

**MINUTES**

**MONTANA SENATE  
55th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON FISH & GAME**

**Call to Order:** By **CHAIRMAN AL BISHOP**, on January 9, 1997, at  
1:10 p.m., in Room 402

**ROLL CALL**

**Members Present:**

Sen. Al Bishop, Chairman (R)  
Sen. Loren Jenkins, Vice Chairman (R)  
Sen. Vivian Brooke (D)  
Sen. William S. Crismore (R)  
Sen. Steve Doherty (D)  
Sen. Bea McCarthy (D)  
Sen. Kenneth "Ken" Mesaros (R)  
Sen. Ken Miller (R)  
Sen. Mike Taylor (R)  
Sen. Daryl Toews (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Leanne Kurtz, Legislative Services Division  
Serena Andrew, Committee Secretary

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: **SB 91, SB 63, January 6, 1997**  
Executive Action: None

**HEARING ON SB 91**

**Sponsor:** Senator Lorents Grosfield, SD #13, Big Timber

**Proponents:** Pat Graham, Director, Department of Fish, Wildlife  
& Parks  
Jim Oberhofer, Director, POST Council, Montana  
Board of Crime Control

**Opponents:** George Ochenski, Montana State Parks Foundation

Opening Statement by Sponsor:

{Tape: 1, Side A; ; Approx. Time Count: 1:15}

SENATOR LORENTS GROSFIELD, SD 13, Big Timber, said the purpose of his bill was to provide a corps of volunteers to assist state park rangers.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Count: 1:20}

Pat Graham, Director, Department of Fish, Wildlife & Parks (DFWP), said the bill would establish a pilot program that would be evaluated before a permanent program was established. He requested the committee's support. EXHIBIT #1

{Tape: 1; Side: A; Approx. Time Count: 1:22}

Jim Oberhofer, Director POST Council, Montana Board of Crime Control, supported the bill but questioned the training requirements and the suggested supervision. EXHIBIT #2

Opponents' Testimony:

{Tape: 1; Side: A; Approx. Time Count: 1:25}

George Ochenski, Montana State Parks Foundation, objected to the bill as a proliferation of state government with largely unidentified costs.

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 1:33}

SENATOR KEN MESAROS asked if a fiscal note had been requested. SENATOR GROSFIELD said DFWP did not expect a fiscal impact. SENATOR MESAROS asked if the costs would include education and benefits in addition to workers comp.

Pat Graham said a fiscal note would be prepared, but minimal costs were expected. Responding to Mr. Ochenski's comments, the prohibition on reducing the number of existing personnel was copied from the sheriffs' reserve statute. The department was not requesting more funding or employees to administer the program.

{Tape: 1; Side: A; Approx. Time Count: 1:40}

SENATOR MESAROS pointed out that Sec. 10 states the director will appoint a full-time employee to supervise the program. Mr. Graham said he would designate a person presently employed by the department.

{Tape: 1; Side: A; Approx. Time Count: 1:42}

**SENATOR VIVIAN BROOKE** asked about the criteria for auxiliary rangers. **Jeff Tiberi, Parks Division, DFWP**, said the bill was modeled after an existing city/county statute. Reserve rangers would do more technical law enforcement; auxiliaries would do more traffic control, etc. Auxiliary rangers would not be in the field unsupervised. **SENATOR BROOKE** thought training should be the same for both categories.

*{Tape: 1; Side: A; Approx. Time Count: 1:48}*

**SENATOR DARYL TOEWS** asked how much property damage would be prevented by the proposed program and if the rangers would be limited to state parks. **Pat Graham** said he couldn't estimate the property damage. In a place like the Blackfoot Corridor, they would move back and forth among camp sites. They would also work on fishing access sites.

*{Tape: 1; Side: A; Approx. Time Count: 1:50}*

**SENATOR BEA MCCARTHY** asked if the bill would replace the volunteer caretaker program and if caretakers could be candidates for these positions. **Mr. Graham** said caretakers could apply for these positions if they wished, but the program proposed by the bill would not replace the caretaker program.

*{Tape: 2; Side: A; Approx. Time Count: 1:53; Comments: Side B of Tape 1 did not begin to record immediately and was not used. Meeting continues with tape 2.}*

**SENATOR TOEWS** asked how DFWP would work with Tribal enforcement on this issue. **Mr. Graham** said it shouldn't be a problem because the state owns state parks. **SENATOR TOEWS** suggested using welfare recipients for this type of work. **Mr. Graham** commented that the bill called for volunteers who would not be paid wages.

*{Tape: 2; Side: A; Approx. Time Count: 1:55}*

**VICE CHAIRMAN LOREN JENKINS** said it was his understanding that neither reserve nor auxiliary rangers would be paid. **Mr. Graham** said that was correct, DFWP would pay only their workers comp.

**SENATOR JENKINS** asked if DFWP would pay for the training. **Mr. Graham** said most costs would be absorbed by the training program itself. **SENATOR JENKINS** asked why legislation is required if only workers comp will be paid for these volunteers. **Mr. Graham** said the program could be initiated for auxiliaries but legislation is required for the reserve program.

*{Tape: 2; Side: A; Approx. Time Count: 2:00}*

**SENATOR KEN MILLER** commented that fines and penalties are involved and asked what kind of revenue is expected from fines. **Mr. Graham** said fines go into the General Fund, but the subject will be addressed in the fiscal note.

SENATOR MESAROS asked if DFWP would agree to a reasonable sunset clause. Mr. Graham said it would.

Closing by Sponsor:

SENATOR GROSFIELD said the difference between the two suggested programs was that the reserve park rangers would have law enforcement authority and the auxiliaries would not. He asked the committee to consider this a pilot program while it is being evaluated.

HEARING ON SB 63

Sponsor: Senator Mike Foster, SD #20, Townsend

Proponents: Stan Frasier, Montana Wildlife Federation, Helena  
 Pat Graham, Director, Department of Fish, Wildlife  
 & Parks  
 Paul Roos, Friends of Children under Stress  
 Peter Funk, Trout Unlimited, Helena  
 Ken Hoovestall, Walleyes Unlimited  
 Gil Alexander, Helena  
 Bob Bugni, Prickly Pear Sportsmen, East Helena  
 Jean Johnson, Executive Director, Montana  
 Outfitters & Guides Association, Helena  
 Mike McCarthy, Lewis & Clark County Deputy  
 Sheriff, Helena

Opponents: None

Opening Statement by Sponsor:

{Tape: 2; Side: A; Approx. Time Count: 2:05}

SENATOR MIKE FOSTER, SD 20, Townsend, said his bill would offer DFWP the opportunity to take part in the promotion of family activities. The free fishing day would be associated with educational activities.

Proponents' Testimony:

{Tape: 2; Side: A; Approx. Time Count: 2:10}

Stan Frasier, Montana Wildlife Federation, Helena, said his organization strongly supports this bill.

Pat Graham said DFWP would designate free fishing days for each event, rather than a statewide day and would direct use to proper areas. He urged the committee to support the bill. EXHIBIT #3 and 4

{Tape: 2; Side: A; Approx. Time Count: 2:12}

**Paul Roos** said he was involved with FOCUS (Friends of Children under Stress) and felt all outdoor recreational activities were beneficial to these children. The flexibility written into the bill was necessary to be sure fishing pressure was not encouraged in the wrong places or at the wrong time.

{Tape: 2; Side: A; Approx. Time Count: 2:15}

**Peter Funk, Trout Unlimited, Helena** expressed strong support for the bill and hoped it would encourage more people to become involved in fishing through its equipment loaning provisions.

**Ken Hoovestall, Walleyes Unlimited (WU), introduced Roger K. Larsen, WU, Great Falls,** who supported the bill because it would involve children in fishing. EXHIBIT #5

{Tape: 2; Side: A; Approx. Time Count: 2:17}

**Gil Alexander, Helena,** said he operates a science camp at Canyon Ferry during the summer and has loaned boats to people who offered to take children fishing. He supported the bill.

{Tape: 2; Side: A; Approx. Tape Count: 2:20}

**Bob Bugni, Prickly Pear Sportsmen, East Helena,** said this bill would help single parents direct their children into healthy activities.

**Jean Johnson, Executive Director, Montana Outfitters & Guides Association,** said her organization sponsors the Kidfitters Camp every summer for Big Brothers & Sisters and has added a fishing program. She also supported the bill.

**Mike McCarthy, Lewis & Clark County Deputy Sheriff, Helena,** said the DARE program also has a camp every summer assisted by high school students who may not have fishing licenses. This bill would allow them to help the children fish.

Opponents' Testimony: None

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 2:25}

**SENATOR MESAROS** asked if the program would be limited by the number of available instructors. **Mr. Graham** said DFWP already has an activity program that developed large numbers of instructors and it shouldn't be a problem. **SENATOR MESAROS** asked how free fishing days would be determined. **Mr. Graham** said the sponsoring agency would request a specific date and place. The department would suggest alternatives if the choice proved inappropriate.

{Tape: 2; Side: A; Approx. Time Count: 2:27}

**SENATOR BROOKE** asked about fishing clinics for families. **Mr. Graham** said the purpose of the bill was to encourage families to fish together, but it would not be necessary for the whole family to attend.

**SENATOR STEVE DOHERTY** said he objected to the message that the price of a fishing license kept people from fishing and hoped the clinics would stress the fact that money spent on fishing licenses provided habitat protection.

{Tape: 2; Side: A; Approx. Time Count: 2:32}

**Mr. Graham** commented that many people can't identify the species of fish they have caught and some must be thrown back while others may be kept.

{Tape: 2; Side: B; Approx. Time Count: 2:35}

**SENATOR JENKINS** asked when fishing licenses are required for children. **Mr. Graham** said a conservation license is necessary at 12 and a fishing license at 15. **SENATOR JENKINS** asked if the conservation license should be added to the bill. **Bob Lane, DFWP Chief Legal Counsel**, said he didn't think so but he would look into it. **SENATOR JENKINS** commented that it probably wouldn't be necessary to have a DFWP person constantly available at a week-long camp. **Mr. Graham** said the free fishing privilege could be authorized for the entire camp, and anyone who could identify fish would be acceptable.

Closing by Sponsor:

**SENATOR FOSTER** thanked the department for the idea and for its assistance.

The meeting adjourned at 2:45 p.m.

{These minutes were recorded on a Lanier recorder.}

ADJOURNMENT

Adjournment: 2:45 p.m.



SEN. AL BISHOP, Chairman



SERENA ANDREW, Secretary

AB/SA