

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN AL BISHOP, on January 28, 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. Mike Taylor (R)
Sen. Daryl Toews (R)

Members Excused: Senator Ken Miller

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: HB 20, HB 151, Posted 1/23/97
Executive Action: HB 20, HB 151, SB 149, SB 174

HEARING ON HB 151

Sponsor: REPRESENTATIVE ROD MARSHALL, HD #28, Bozeman

Proponents: Pat Graham, Director, Department of Fish, Wildlife
& Parks
Brett Brownscombe, Montana Wildlife Federation
Ken Hoovestall, Montana Snowmobile Association &
Walleyes Unlimited

Opponents: None

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

Opening Statement by Sponsor:

REPRESENTATIVE ROD MARSHALL, HD #28, Bozeman, told the committee it is not possible to watch all state parks at all times; consequently, over \$30,000 in repairs are required annually because of vandalism. His bill would expand the Fish, Wildlife & Parks' Crimestoppers Act to include state parks-related crimes and money would be awarded to people furnishing information leading to successful prosecution of fish, wildlife or parks-related crimes.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Count: 1:02}

Pat Graham, Director, Department of Fish, Wildlife & Parks (DFWP), said expansion of the Crimestoppers Act to include parks-related crimes would encourage the public to report vandalism.
EXHIBIT #1

Brett Brownscombe, Montana Wildlife Federation, commented that the Wildlife Federation strongly supported the bill.

Ken Hoovestall, Montana Snowmobile Association and Walleyes Unlimited, also supported the bill.

Opponents' Testimony: None

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

Questions From Committee Members and Responses:

SENATOR WILLIAM CRISMORE asked if the present Crimestoppers program were successful. Mr. Graham said the number of TIPMONT calls increases each year.

SENATOR MIKE TAYLOR asked if an FTE would be added through this bill. Mr. Graham said the fiscal impact was expected to be about \$2,000/year from rewards for reporting parks-related crimes, not personal services.

{Tape: 1; Side: A; Approx. Time Count: 1:07}

SENATOR LOREN JENKINS asked why a member "of the public, appointed at large" was changed to "a member with a parks and recreation background," and if the person with a parks and recreation background would be a department employee. Pat Graham said the intent was a person from the public who had an interest in parks and recreation. It would not be a professional parks employee.

Mr. Graham said the change from "sportsman" wasn't made by the department. The Legislative Council was trying to make the terms

gender-neutral. The department suggested "sportsperson." The object was to include a parks and recreation person on the Crimestoppers Board.

SENATOR JENKINS pointed out that as long as the person was listed as a member of the public that would be made clear. Mr. Graham said all the members of the board were from the public except the enforcement person. They merely have different backgrounds.

Closing by Sponsor:

REPRESENTATIVE MARSHALL said it was a very simple bill and thanked the committee for its time.

HEARING ON HB 20

Sponsor: REPRESENTATIVE JOHN COBB, HD #50, Augusta

Proponents: Pat Graham, Director, Department of Fish, Wildlife & Parks
Brett Brownscombe, Montana Wildlife Federation
Ken Hoovestall, Walleyes Unlimited

Opponents: None

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

Opening Statement by Sponsor: REPRESENTATIVE JOHN COBB, HD #50, Augusta, told the committee his bill would allow Montana residents to purchase a temporary fishing license. Twenty-three other states have this type of license (EXHIBIT #2). Montana already has a temporary fishing license for nonresidents. Cost of that license is \$10 plus a \$5 conservation license.

REPRESENTATIVE COBB mentioned that some people don't fish because it costs too much to buy season licenses for the family. Passage of this bill would allow the commission to issue a temporary license and set the cost and time period covered, but would not mandate creation of the license.

Proponents' Testimony:

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

Pat Graham, Director, Department of Fish, Wildlife & Parks (DFWP), stated that his department had considered a temporary fishing license in the past (EXHIBIT #3). He recommended an amendment (EXHIBIT #4) that would set aside a percentage of the cost of each temporary license (rather than the \$1 specified in the bill) for purchase and maintenance of fishing access. He urged support of the bill.

{Tape: 1; Side: A; Approx. Time Count: 1:17}

Brett Brownscombe, Montana Wildlife Federation, supported the bill because he thought it would create equity for Montana residents.

Ken Hoovestall, Walleyes Unlimited, thought the bill provided an excellent opportunity for good, clean family fun.

Opponents' Testimony: None

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

Questions From Committee Members and Responses:

SENATOR BEA MCCARTHY pointed out that the committee had already voted to pass SB 63, the free fishing day associated with educational activities. She asked if the two bills could be tied together. Mr. Graham said he wasn't sure how that could be done after the bill had been transmitted to the House. Also, the concepts were somewhat different.

SENATOR KEN MESAROS asked the sponsor how he felt about the amendment proposed by Mr. Graham. REPRESENTATIVE COBB said he also thought the 10% was easier but the House committee didn't agree. He didn't think the department would object if the amendment weren't added.

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

SENATOR STEVE DOHERTY said a free fishing day had been allowed and this bill would authorize a lower cost license for a shorter period of time so more people could become involved in fishing. He asked Mr. Graham if he had thought about the cumulative effect of this legislation. Pat Graham said it had been considered in the past and that was the reason the temporary resident license hadn't been proposed. HB 20, however, did not mandate the action, it merely allowed it.

As license prices increase in the future to cover the cost of necessary programs, he thought there would be a place for the lower-cost temporary license.

Closing by Sponsor:

REPRESENTATIVE COBB said his bill would give management options to the Fish, Wildlife & Parks Commission and he thought the commission was unlikely to authorize licenses that would result in a revenue loss.

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

EXECUTIVE ACTION ON HB 20

Amendments: hb002001.alk

Motion/Vote: SENATOR JENKINS moved amendment hb002001.alk. The motion CARRIED UNANIMOUSLY.

Motion/Vote: SENATOR JENKINS moved HB 20 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

SENATOR JENKINS offered to carry the bill.

{Tape: 1; Side: A; Approx. Time Count: 1:26}

EXECUTIVE ACTION ON HB 151

Amendments: hb015101.alk

Motion: SENATOR WILLIAM CRISMORE moved HB 151 BE CONCURRED IN.

Discussion: SENATOR JENKINS said he would be more comfortable if "of the public" were not deleted from line (iv), page 1. Mr. Graham said he didn't have any problem with that. The word "background" was not meant to mean education, but merely an interest in parks and recreation.

Since the bill was being amended, Mr. Graham suggested deleting "outdoor recreationist" and inserting "hunter, angler, etc."

SENATOR CRISMORE withdrew his motion.

Motion/Vote: SENATOR JENKINS moved amendment hb015101.alk. The motion CARRIED UNANIMOUSLY.

Motion/Vote: SENATOR STEVE DOHERTY moved the bill BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

{Tape: 1; Side: A; Approx. Time Count: 1:30}

EXECUTIVE ACTION ON SB 174

Motion/Vote: SENATOR MIKE TAYLOR moved to TABLE SB 174. The motion CARRIED UNANIMOUSLY.

SENATOR TAYLOR commented that the bill would have authorized commercial fishing in Flathead Lake; it had strong opposition and he thought it better to do away with it.

{Tape: 1; Side: A; Approx. Time Count: 1:32}

EXECUTIVE ACTION ON SB 149

Amendments: sb014902.alk

Motion: SENATOR KEN MESAROS moved amendment sb014902.alk. He believed it had been reviewed by the sponsor and DFWP and thought everyone agreed these changes would clarify the bill.

Discussion: SENATOR VIVIAN BROOKE asked for clarification of the terms "individual" and "commercial." SENATOR JENKINS said "commercial" would have been outfitters.

SENATOR McCARTHY said outfitting was mentioned a number of times in her notes, and asked if the amendment covered the outfitters' concerns. SENATOR MESAROS said the amendment represented an abbreviated copy of all concerns; some of the comments received, however, were inconsistent with the bill or did not fit its intent.

{Tape: 1; Side: A; Approx. Time Count: 1:36}

SENATOR DOHERTY thought the amendment did exactly what SENATOR MESAROS indicated. On page 2 the bill carries the broad statement "...not intended to restrict or interfere with existing water rights or private property rights." A statement of this type is used instead of specific prohibitions to preclude the possibility that something not listed might be considered to be allowed.

Vote: The amendment CARRIED UNANIMOUSLY.

Motion: SENATOR MESAROS moved SB 149 DO PASS AS AMENDED.

SENATOR MIKE TAYLOR commented that individual rights were being taken away from some Montanans and he felt a little uncomfortable with that.

SENATOR AL BISHOP said he was also uncomfortable when he introduced the bill, but, as written the bill would direct people to come to the department and commission with a problem and a proposed solution. Regulation would not be forced on anyone.

SENATOR MESAROS said his district included both the Smith and Missouri recreation areas. There were some problems with the Smith River Management Plan at the beginning but they were addressed in public forums and corrected. It has worked. Currently, there is a problem in the canyon below Holter Dam and something must be done. This bill would ensure an equitable solution.

{Tape: 1; Side: A; Approx. Time Count: 1:41}

SENATOR DARYL TOEWS commented that good Republicans would vote against regulation.

Vote: SENATOR TOEWS voted NO; the remainder of the committee voted AYE and the MOTION CARRIED.

SENATOR MESAROS offered to carry HB 20; SENATOR DOHERTY offered to carry HB 151.

ADJOURNMENT

Adjournment: The meeting adjourned at 1:50 p.m.

{This meeting was recorded on a Lanier recorder.}



SEN. AL BISHOP, Chairman



SERENA ANDREW, Secretary