

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on March 14, 1995, at
3:30 p.m.

ROLL CALL

Members Present:

Sen. Kenneth "Ken" Mesaros, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. William S. Crismore (R)
Sen. John R. Hertel (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Judy H. Jacobson (D)
Sen. Terry Klampe (D)
Sen. Bob Pipinich (D)

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Serena Andrew, Committee Secretary

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

Committee Business Summary:

Hearing: HB 433, HB 439
Executive Action: HB 375, HB 384, HB 433, HB 439, HB 464

{Tape: 1; Side: A}

HEARING ON HB 439Opening Statement by Sponsor:

REPRESENTATIVE KARL OHS, HD #33, HARRISON, told the committee the bill was meant to deal with the relationship between landowners and the Department of Fish, Wildlife & Parks (DFWP). He thought it would also be good for the department to become aware of landowners' concerns, as a great deal of attention has already been given to landowner-sportsman relations.

REPRESENTATIVE OHS said he had found out a great deal about the situation since introducing HB 439, and the bill had really gone too far at the beginning. There is tension in some parts of the state, but requiring written permission from a landowner before a warden could enter private property would have made enforcement activities more difficult. Also, some landowners who are involved in illegal activities might have been able to escape detection. The intent of the bill is to make it department policy to work with landowners. If enacted, this bill would be something the department could live with while addressing a serious problem.

Proponents' Testimony:

CHRIS MEHUS, Montana Stockgrowers Association, supported the bill because some landowners need more cooperation. He acknowledged that good relationships exist in some areas, and he didn't want to see those relationships jeopardized.

BOB LANE, Chief Legal Counsel, DFWP, supported the bill as amended. He said the department had concerns about the bill as originally written, but felt it could be good in its present form (EXHIBIT #1).

FRED HAPPEL, Montanans for Better Government, supported the bill but urged it be returned to its original form.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR HERTEL asked for a specific example of problems this bill was expected to correct. REPRESENTATIVE OHS responded that in most cases where there has been a problem, it was caused by a personality conflict. He thought people should sit down and discuss a problem.

SENATOR HERTEL commented that it would be fairly difficult to establish specific policy because concerns vary from ranch to ranch.

Closing by Sponsor:

REPRESENTATIVE OHS said the amendments changed the bill from a law to a policy and the department was cooperative in working it out. He urged support of HB 439.

EXECUTIVE ACTION ON HB 439

Motion:

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, MOVED TO CONCUR IN HB 439.

Vote:

THE MOTION TO CONCUR IN HB 439 CARRIED BY UNANIMOUS VOTE OF THE COMMITTEE. SENATOR BOB PIPINICH, SD #29, MISSOULA, OFFERED TO CARRY THE BILL ON THE FLOOR.

EXECUTIVE ACTION ON HB 375

Motion:

SENATOR WILLIAM CRISMORE, SD #41, LIBBY, MOVED TO CONCUR IN HB 375.

Vote:

THE MOTION TO CONCUR IN HB 375 CARRIED BY UNANIMOUS VOTE OF THE COMMITTEE AND SENATOR CRISMORE OFFERED TO CARRY THE BILL ON THE FLOOR.

EXECUTIVE ACTION ON HB 384

Motion:

SENATOR CRISMORE MOVED TO CONCUR IN HB 384.

Vote:

SENATOR PIPINICH VOTED NAY ON THE MOTION TO CONCUR IN HB 384; THE REMAINDER OF THE COMMITTEE VOTED AYE AND THE MOTION CARRIED. SENATOR CRISMORE OFFERED TO CARRY THE BILL ON THE FLOOR.

EXECUTIVE ACTION ON HB 464

ANDREA MERRILL, Legislative Council Staff, told the committee there was an amendment from DFWP that read: On page 2, line 24, strike "and any fish pond license number."

BOB LANE said this amendment came from the request of a hatchery operator who had told the committee it might be difficult for some pond owners to find their license numbers. The department agreed to check the numbers.

Motion:

SENATOR JUDY JACOBSON, SD #18, BUTTE, MOVED THE AMENDMENT AND IT CARRIED BY UNANIMOUS VOTE.

Motion/Vote:

SENATOR JACOBSON MOVED TO CONCUR IN HB 464 AS AMENDED AND THE MOTION CARRIED BY UNANIMOUS VOTE. SENATOR JACOBSON OFFERED TO CARRY THE BILL.

INFORMATIONAL TESTIMONY ON SB 210

SENATOR PIPINICH told the committee the Bowhunters Association had brought to his attention some concerns regarding the statement about baiting that was found in SB 210.

JIM BRADFORD, Montana Bowhunters Association, said the bill stated the only odors that can be used while hunting are those used to mask the scent of the human body. The Bowhunters would be upset if they couldn't place scent on the ground as a lure. They were talking about scent, not something an animal could eat (bait). Mr. Bradford said the bill would be coming back to the Senate floor.

SENATOR AL BISHOP, SD #9, BILLINGS, stated that he had never intended to prohibit the use of scents.

SENATOR BRUCE CRIPPEN, SD #10, BILLINGS, asked the department to respond. BEATE GALDA, Law Enforcement Administrator, DFWP, replied that the department had not interpreted the bill as narrowly as the bowhunters. There had been no intention to forbid spraying the ground or around trees to mask human scent.

SENATOR PIPINICH said he always used elk scent to make a trail. SENATOR BISHOP agreed that he had also used scent. SENATOR PIPINICH asked that the section of SB 210 dealing with scents be removed.

MS. GALDA asked that the entire section not be struck. The problem has been with bear baiting where foodstuffs are used. She remarked that the bill had already gone to the House.

MR. BRADFORD commented that the matter had been brought to his attention at the recent Bowhunters convention. He suggested adding "...intended for the animal to eat."

SENATOR BISHOP said he had been using scent for years; bowhunters do it to attract animals. Mr. Bradford said that was a lure, not a bait.

CHAIRMAN MESAROS said it would be necessary to find out exactly where the bill was at that time, and he was not sure the issue could be addressed again in the Senate.

SENATOR BISHOP suggested to Ms. Galda that the department should establish its position and perhaps amend the bill on the House floor - then the Senate could accept the House amendments. He asked her to track this issue and let him know, as he had introduced the bill.

HEARING ON HB 433

Opening Statement by Sponsor:

REPRESENTATIVE ED GRADY, HD #55, CANYON CREEK, told the committee the bill had to do with a Youth Hunting Program for Montana. It would direct the Fish, Wildlife & Parks Commission to set up the program. He thought young people should be taught how to hunt properly.

Proponents' Testimony:

JEAN JOHNSON, Executive Director, Montana Outfitters & Guides Association (MOGA), said her organization wanted to see this bill pass. MOGA felt that the only way to battle the anti-hunting sentiment would be to begin with children, and established the "Kidfitters" Camp to show young people the great outdoors. MOGA supported the bill, commended REPRESENTATIVE GRADY, and hoped to be involved in the program.

BETH WHEATLEY, Montana Wildlife Federation (MWF), stated that the bill would promote outdoor education and help young people learn about their relationship to the environment. MWF strongly supported the bill.

BOB LANE commented that the bill recognized the Montana tradition of hunting (EXHIBIT #2) and supported the bill.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR PIPINICH stated that the committee chairman, KEN MESAROS, has a block of land where he lets young people hunt. The fathers can go out with them, but they cannot hunt. He commended the chairman for his efforts on behalf of Montana youth.

SENATOR CRISMORE asked REPRESENTATIVE GRADY what kind of program would result from his bill.

REPRESENTATIVE GRADY said it would be a lot like what SENATOR MESAROS is doing. The Grady Ranches had discussed similar programs. A number of things could be done, but he suggested leaving the actual programs up to the Fish, Wildlife & Parks Commission.

SENATOR BISHOP asked what ages would be included in the "youth" category. REPRESENTATIVE GRADY said it would begin with Hunter Safety at 12 and probably go up to 16 or 18, but the commission would decide.

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, asked if anyone had worked with the Yellowstone Boys Ranch or Big Brothers and Sisters.

REPRESENTATIVE GRADY said he didn't know.

MS. JOHNSON remarked that the children attending the Kidfitters Camp were referred by Big Brothers and Sisters.

Closing by Sponsor:

REPRESENTATIVE GRADY said he thought it was a good bill and SENATOR BECK had offered to carry it on the floor.

EXECUTIVE ACTION ON HB 433

Motion:

SENATOR PIPINICH MOVED TO CONCUR ON HB 433.

Vote:

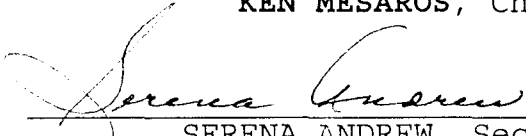
THE MOTION TO CONCUR ON HB 433 CARRIED BY UNANIMOUS VOTE OF THE COMMITTEE.

ADJOURNMENT

Adjournment: The meeting adjourned at 4:55 p.m.

{This meeting is recorded on Side A of one 60-minute tape.}


KEN MESAROS, Chairman


SERENA ANDREW, Secretary

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL

DATE _____

3/14/95

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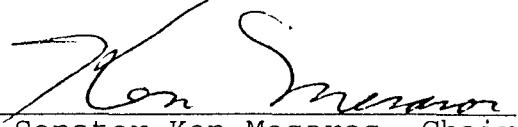
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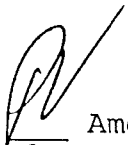
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration HB 439 (third reading copy -- blue), respectfully report that HB 439 be concurred in.

Signed: 
Senator Ken Mesaros, Chair


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Amd. Coord.
Sec. of Senate

SEN. PIPINICIT
Senator Carrying Bill

601111SC.SPV

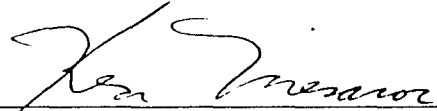
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration HB 375 (third reading copy -- blue), respectfully report that HB 375 be concurred in.

Signed: _____


Senator Ken Mesaros, Chair


SP

Amd. Coord.
Sec. of Senate

SEN. CRIPPEN
Senator Carrying Bill

601112SC.SPV

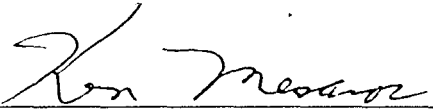
SENATE STANDING COMMITTEE REPORT


Page 1 of 1
March 15, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration HB 384 (third reading copy -- blue), respectfully report that HB 384 be concurred in.

Signed: _____


Senator Ken Mesaros, Chair


Amd. Coord.

Sen. Sec. of Senate

SEN. CRISMORE
Senator Carrying Bill


601114SC.SPV

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration HB 464 (third reading copy -- blue), respectfully report that HB 464 be amended as follows and as so amended be concurred in.

Signed: 


Senator Ken Mesaros, Chair

That such amendments read:

1. Page 2, line 24.

Strike: "and any fish pond license number"

-END-

 Amd. Coord.

Sec. of Senate

SEN. JACOBSON
Senator Carrying Bill

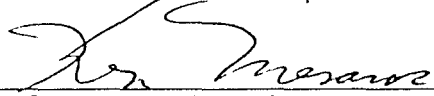
601115SC.SPV


SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1995

MR. PRESIDENT:

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Signed: 
Senator Ken Mesaros, Chair

 Amd. Coord.
SA Sec. of Senate

SEN. BECIC
Senator Carrying Bill

601109SC.SPV

House Bill No. 439
March 14, 1995
Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the Senate Fish and Game Committee

The Department supports and recognizes the need for better communication with private landowners. Much of Montana's wildlife is found on privately owned lands, and we estimate that over 70 percent of the wildlife harvested is taken from private lands. The Department's enforcement of hunting, trapping, and fishing laws and regulations greatly depends on the ability to enter private lands.

The relationship of the game warden and the landowner is mutually beneficial. Wardens have always been the first line of communication for landowners, responding to trespass, game damage, and complaints of illegal activities including spotlighting and poaching. The Legislature maintained the special bond between landowners and game wardens by giving wardens the authority to enforce laws on criminal trespass, hunting without permission, driving off established trails, littering, and other laws where the warden has a duty to assist landowners with resource and landowner related concerns.

Wardens as a rule do not enter private property except to regulate the taking of wildlife or to check for trespass or unlawful entry to the private lands. In most cases this regulation does not involve the landowner. Because game wardens today are extremely busy during hunting seasons, they seldom have time to do random patrolling. If a particular ranch does not have significant history of hunting occurring there, or the warden has no complaints from the landowner, adjacent landowners, or sportspersons about illegal hunting activity, wardens are unlikely to go on the property. A significant number of landowners see the warden's presence on their private land as a positive asset and the two groups are normally allies.

Because of other duties, limited budgets, and vacancies in some districts, wardens have not been able to spend as much time with landowners as they should. The Department is encouraging greater communication between wardens and private landowners, not only regarding policies on entry but also to continue to address landowner problems and concerns. The Department will work to improve communication between landowners and our field staff. The Department supports House Bill 439 as amended.

THB433.SP

House Bill No. 433

March 14, 1995

Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the Senate Fish and Game Committee

Montana is a state steeped in hunting tradition. Studies show that hunting is passed down from generation to generation in families. Studies also show that people who do not start hunting before age 18 probably never will.

In today's society, many things work against maintaining the hunting tradition. A more mobile society makes it more difficult for people moving into a state to know where to hunt. The increase in single parent families make it less likely a child will get the opportunity to hunt because of lack of time or knowledge. Once the cycle is broken, it is not likely to begin again unless we make an extra effort.

Approximately 35 percent of our Hunter Education graduates never actually hunt. We believe these youngsters and hundreds more would hunt, if they had the opportunity.

We have had considerable interest expressed by groups such as the Montana Outfitters and Guides Association, Hunter Education instructors and landowners in the development of hunting programs for youth. Landowners who may otherwise close lands near urban areas because of being overrun with hunters have expressed interest in providing hunting opportunities for youth.

HB 433 provides the commission the authority to provide youth hunting opportunities. Any permits, seasons, or programs developed by the Commission would be done only after providing for public involvement.

We must invest in the future today. We urge that you do pass HB 433.

DATE 3/14/95

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: SB 433 SB 439

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
D.W. ENOEL	SELF	439	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Beth McCallister	MWF	433	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOB MARTINKA	MT FWP	433	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Appel	MT. for BETH CO GOVT.	439	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Lane	MT. FWP	439	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Mehus	INSGA	439	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lorna Frank	MT. Farm Bureau	439	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Brown	Ag Pres. Assoc	439	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY