

MINUTES

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

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN AL BISHOP**, on January 14, 1997, at
1:00 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 115, Posted 1/8/97 and
SB 52 & SB 60, Posted 1/7/97
Executive Action: None

HEARING ON SB 115

Sponsor: SENATOR LINDA NELSON, SD #49, Medicine Lake

Proponents: Pat Graham, Director, Department of Fish, Wildlife
& Parks
Robert Twiford, Walleyes Unlimited

Opponents: None

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Count: 1:01

SENATOR LINDA J. NELSON, SD #49, Medicine Lake, said the bill was intended to allow residents of nursing homes to fish without licenses under a blanket permit. Nursing homes and long-term care facilities are defined in EXHIBIT #1.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Count: 1:04

Pat Graham, Director, Department of Fish, Wildlife & Parks (DFWP), supported the bill and suggested clarifying amendments. (EXHIBITS #2 & #3).

{Tape: 1; Side: A; Approx. Time Count: 1:06

Robert Twiford, Walleyes Unlimited (WU), said passage of the bill would benefit a WU chapter program to take people fishing on Fresno Reservoir if they are unable to go alone.

Opponents' Testimony: None

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 1:08

SENATOR KEN MESAROS asked if the conservation license would be included and how much revenue would be lost under the bill. Mr. Graham told him it was included. Minimal fiscal impact is expected because most residents of nursing homes no longer buy fishing licenses and would not pay full price if they did.

{Tape: 1; Side: A; Approx. Time Count: 1:10

SENATOR BEA MCCARTHY asked why the developmentally disabled were not included. SENATOR NELSON commented that the intent was to address nursing homes. Nursing homes are called long-term care facilities in the law.

{Tape: 1; Side: A; Approx. Time Count: 1:11

SENATOR MIKE TAYLOR asked if the form would be filled out once a year. Mr. Graham said it could be by striking the last line of the bill to eliminate requests for individual fishing trips.

{Tape: 1; Side: A; Approx. Time Count: 1:12

VICE CHAIRMAN LOREN JENKINS commented that the amendment says the department "may" while the bill says the department "shall" and requested clarification. Mr. Graham promised to make the language consistent.

SENATOR JENKINS asked if the intent of the bill had been for nursing homes only. SENATOR NELSON said she had a local nursing home in mind and hadn't thought of group homes. She thought the people from group homes could go fishing alone rather than as a supervised group. The bill was intended for supervised activities.

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

CHAIRMAN AL BISHOP commented that under present law, people over 62 are entitled to fish with only a conservation license.

Closing by Sponsor:

SENATOR NELSON felt the bill, with the agreed-upon changes, would do what she intended and urged its support.

HEARING ON SB 52

Sponsor: SENATOR WILLIAM CRISMORE, SD #41, Libby

Proponents: Pat Graham, Director, Department of Fish, Wildlife
& Parks
Jim Bradford, Montana Bowhunters Association

Opponents: None

{Tape: 1; Side: A; Approx. Time Count: 1:18}

Opening Statement by Sponsor:

SENATOR WILLIAM CRISMORE, SD #41, Libby, offered the bill to clarify authority of the Fish, Wildlife & Parks Commission to establish chase-only seasons for mountain lion and bobcat.

Proponents' Testimony:

Pat Graham, DFWP, said the department's legal counsel felt the chase-only season might subject the existing statute to a legal challenge. The chase season is used for training dogs, and dogs are necessary for successful harvest of mountain lions. EXHIBIT #4

JIM BRADFORD, Montana Bowhunters Association, supported the bill.

Opponents' Testimony: None

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 1:21}

CHAIRMAN BISHOP commented that line 21 of the bill states "The commission has authority to allow and regulate the use of dogs for hunting and chasing mountain lion and bobcat." Section 87-2-101(8), MCA, defines hunt as shoot, kill and chase, etc. Hunting includes chasing but chasing is not defined.

Pat Graham said the bill was intended to clarify the commission's authority and ensure that chasing is a separate activity where taking is not allowed.

{Tape: 1; Side: A; Approx. Time Count 1:23

SENATOR BEA McCARTHY asked what would happen if the animal were killed during the chase. Mr. Graham said the intent was that the animal would not be killed, but merely treed during a chase.

CHAIRMAN BISHOP commented that passage of the bill would make it clear there are two separate activities.

SENATOR STEVE DOHERTY asked what benefit there was to training dogs to chase. Mr. Graham said dogs were trained to tree mountain lions, rather than just chase them.

SENATOR McCARTHY asked if chasing were allowed prior to the lion hunting season. Mr. Graham said the general big game hunting season is generally taking place prior to the beginning of lion hunting season, and a chase season at that time could be dangerous.

SENATOR VIVIAN BROOKE supported the bill.

Closing by Sponsor:

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

SENATOR CRISMORE commented that mountain lions were numerous around Libby and many people don't care if they kill them, they just enjoy the chase.

HEARING ON SB 60

Sponsor: SENATOR MIKE SPRAGUE, SD #6, Billings

Proponents: Pat Graham, Director, Department of Fish, Wildlife
& Parks
Bob LeFever, Point of Sale Advisory Council
Jim Bradford, Montana Bowhunters Association
Jean Johnson, Executive Director, Montana
Outfitters & Guides Association
Peter Funk, Montana Trout Unlimited
Jim Richard, Montana Wildlife Federation
Dean King, Billings Coast-to-Coast
Robert Twiford, Walleyes Unlimited
SENATOR BARRY STANG

Opponents: **SENATOR BARRY STANG** (Senator Stang signed as both
 a proponent and opponent)

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

Opening Statement by Sponsor:

SENATOR MIKE SPRAGUE, SD #6, Billings, presented SB 60 at the request of DFWP to initiate an automated licensing system. He showed the committee a prototype of the machine to be used and explained that a Montana driver's license would be run through the machine and validated; the hunting or fishing license would be printed from this information. A nonresident would give his name and social security number to provide the same information.
EXHIBIT #5

The present system must be upgraded; the cost would be approximately \$1.5 million. If the new system were initiated, matching funds would be available from the federal government. A single license costs the vendor about \$.65 and he is reimbursed \$.50 for his efforts. A license can be produced for \$.28 under the proposed system; it would be faster and result in better records.

Proponents' Testimony:

Pat Graham said the new system would expedite law enforcement and provide a sportsmen's data base for use in fish and wildlife harvest surveys. **EXHIBIT #6** He recommended amendments to: (1) delay the \$.07 reimbursement reduction, and (2) add language to coordinate this bill with passage of HB 2. **EXHIBIT #7**

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

Bob LeFever, Point-of-Sale Advisory Council (POSAC), Butte, said the existing licensing process is labor intensive and time consuming; a change is needed. **EXHIBIT #8**

He presented a letter from Sports, Inc., Lewistown, **EXHIBIT #9**, also supporting the bill.

{Tape: 1; Side: B; Approx. Time Count: 1:47}

Jim Bradford, Montana Bowhunters Association (MBA), supported the bill as a service to sportsmen while aiding in the enforcement of wildlife laws. **EXHIBIT #10**

Jean Johnson, Executive Director, Montana Outfitters & Guides Association (MOGA), said last season an outfitter's client purchased an \$835 license that was mailed to the outfitter instead of the hunter's home. It was lost in the forwarding process. At present, a replacement license must be purchased

from a field warden. Passage of SB 60 would handle this type of crisis in a timely manner.

Peter Funk, Montana Trout Unlimited (TU), Helena, stated that TU is concerned about resource-related issues and would like to see DFWP funds go into habitat work. This bill would provide speedy retrieval of resource data and aid in prosecution of fishing and hunting violations.

{Tape: 1; Side: B; Approx. Time Count: 1:52}

Jim Richard, Montana Wildlife Federation (MWF), supported the bill as a service to sportsmen.

Dean King, Billings Coast-to-Coast, told the committee he supported the bill as it would ensure that valuable information is legible and correct.

Robert Twiford, Walleyes Unlimited (WU), also supported the bill. He lost his license while fishing in Idaho. With their automated licensing system it took only a minute to acquire a replacement. The time savings alone would be a cost savings.

SENATOR BARRY STANG testified as both a proponent and opponent of the bill. He is a license agent in St. Regis. He supported the bill as a necessity for enforcement and biological purposes.

On the other hand, he quit selling Idaho licenses when that state implemented an automated system. The Montana proposal appears better for vendors than the Idaho system.

While it would be easy to write resident licenses from drivers' license information, 80-85% of his business is from nonresidents and it would be faster to write nonresident licenses by hand. He requested the amendment that delays the \$.07 reduction for two years while the system is evaluated.

He asked how licenses would be written if the power goes down.

Vendors away from Helena would have to pay for a phone line - during December, January and February they would be paying \$150 for that line while selling about 10 licenses.

Opponents' Testimony: None

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 2:01}

SENATOR KEN MESAROS asked what would be required to license a 15-year-old without a driver's license. **Mr. Graham** commented that information regarding people without drivers' licenses will have to be entered by hand the first time. That information will

remain in the system and be available by using the "search" function.

SENATOR MESAROS asked if the department planned to make this a one-step system where hunters could apply for moose, sheep, antelope, etc. licenses with one common deadline. **Mr. Graham** replied that the system was meant to be used for the drawings, also. In addition, it could handle the Smith River floats.

SENATOR MESAROS commented that the fiscal note indicated a \$1000 fee for new vendors and asked if the machine would cost that much. **Dave Mott, Administration & Finance Administrator, DFWP**, said a machine would be provided to all 424 existing agents. Approximately 10 people ask to become license vendors each year; these people would pay the \$1000 fee. The machines cost \$600-700 - the remainder of the charge is for training.

{Tape: 1; Side: B; Approx. Time Count: 2:09}

SENATOR MIKE TAYLOR asked if the machines were guaranteed and if a support system would be provided. He also asked if the number of state employees could be reduced by the automated system. **Dave Mott** replied that they were very durable machines. The printing mechanism should last 4-5 years. Maintenance would be done by the people who install the machines during the first two years.

A generic license blank would be used when it was necessary to write licenses by hand - these licenses would be entered into the system later. Savings would be used to finance the long-term costs of the system.

The paper currently used for licenses is expensive; the machines use something similar to adding machine tape. Considerable savings would result.

{Tape: 1; Side: B; Approx. Time Count: 2:14}

SENATOR DARYL TOEWS asked if it would be possible to produce a license for \$.28. **Mr. Graham** said he thought it would. The new system wouldn't pay for itself if the department had to pay a \$.50 commission for each license. While there would be some direct cost savings to vendors, everyone would need to make a contribution to make the system successful.

SENATOR STEVE DOHERTY asked how federal and state duck stamps would be handled. **Pat Graham** said the tags would have to be separate, but they could be listed on one license.

{Tape: 2; Side: A; Approx. Time Count: 2:18}

Dave Mott said there will always be federal stamps and the state duck stamps have become a tradition because of the associated art work.

{Tape: 2; Side: A; Approx. Time Count: 2:23}

SENATOR DOHERTY commented that he has often heard nonresident offenders are not caught, and asked if the automated system would help. Mr. Mott said he was sure it would.

SENATOR KEN MILLER asked what an automated system would have to do with the required safety instruction program. Mr. Graham replied DFWP was trying to get away from separate hunter safety certificates. The hunter safety records are currently in a completely different computer system, but would be built into the automated system. SENATOR MILLER asked why rules were necessary to do that. Mr. Mott said current law requires a hunter safety "certificate" - that's a sheet of paper. The department would prefer to be able to accept a letter from instructors while waiting for the certificates to be issued.

SENATOR VIVIAN BROOKE asked if the automated licensing system would be accessible by other state agencies. Mr. Graham said one of the criteria used by the department to determine residency was checking to see if the person paid taxes in Montana.

{Tape: 2; Side: A; Approx. Time Count: 2:31}

SENATOR DOHERTY asked if someone convicted of a major wildlife violation could be kept from buying a license for the period specified by his sentence. Mr. Graham said one solution would be to program the system to prevent the vendor from selling the license, but that could put the vendor in a difficult position. Also, there is a potential for error - there could be two people with the same name. The other solution would be to scan the information when it is received in Helena, putting the responsibility back on the department. These questions would be worked out in the final design of the system.

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

SENATOR JENKINS asked who would pay maintenance in 5-10 years. Mr. Mott said the contractor who installs the machines statewide would do maintenance for about two years. After that time the agency would assume maintenance responsibility.

The system will require two phone lines. A line would be necessary within the vendor's store and the cost of that line would be his responsibility. Another line would be needed to contact the computer in Helena. The vendor can choose whether to use his credit card line or install a separate line. The cost of the line between the store and Helena would be paid by DFWP.

SENATOR JENKINS commented that vendors are paid only \$.50/license and they are responsible for both money and licenses. He felt that \$.07 should not be deducted from that small commission when DFWP expects to save \$80,000-100,000. Mr. Mott said the department felt there would be additional savings for license

agents as well; they have to deal with 72 different types of licenses at present.

Closing by Sponsor:

{Tape: 2; Side: A; Approx. Time Count: 2:44}

SENATOR SPRAGUE commented that he thought Montana would be able to capitalize on the mistakes made in the Idaho license automation process. Not discussed was the fact that under current law a license agent must be bonded, with the bond based on his volume of business. Bonding would not be required under the new system. SENATOR STANG was very helpful in providing the license dealers' point of view. He urged support of the bill.

{This meeting was recorded on a Lanier recorder}

ADJOURNMENT

Adjournment: 2:47 p.m.



SEN. AL BISHOP, Chairman



SERENA ANDREW, Secretary

AB/SA