

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By **VICE-CHAIRMAN BILL REHBEIN**, on January 24,
1995, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Douglas T. Wagner, Chairman (R)
Rep. William Rehbein, Jr., Vice Chairman (Majority) (R)
Rep. Emily Swanson, Vice Chairman (Minority) (D)
Rep. Charles R. Devaney (R)
Rep. Jim Elliott (D)
Rep. Daniel C. Fuchs (R)
Rep. Marian W. Hanson (R)
Rep. Hal Harper (D)
Rep. Chase Hibbard (R)
Rep. Dick Knox (R)
Rep. Brad Molnar (R)
Rep. Robert J. "Bob" Pavlovich (D)
Rep. Bob Raney (D)
Rep. Robert R. "Bob" Ream (D)
Rep. Paul Sliter (R)
Rep. Bill Tash (R)
Rep. Jack Wells (R)

Members Excused: Rep. Rod Marshall (R)

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council
Mary Riitano, Committee Secretary

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

Committee Business Summary:

Hearing: SB 70
Executive Action: HJR 8 DO PASS
SB 70 BE CONCURRED IN

{Tape: 1; Side: A; Approx. Counter: 000; Comments: N/A.}

HEARING ON SB 70

Opening Statement by Sponsor:

SENATOR MACK COLE, Senate District 4, Hysham, stated that in order to comply with federal regulations, SB 70 amends the current law to require migratory game bird hunters to purchase a waterfowl license. Under the current law, the privilege to hunt migratory game birds is split between two licenses, the upland game bird license and waterfowl license. In order to better manage waterfowl, the federal Fish and Wildlife Service is requiring all states to survey migratory game birds. Under the federal rules, all 80,000 upland game bird license holders must be surveyed. The proposed change in the law will require the 2,100 people who use the upland game bird license to hunt webless migratory game birds to purchase waterfowl licenses. These individuals will be included in the federal survey. The remaining 77,900 people who buy upland game bird licenses will be omitted from the survey. The draft fiscal note shows a savings of approximately \$55,000 per year as a result of this change. He believed the money-saving benefits, along with avoiding an inconvenience to thousands of hunters who do not need to be surveyed, were persuasive reasons to pass this bill.

Proponents' Testimony:

Pat Graham, Director, Fish, Wildlife and Parks Department, submitted written testimony in support of the bill. In addition, he presented several other fact sheets that indicated license types and the number sold, fee impact on hunters, and a copy of the fiscal note for the bill. In summary, the department believed the legislation amends the licensing statutes to better align with survey requirements of the U.S. Fish and Wildlife Service. As a result, \$55,000 will be saved, better data will be obtained to manage migratory waterfowl, and there will be minimal impact on hunters. **EXHIBIT 1**

Janet Ellis, Montana Audubon Legislative Fund, expressed support for the bill. She stated the survey would provide valuable information for better management of waterfowl and also saves the department money.

Jim Richard, Montana Wildlife Federation, testified in support of the bill. Initially, he was concerned that some of his constituents would have a problem buying a waterfowl license in order to hunt this particular group of birds. In checking with his people, he found that most of them did not find it an inconvenience.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. JACK WELLS asked **Mr. Graham** if a hunter had to buy a upland game bird license before obtaining a duck stamp in the past. **Mr. Graham** referred the question to **Don Childress, Department of Fish, Wildlife and Parks**. He said prior to 1985 this was true. Currently, there are two separate licenses and each bird group can be hunted independently.

REP. BILL TASH expressed concerns from his constituents about the complexity of all the different licenses. He asked for **Mr. Graham's** comments. **Mr. Graham** said the federal license requirements require the department to have the waterfowl survey. As a result, they have tried to redesign the licenses so that it is convenient to provide survey information to the federal government with minimal impact to Montana hunters. Part of the complication with other licenses occurs as a result of combining licenses. Traditionally, people thought nonmigratory webless birds belonged in the upland game bird category, but they are migratory birds.

REP. PAUL SLITER remarked that the mourning dove season opened in the 1st week of September. He asked **Mr. Graham** if the department anticipated changing mourning dove season to coincide with the migratory waterfowl season. **Mr. Graham** said they did not plan on changing it.

Closing by Sponsor:

SEN. COLE felt that SB 70 was a good bill and it will be advantageous to most everyone involved. He urged the committee to concur with the bill.

EXECUTIVE ACTION ON HJR 8

Motion: **REP. SLITER MOVED HJR 8 DO PASS.**

Discussion:

REP. HAL HARPER commented that the cost of preparing each piece of legislation was approximately \$4,000. He hoped that HJR 8 was worth the expenditure.

REP. BRAD MOLNAR voiced concern over "meaningless" resolutions. He did not want to see the "legislature work just to talk to itself." He thought the bill would accomplish a lot. He remarked that the state has tried to get the federal government to listen, but with no results. Hopefully, HJR 8 will get the message across and they will listen.

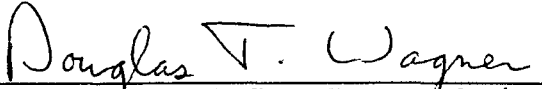
Vote: MOTION CARRIED 15 TO 3 WITH REPS. HARPER, SWANSON, and REAM VOTING NO.

EXECUTIVE ACTION ON SB 70

Motion/Vote: REP. DICK KNOX MOVED SB 70 BE CONCURRED IN. Motion carried unanimously. CHAIRMAN WAGNER abstained.

ADJOURNMENT

Adjournment: 3:35 p.m.



REP. DOUG WAGNER, Chairman



MARY RIITANO, Secretary

DW/mr

HOUSE OF REPRESENTATIVES

Fish and Game

ROLL CALL

DATE January 24, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Doug Wagner, Chairman	✓		
Rep. Bill Rehbein, Vice Chairman, Majority	✓		
Rep. Emily Swanson, Vice Chairman, Minority	✓		
Rep. Charles Devaney	✓		
Rep. Jim Elliott	✓		
Rep. Daniel Fuchs	✓		
Rep. Marian Hanson	✓		
Rep. Hal Harper	✓		
Rep. Chase Hibbard	✓		
Rep. Dick Knox	✓		
Rep. Rod Marshall			✓
Rep. Brad Molnar	✓		
Rep. Bob Pavlovich	✓		
Rep. Bob Raney	✓		
Rep. Bob Ream	✓		
Rep. Paul Sliter	✓		
Rep. Bill Tash	✓		
Rep. Jack Wells	✓		



HOUSE STANDING COMMITTEE REPORT

January 26, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that House Joint Resolution 8 (first reading copy -- white) do pass.

Signed: Douglas T. Wagner
Doug Wagner, Chair

Committee Vote:
Yes 15, No 3.

221053SC.Hdh



HOUSE STANDING COMMITTEE REPORT

January 27, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 70 (third reading copy -- blue) be concurred in.

Signed: Douglas T. Wagner
Doug Wagner, Chair

Carried by: Rep. Harper

Committee Vote:
Yes 16, No 0.
(1 Abstained)

231356SC.Hbk

Bill Tash

HJR

8- year

1/24/95-

SB-70

year

HOUSE OF REPRESENTATIVES

ABSENTEE VOTE

Date 1/24/95

Mr. Chairman/Mr. Speaker:

I, the undersigned member, hereby vote absentee on:

HJR Bill No. 8

Representative [Signature] voting _____ (aye or no)

Rod Marshal

TSB70P.H

Senate Bill 70
January 24, 1995
Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the
House Fish and Game Committee

Senate Bill 70 proposes changing the migratory game bird license structure to allow for the efficient surveying of waterfowl hunters in Montana. The federal Fish and Wildlife Service (FWS) has the primary responsibility for managing migratory game birds throughout the country. The FWS regulation, which includes a five year phase-in beginning in 1993, requires states to survey migratory game bird hunters. The quality and amount of information about harvest of migratory game birds must improve in order to better manage these populations and prevent legal challenges.

The federal rules require the department to furnish information on all migratory game bird hunters. This includes waterfowl as well as other migratory birds such as coot, crane, snipe, and mourning dove.

The present law in Montana distinguishes between upland game bird and waterfowl hunters. The law defines upland game birds to include not only pheasant, sharptail, and partridge, but also the migratory webless coot, crane, snipe and mourning dove. The department sells over 80,000 upland game bird licenses. Most of these licenses are sold in combination with other licenses. For instance, the resident sportsmen license includes 6 licenses, one of which is the upland game bird license. The attached table shows the various license types that include an upland game bird license.

In order to comply with the federal requirements, data would have to be gathered on all 80,000 license purchasers since they are licensed to hunt webless migratory birds. In a recent survey completed by the department, it was found that only 2,100 of the 80,000 upland game bird license holders use the license to hunt webless migratory birds. The department is recommending the definition of the upland game bird license be changed to exclude webless migratory game birds, and the waterfowl license be amended to include them.

If this legislation is passed, there will be a savings of approximately \$55,000 annually because there will be 77,900 fewer surveys done each year. The bill may generate additional revenue if the 2,100 hunters who hunt webless migratory birds with the current upland game bird license buy both a waterfowl license and an upland game bird license in the future. To offset this impact, hunters who hunt waterfowl and webless migratory birds will buy one license instead of two.

In summary, I believe this legislation is about efficient government. The legislation amends the licensing statutes to better align with survey requirements of the USFWS. The benefits include:

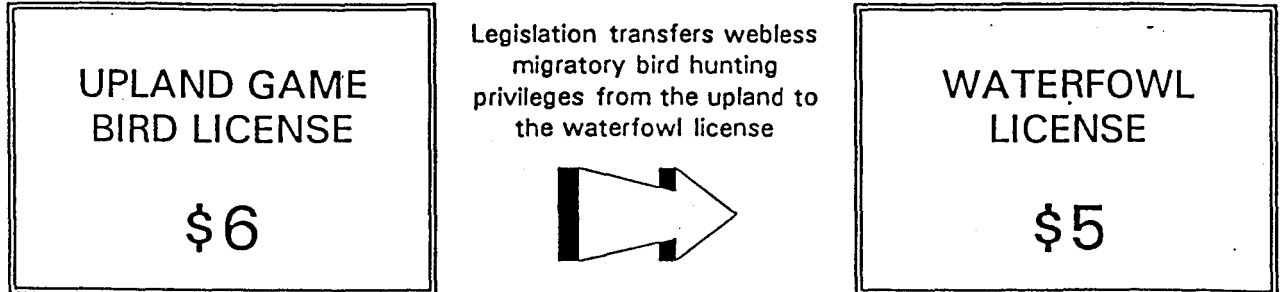
- Omitting over 77,000 needless surveys. This means less inconvenience to hunters by narrowing the group surveyed to only those who hunt migratory game birds.
- Reduced costs. The legislation will save \$55,000 of hunting and fishing license revenue.
- Minimal impact on the hunter.
- Better data to manage migratory waterfowl.

With this explanation I urge your passage and approval of SB70.

EXHIBIT 1
DATE 1-24-95
SB 70

<u>License Type</u>	<u>Approximate # Sold</u>
Resident Bird	32,000
Resident Sportsmen	18,000
Nonresident Bird	7,000
Nonresident Big Game Combo.	17,000
Nonresident Deer Combo.	<u>6,000</u>
Total	80,000

SB 70



IMPACTS ON HUNTERS

1. Hunters who exclusively hunt webless migratory game birds can downgrade from a \$6 license to a \$5 license and save \$1.
2. Hunters who hunt only webless migratory and waterfowl may eliminate purchasing the upland game bird license and save \$6.
3. Hunters who hunt only upland game birds and webless migratory game birds will have to pay an additional \$5.

NO NET INCREASE IN FEES

The fiscal note projects no net additional revenue to FWP, and a cost savings of \$55,000 annually.

STATE OF MONTANA - FISCAL NOTE

EXHIBIT 1Fiscal Note for SB 70, as introduced,DATE 1-24-95SB 70DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the purchase of a migratory bird stamp for the hunting of all migratory game birds.

ASSUMPTIONS

1. There are approximately 80,000 upland game bird hunters and 16,000 waterfowl hunters.
2. To meet federal requirements under the current law, license agents and the department would have to gather information on 96,000 hunters. (80,000 upland game bird hunters and 16,000 waterfowl hunters)
3. Under the proposed law, information would have to gathered on only 18,100 hunters.
4. It costs \$0.70 to gather information on each hunter. This includes license agent commissions, postage and printing.
5. There are approximately 2,100 hunters who previously hunted webless migratory birds with an upland game bird license that would be required to purchase a waterfowl stamp for \$5.00. This will provide additional revenue to the department of \$10,500 (2,100 x \$5).

EXPENDITURES

FY 96

FY 97

Annual Operating Cost Savings
(77,900 fewer hunter surveys @
\$0.70 each)

(\$54,530)

Funding

State Special Rev. (02)

(\$54,530)

REVENUES

Migratory Bird Stamp Sales

\$10,500

Funding

State Special Rev. (02)

\$10,500

FISCAL IMPACT

Fewer hunter surveys will result in annual savings of \$54,530; and increased annual revenue of \$10,500 for the migratory bird program.

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

MACK COLE, PRIMARY SPONSOR DATE

Fiscal Note for SB 70, as introduced

Fiscal Note Prepared by: David Clark-Snustad
Agency: Fish, Wildlife & Parks
Telephone Number: 444-4776 / 933-5636 (H)

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

FISH & GAME COMMITTEE DATE January 24, 1995
 BILL NO. SB 70 SPONSOR(S) Senator Cole Rep. Harper, Crossfield

PLEASE PRINT

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dave Matt	FWP	X	
Pat Gaudin	FWP	✓	
Jim Richard	MWF	✓	
Janet Ellis	MT Audubon	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.