

MINUTES

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

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN AL BISHOP**, on March 13, 1997, at 3:00 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. Kenneth "Ken" Mesaros (R)
Sen. Ken Miller (R)
Sen. Mike Taylor (R)
Sen. Daryl Toews (R)

Members Excused: Senator Bea McCarthy

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 265, Posted 3/04/97
Executive Action: HB 212, HB 547, HB 387,
HB 413
Discussion on Removing
HB 175 from the Table

HEARING ON HB 265

Sponsor: REPRESENTATIVE BRAD MOLNAR, HD #22, Laurel

Proponents: None.

Opponents: Jean Johnson, Executive Director, Montana
Outfitters & Guides Association
Jim Bradford, President, Montana Bowhunters
Association

{Tape: 1; Side: A; Approx. Time Count: 3:15}

Opening Statement by Sponsor:

SENATOR KEN MILLER presented the bill in the absence of the sponsor, REPRESENTATIVE BRAD MOLNAR: The bill would initiate a preference system for elk permits in any district with drawing odds of greater than 15:1. These districts would become Golden Areas and a successful drawing applicant would not be able to apply in a Golden Area for 5 years. This is similar to the system used for goat and moose. People apply over and over for these Golden Areas and it would give residents a better chance to obtain a trophy elk.

Proponents' Testimony: None

{Tape: 1; Side: A; Approx. Time Count: 3:20}

Opponents' Testimony:

Jean Johnson, Executive Director, Montana Outfitters & Guides Association, stated that the bill would require the department to determine each year which areas would be considered "Golden," and a hunter would not be able to apply in those areas if he drew one the year before. The year before it might not have been a Golden Area. She understood what Representative Molnar was attempting to do, but the gain would be so slight when compared to the problems it might create that it didn't appear to be worth the expected costs for the computer work.

Jim Bradford, President, Montana Bowhunters Association, commented that his association liked the idea but didn't think this bill was the way to go about the objective.

Informational Testimony:

Pat Graham, Director, Department of Fish, Wildlife & Parks (DFWP), said the idea would be easier to implement if all districts were included. EXHIBITS 1 & 2

{Tape: 1; Side: A; Approx. Time Count: 3:28}

Questions From Committee Members and Responses:

SENATOR MIKE TAYLOR asked if an applicant received all his money back if he did not receive a permit in a drawing. Mr. Graham said "All but \$3 fees; the state doesn't issue less than a \$5 refund." If, however, an applicant were unsuccessful in another category as well, and the total came to more than \$5 he would receive a full refund.

SENATOR TAYLOR asked if the bill would result in a loss of income to DFWP. Mr. Graham said it would not be a problem. An applicant could still apply for a special permit in other districts until those districts hit the odds of 15:1, and the bill didn't prevent an applicant from trying for a cow permit.

SENATOR TAYLOR asked if bowhunters were affected by the bill. Mr. Bradford said he wasn't sure but didn't think so.

SENATOR KEN MESAROS asked what made an area "Golden." Mr. Graham said that would be a new designation resulting from this bill: it would apply to an area where the odds of being successful in the drawing were greater than 15:1. The odds could change from year to year.

{Tape: 1; Side: A; Approx. Time Count: 3:33}

Closing by Sponsor:

SENATOR MILLER said he didn't completely understand the details but thought it was a pretty good bill overall. He didn't think there would be any loss of revenue, but it might change the areas where people apply. He pointed out that the fiscal note was prepared on the original bill, which had been mostly deleted, and the fiscal note no longer applied.

EXECUTIVE ACTION ON HB 212

Amendments: HB021201.agp

Motion: SENATOR LOREN JENKINS moved HB 212 BE CONCURRED IN.

Discussion: SENATOR JENKINS asked if the bill had been amended. Leanne Kurtz said there were two sets of amendments 021201.agp (EXHIBIT #3) and 021201.alk (EXHIBIT #4).

SENATOR JENKINS withdrew his motion.

Motion/Vote: SENATOR MESAROS moved amendment HB 021201.agp dealing with current agricultural operations. The motion CARRIED.

Motion: SENATOR TOEWS moved amendment HB 021201.alk, making the bill apply only to islands of 100 acres or less, as he thought large islands should be treated differently.

SENATOR TAYLOR said he was against that amendment because there were several large islands in his area and he didn't want to see them developed.

SENATOR TOEWS said the amendment was intended to protect the educational trust - these islands are state lands.

Vote: The motion FAILED by roll call vote.

Motion/Vote: SENATOR JENKINS moved the bill BE CONCURRED IN AS AMENDED. SENATORS CRISMORE & TOEWS voted NO. The remainder of the committee voted AYE and the MOTION CARRIED. SENATOR BISHOP said SENATOR BRUCE CRIPPEN had offered to carry the bill.

{Tape: 1; Side: A; Approx. Time Count: 3:48.}

EXECUTIVE ACTION ON HB 547

Amendments: HB 054701.alk and HB 054702.alk

Motion: SENATOR VIVIAN BROOKE moved HB 547 BE CONCURRED IN.

Discussion: SENATOR BILL CRISMORE said the first part of amendment HB 054702.alk (EXHIBIT #5) would allow DFWP to recoup the costs they incurred in the process of donating game meat to a food bank. The second part directs money resulting from the auction of confiscated game animals be used only for processing donated game animal meat.

Motion: SENATOR CRISMORE moved amendment HB 054702.alk.

SENATOR BROOKE asked if the costs incurred in donating game animal meat were for processing or transporting. SENATOR CRISMORE said the bill would direct DFWP to deduct all their actual costs.

Vote: The DO PASS motion on amendment HB 054702.alk CARRIED.

SENATOR STEVE DOHERTY commented that the bill was taking money out of the DFWP budget. He had amendment HB 054701.alk (EXHIBIT #6) prepared. It would apply to the Department of Livestock (DOL), and would include wild bison killed as part of the disease control project in the donation program. He thought any money left over from the disease control program should also be donated to food banks. After deducting the DOL's administrative costs and costs of the sale, DOL would have to give any remaining money to food banks.

Notion: SENATOR DOHERTY moved amendment HB 054701.alk.

Discussion: SENATOR JENKINS said he didn't think many bison would be killed after this year.

SENATOR MESAROS said it would be a great strain on the Department of Livestock to implement this amendment.

{Tape: 1; Side: B; Approx. Time Count: 3:58}

SENATOR CRISMORE asked if it would be more difficult to implement the bill if two departments were involved. SENATOR DOHERTY said he didn't think so - both departments would send leftover money to the Department of Health & Human Services (DHHS) and DHHS would implement the grants. He wasn't sure that there would be any money, but if there are hungry people in Montana, food banks should be funded. Bison are currently being donated to various other sources.

SENATOR MESAROS said the amendment states "after deducting administrative costs" and asked how administrative costs would be separated from other costs.

SENATOR DOHERTY said they could be the cost of the sale and the cost of donating game animal meat. He thought the department could figure its administrative costs - they would be the costs it wouldn't have without the disease control program.

{Tape: 1; Side: B; Approx. Time Count: 4:03.}

SENATOR MESAROS said he was against this amendment. It would create a real problem reacting to an issue the state shouldn't have.

SENATOR TAYLOR asked if anyone knew exactly how much it cost the Department of Livestock to kill a bison. **SENATOR DOHERTY** said in FY 96 it cost about \$450/head. **SENATOR TAYLOR** said he thought the amendment was too complicated. **SENATOR DOHERTY** commented that it was no more complicated than taking money from DFWP.

SENATOR BROOKE asked if the amendment would have the potential to enhance the image of the state in the buffalo situation.

SENATOR JENKINS commented that most of the bison were currently donated to the Tribes, but by the time the animals come out of the park there isn't much left but bones and hide.

{Tape: 1; Side: B; Approx. Time Count: 4:07}

SENATOR DOHERTY commented that Montana's image would be even worse if money were being made on bison control. The amendment should add a positive image.

SENATOR MESAROS stated that the bison situation was a serious problem, it was not an image issue.

SENATOR BROOKE said she thought the problem was so severe that the present image would be hard to overcome. She said she was concerned with the amendment because it would be difficult to define administrative costs.

SENATOR DOHERTY said the language could be changed from "after deducting administrative costs" to the same language in the bill itself: "after the department's cost of conducting the sale is deducted."

Vote: **SENATORS DOHERTY, BROOKE and BISHOP** voted AYE; the remainder of the committee voted **NO** and the motion **FAILED**.

Motion: **SENATOR BROOKE** moved HB 547 **BE CONCURRED IN AS AMENDED**. **SENATOR DOHERTY** voted **NO**; the remainder of the committee voted **AYE** and the motion **CARRIED**.

{Tape: 1; Side: B; Approx. Time Count: 4:11}

EXECUTIVE ACTION ON HB 387

Amendments: I:\0387.fwp

Motion: SENATOR JENKINS moved the bill BE CONCURRED IN.

Discussion: SENATOR BISHOP asked how much of the information required by the bill was currently available. Mr. Graham said a fiscal note was being prepared in anticipation of the bill.

Motion/Vote: SENATOR JENKINS moved amendment I:\0387.fwp (EXHIBIT #7). The motion CARRIED UNANIMOUSLY.

Motion: SENATOR JENKINS withdrew his former motion and moved the bill BE CONCURRED IN AS AMENDED.

{Tape: 1; Side: B; Approx. Time Count: 4:14}

Discussion: SENATOR MESAROS commented that he hadn't heard convincing testimony of the need for this bill. He asked if DFWP had current reports that could be modified into a more user-friendly form. Mr. Graham said his department has a 5-year stocking plan, but some information required by the bill isn't included in the plan; it would have to be expanded beyond current information and reduced to an annual form. SENATOR MESAROS commented that he wasn't sure an annual report was necessary.

SENATOR TAYLOR agreed. He thought the interested parties could go to the department and ask them to modify the reports without passing a law. He said SENATOR MCCARTHY had asked him to express the same opinion.

SENATOR BISHOP said he couldn't see a need for the bill. It would require information be furnished to people who probably didn't care about it. It wouldn't hurt anything, but it also wouldn't do much good.

SENATOR JENKINS commented that DFWP reports were in code for the computer, and would be useless for most people. The bill would require naming the kind of fish and where they were to be put. After the first year it would just take an update. Also, some of the fish being stocked weren't raised in Montana and people had the right to know.

SENATOR DOHERTY commented that the legislature has made English the official language of Montana. He thought it should be used; put the report in words rather than numbers.

Motion/Vote: SENATOR MESAROS said that he still couldn't see an overwhelming need for the bill, and made a substitute motion to TABLE HB 387. SENATORS DOHERTY, TOEWS, JENKINS and MILLER voted

NO; the remainder of the committee voted **AYE** and the motion **CARRIED**.

{Tape: 1; Side: B; Approx. Time Count: 4:22}

EXECUTIVE ACTION ON HB 413

Amendments: HB041301.alk

Motion: SENATOR JENKINS moved HB 413 **BE CONCURRED IN**.

Discussion: SENATOR TAYLOR said he had a problem with the bill.

CHAIRMAN AL BISHOP said he hadn't been present when the bill was heard, and asked VICE CHAIRMAN JENKINS to take the chair.

Motion: SENATOR JENKINS presented an amendment (**EXHIBIT #8**) and offered a substitute motion to **CONCUR AS AMENDED**.

SENATOR TAYLOR said he was concerned about setting up school programs. He had heard testimony about several people who would be interested, but there were no specifics about who would actually do it and what the costs would be. He asked if DFWP would have to fund the program if people sentenced to attend the school proved indigent. He said he couldn't support the bill.

SENATOR BROOKE said she tended to agree. She didn't think it was needed in the law and thought the proposal was too vague.

SENATOR DOHERTY said he understood REPRESENTATIVE KNOX' idea, and it was a pilot program, attempting to do something small and creative.

{Tape: 1; Side: B; Approx. Time Count: 4:27}

SENATOR MESAROS said he shared the concern about new programs. Violators would be responsible for paying their own fees, and they are the people who should pay; however, collecting those fees and carrying out the program might prove difficult. He said he could support the bill on a temporary basis to see if it worked.

Vote: SENATORS JENKINS, DOHERTY and MESAROS voted **AYE**; the remainder of the committee voted **NO** and the motion **FAILED**.

MOTION/VOTE: SENATOR TOEWS MOVED TO TABLE HB 413. SENATORS DOHERTY and MESAROS voted **NO**; the remainder of the committee voted **AYE** and the motion **CARRIED**.

CHAIRMAN BISHOP resumed the chair.

{Tape: 1; Side: B; Approx. Time Count: 4:31}

EXECUTIVE ACTION ON HB 175

Motion: SENATOR DOHERTY moved to take HB 175 off the table.

Discussion: SENATOR DOHERTY said the bill would not start deer hunting in towns; it merely repeals existing law. He thought it was something local people should decide.

SENATOR JENKINS said he had told the bowhunters the bill could be taken from the table if people came from Missoula to support it. Since that time he had told the mayor of Missoula he would support taking it off the table, but would probably vote against the bill again.

SENATOR BROOKE commented that she had gotten quite a few calls from people who supported tabling the bill. She had told the bowhunters she would call her neighbors, as she lived in the affected area at the base of Mt. Sentinel and there is a deer problem. Her neighbors don't want the deer shot; they want the problem resolved in another way. Even though the bill does not authorize wide-open hunting, that was the way it was perceived. She said she would vote against the motion.

SENATOR TAYLOR thought it was a bill that would result in a good deal of anti-hunting sentiment and he opposed it.

SENATOR MESAROS thought hunting should take place outside city limits. Deer frequently wander through towns - they're part of the landscape. This law would cause more problems, and he did not support it.

Vote: CHAIRMAN BISHOP asked how many committee members favored taking HB 175 off the table. SENATORS JENKINS and DOHERTY voted AYE; the remainder of the committee voted NO and the motion FAILED.

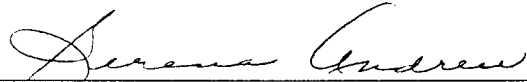
ADJOURNMENT

Adjournment: The meeting adjourned at 4:37 p.m.

{This meeting was recorded on a Lanier recorder}



SEN. AL BISHOP, Chairman



SERENA ANDREW, Secretary