts. A chronology of events associated with the extensive public involvement and rule development, and the current annual fee and river floating regulations adopted by the Fish, Wildlife and Parks Commission, are provided in an attachment.

SB 297 provides a floating group size limit which we feel is best left to the commission to allow flexibility, up or down, depending on changes in use patterns, river conditions and other unanticipated factors.

The adoption of the outfitter allocation process recommended in SB 297 could be accommodated by the department, but would negate two or more years of work developing a compromise process among all affected parties.

A CHRONOLOGY OF MANAGEMENT ACTIONS ON THE SMITH RIVER

- 1981 - seasonal river ranger hired, brochure published.
- 1984 - Smith River Ad Hoc Committee formed to advise Department on management issues.
- 1988 - Smith River Management Plan developed.
- 1989 - Smith River Management Act becomes law.
- 1990 - first extensive public survey on user preferences completed.
 - first tentative annual fee rule released for public comment.
- 1991 - FWP Commission adopts annual fee rule for 1991 float season.
 - mid-1991, second extensive survey of public preferences completed.
 - late 1991, FWP Commission adopts same fees for 1992 and 93 float seasons.
 - late 1991, FWP Commission addresses limiting launches, outfitter allocation, and outfitter permits, and institutes a moratorium on new outfitters.
- 1992 - FWP Commission establishes 1992 float season allocation for outfitters with assistance from the Board of Outfitters.
 - FWP Commission adopts annual rules for 1992 on outfitter permits and transfer policy.
 - third extensive survey of public attitudes completed.
 - late 1992, FWP Commission approves 1993 float season comprehensive annual rule, including limits on daily launches, launch limits for outfitters (including a cap of 73 launches per year), an increase in outfitter client fees, establishment of a corridor enhancement account, a permit and launch transfer procedure, and outfitter launch allocations.

HIGHLIGHTS OF THE 1993 FWP COMMISSION RULES FOR THE SMITH RIVER
These rules were adopted by the Fish, Wildlife and Parks Commission as part of the biennial fee rule and during its October, 1992 meeting.

- Fees for private floaters: \$15 per person (age 12 or up).
- Fees for outfitters: \$15 per staff, \$65 per client, \$175 per launch.
- \$50 of the client fee and 10% of all other fees collected are deposited into the corridor protection account.
- The river capacity is set at 9 launches per day, 8 of which are set aside for private floaters (except on Tuesdays and Wednesdays, when 7 are set aside for private floaters). The remaining launches are set aside for outfitters, but if they do not use them they are available to private floaters.
- Group size is limited to a maximum of 15 floaters per launch.
- All floaters must declare where they intend to camp along the river.
- Outfitter launches are capped at 73 per year.
- Permanent permit transfers will only be approved if they include all allocated launches. Individual launch transfers (both temporary and permanent) are permitted only within the group of authorized outfitters. Temporary transfers may be as few as one launch.
- There is mandatory pre-registration for outfitters and private floaters, along with a fee (\$175 and \$15 respectively) that counts toward the total float fee.
- Fee and group size limits may be waived for educational groups.

SENATE FISH AND GAME

EXHIBIT NO. 9

DATE 2-9-93

BILL NO. SB 200

SJR _____

DRAFT

WHEREAS, bison numbers in Yellowstone National Park have increased from about 400 in the late 1960's to over 3,000 today, and

WHEREAS, this bison herd is infected with brucellosis, a disease that can cause ungulate fever in humans and abortion in cattle, and

WHEREAS, bison leave Yellowstone Park and enter Montana causing damage to private property and threatening Montana's brucellosis-free status which, if lost, would cost the livestock industry at least \$3 million/year, and

WHEREAS, the State of Montana, National Park Service and U.S. Forest Service have entered into an agreement to develop an EIS and long-term management plan for control and management of the bison population,

NOW, THEREFORE, BE IT RESOLVED that the Montana Legislature urges the state departments of Fish, Wildlife & Parks and Livestock to continue work on an EIS and long-term management plan that ensures the National Park Service will be an active partner in control of bison numbers, and if the federal government does not proceed in good faith in a timely manner to respond to the needs of Montana, the departments are urged to take appropriate control action, and

BE IT FURTHER RESOLVED, the legislature urges that the EIS evaluate

hunting as one of the methods for control of bison where practical, and include hunting as an alternative in the EIS, and

BE IT FURTHER RESOLVED, that the plan protect the interest of the State of Montana and the agencies report the results of the planning process to the 54th Legislature.

DATE 2/9/93

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: SB 115 Franklyn, SB 297 Klampe

Name	Representing	Bill No.	Check One Support Oppose	
Jerry Wilkerson	Ind Contractor	297		X
John MAKI	John MAKI Outfitters	297		X
ROBIN CUNNINGHAM	FISHING OUTFITTERS ASS'N. OF MONTANA	297		X
Jay Ramlo	Montana Hunter Education Inst	115		X
Nancy Davis	Self	297	✓	
Nancy Davis	Self	297	✓	
Dan Sellen	Self	115		✓
Paul Zamen	Montana Bowhunters	115		✓
Bill Holdorf	SELF	115		✓
Gene [unclear]	FWP	297		
Jeffrey Tuberi	"	"		
Doug Habermann	"	"		
Stan Frosier	Prickly Pear Sportsman	297	X	
Ron Weiss	Helena Sharpshooters	SB 115		✓
Paul Roos	Paul Roos Outfitters	SB 297		✓
A. M. (Bud) Elwell	WESTON - NW WC	SB 115	✓	
Jim Stipich	Self	SB 115		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2/9/93

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: SB 115, SB 297

Name	Representing	Bill No.	Check One	
			Support	Oppose
John Kowalski	PRO Outfitters	297		✓
Stan Bradshaw	Montana Bowhunters	SB 115		✓
Mike Ban	High Plains Outfitters	297		✓
Paul D. Johnson	MOGA	297		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY