

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON FISH AND GAME**

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 1, 2001 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Edward Butcher (R)
Sen. William Crismore (R)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Jon Tester (D)

Members Excused: Sen. Jon Ellingson
Sen. Debbie Shea
Sen. Jon Tester

Members Absent: None.

Staff Present: Roberta Opel, Committee Secretary
Mary Vandenbosch, Legislative Branch

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 353
Executive Action: HB 215

HEARING ON SB 353

Sponsor: SEN. MIKE TAYLOR, SD 37, Proctor

Proponents: Paige Dringman, Mt. Landowner's Alliance

Opponents: Chris Smith, Chief of Staff, Fish, Wildlife & Parks
Jeff Barber, MT. Wildlife Federation
Jean Johnson, MT. Outfitter's & Guides Association
Jim McDermand, Russell County Sportsman
Carol Gibson, Billings resident
Stan Rauch, MT. Bowhunter's Association
Bob Lucas, Big Sky Upland Bird Association
Jim McCollum, Russell County resident
John Gibson, Billings Rod & Gun Club
Vince Fischer, President, Skyline Sportsmen
Ellis Misner, representing himself
Tony Schoonen, Public Lands Access Association
Brian Logan, representing himself
Stan Fraiser, Helena Hunter's & Angler's
David Dittloff, representing himself
Toby Day, MT. Wildlife Federation

Opening Statement by Sponsor: SEN. MIKE TAYLOR, SD 37, Proctor, told the committee that he sponsored SB 353 because he was concerned Montana hunters will lose their hunting areas due to lands being closed for economic reasons.

Proponents' Testimony:

Paige Dringman, MT. Landowner's Alliance, testified in support of the concept of the bill but recognized wrinkles. The bill would encourage landowners to provide public access to resident hunters.

Opponents' Testimony:

Chris Smith, Chief of Staff, FWP, submitted testimony in opposition to the bill and urged the committee to Table SB 353.
EXHIBIT (fis47a01)

Jeff Barber, on behalf of the MT. Wildlife Federation, testified in opposition to the bill for both philosophical and (numerous) technical reasons. The bill is basically "ranching for wildlife," he told the committee. Wildlife is a public resource to be managed as a trust for the benefit of all, he said.

{Tape : 1; Side : A}

Jean Johnson, MT. Outfitter's & Guides Association, suggested that SB 353 was ahead of its' time and although she testified in opposition to the bill, she recognized **SEN. TAYLOR** for his innovative thinking.

Jim McDermand, on behalf of Russell Country sportsmen, said the bill mis-represents benefits to resident sportsmen.

EXHIBIT (fis47a02)

Carol Gibson, Billings sportswoman, wondered if the slogan, then, should be, "Shoot a doe or don't go."

Stan Rauch, MT. Bowhunter's Association, testified that landowners should not be in the position of selling tags to hunters.

Bob Lucas, representing Big Sky Upland Game Bird Association, testified the bill is "11 pages of trouble." **EXHIBIT (fis47a03)**

Jim McCollum, member of the Russell Country Sportsmen's Association, asked the committee to Table SB 353.

EXHIBIT (fis47a04)

Bill Orsello, on his own behalf, stated the concept of SB 353 was not revolutionary. He suggested the state should look to Alberta where there is no leasing or fee for hunting.

John Gibson, representing the Billings Rod & Gun Club, said the bill "smells like ranching for wildlife."

Vince Fischer, President of Skyline Sportsmen, Butte, said the bill encourages privatization.

Elis Misner, Montana sportsman, testified that the bill could allow fish and game violators who have lost hunting privileges in other states to hunt undetected in Montana until landowners report them to FWP. **EXHIBIT (fis47a05)**

Tony Schoonen, on behalf of Public Land Access Association, stated that about one third of Montana land is inaccessible to hunters.

Bill Holdorf, Skyline Sportsmen Association, said the highest numbers of elk killed in the state are in Region 3 not because of the numbers of elk in the area but because Region 3 has the best access to private land.

Brian Logan, Helena, told the committee SB 353 "is a very bad bill."

Stan Fraiser, representing the Helena Hunter's & Angler's Association, said the bill represents an "old, failed idea."

Sherry Cargill, Jefferson County Commissioner, asked the committee to oppose the bill.

David Dittloff, speaking on his own behalf, said that Montana wildlife is the envy of the world. Although he opposed the bill, he stated he did support incentives to private landowners.

Toby Day, legislative intern, MT. Wildlife Federation, said many nonresidents are opposed to this legislation.

Lorie Thomas, President, Anaconda Sportsmen Club, stated that all Montana sportsmen (elk hunters, deer hunters and bow hunters, for example) feel SB 353 is a bad bill. He suggested that level of agreement should be a clue to the sponsor. (laughter).

{Tape : 1; Side : B}

Questions from Committee Members and Responses:

SEN. JACK WELLS asked **SEN. TAYLOR** to explain the one to one ratio. He further asked for an explanation of resident hunting one day of the season.

SEN. TAYLOR said the bill was designed to give all hunters equal access and equal days. He stated that if there were technical problems within the bill, he would want those problems resolved.

SEN. WELLS asked if the bill would jeopardize funding from Pittman-Robertson.

SEN. TAYLOR said he was familiar with Pittman-Robertson. There are currently rules in place within FWP statute that govern licensing and funding as well as legislation that addresses landowner preference.

SEN. WELLS told **Jean Johnson** that he understood leasing was illegal in Alberta and wondered what the Outfitter's & Guides Association reaction would be to changing Montana laws similarly.

Jean Johnson said the bottom line is that the decision to lease land lies with the landowner.

SEN. BILL TASH asked **Mr. Smith** if he could provide the committee with the numbers of absentee landowners enrolled in block management programs.

Mr. Smith redirected the question to **Alan Charles, FWP, Block Management Coordinator**.

SEN. TASH repeated his question regarding the number of absentee landowners involved in block management contracts.

Mr. Charles said that in the year 2000, of the 1,000 plus landowners involved in block management, there were between 20 and 25 absentee landowners.

SEN. ED BUTCHER said he would like to poll the group (through a show of hands) to determine how many individuals believed property landowners should be compensated for feeding game.

SEN. MIKE SPRAGUE suggested that for record-keeping purposes, the question should be directed toward an individual rather than toward the group.

Stan Frasier said the idea that people should be compensated for feeding wildlife went against public ownership of wildlife. Wildlife is part of the world we live in, like the sun, and the rain, he added. There are many mechanisms in place for controlling wildlife numbers.

SEN. BUTCHER said he had numerous constituents who fed wildlife and wondered if these individuals should be compensated for feeding wildlife when they could be raising cattle.

Stan Frasier answered an emphatic "no."

Bill Orsello said the question was an interesting one that had been previously addressed. "People accept their land with all the warts and wrinkles," he told the committee. There is no public requirement to compensate these individuals. The courts have upheld that wildlife is a condition of the land, he added.-

SEN. BUTCHER asked if a landlord fenced his property...

Mr. Orsello said again, the courts have ruled that you cannot restrict free use of the land by wildlife.

SEN. AL BISHOP stated there were three prior Montana court cases regarding game damage on property and suggested the legislative staffer might examine these statutes on behalf of the committee.

SEN. TASH asked **SEN. TAYLOR** if he had considered other state examples when the bill was being drafted.

SEN. TAYLOR said his bill was not patterned after Colorado, as had been suggested. He said he was not familiar with similar issues in other states.

SEN. TASH said he would imagine the bill had been tailored to address concerns about absentee landowners. Is this bill, then, an incentive to be involved in block management, he asked.

SEN. SPRAGUE asked **SEN. TAYLOR** if he was aware of similar legislation when SB 353 bill was drafted.

SEN. TAYLOR answered that he was unaware of similar legislation.

Closing by Sponsor:

SEN. TAYLOR said he wanted to hear from Montana sportsmen. It was not the intent of this bill to create a class system for rich people, he told the committee and added that if something isn't done, that will be the outcome. The bill is intended to provide equal access, he concluded.

{Tape : 2; Side : A}

Many groups opposed to the bill are the same individuals who lease land, he observed. Unless there is legislation implemented, hunting land will be locked up. This bill, he said, is for Montana hunters. Perhaps there needs to be further study done, he added.

EXECUTIVE ACTION ON HB 215

Motion: SEN. TASH MOVED TO AMEND HB 215 (HB021501.amv).

EXHIBIT (fis47a06)

Discussion:

SEN. TASH said the amendment removes some of the sites designated in **REP. SHOCKLEY'S** bill. He explained the sites were within his Senate District.

SEN. SPRAGUE commended **SEN. TASH** for having the foresight to remove access sites of concern from the bill.

Motion: SEN. WELLS MOVED TO AMEND HB 215 (HB021502.1mv).
EXHIBIT (fis47a07)

Discussion:

SEN. WELLS stated the amendment puts back language in the bill reflecting that there are camp hosts in some locations but not in all locations. It also addresses installation of electric posts where appropriate. Electric lines buried across these sites would not be prohibited. The amendment would prohibit paved RV parking spots, he concluded.

SEN. EVE FRANKLIN asked **SEN. WELLS** if he had been able to visit these sites of concern as they pertain to his amendments.

SEN. WELLS said he had spoken to the bill sponsor about amending out some of the sites in Gallatin County.

Vote: The motion carried unanimously, 11-0.

Motion/Vote: SEN. BISHOP MOVED TO TABLE HB 215. The motion carried, 9-0, with SENATORS FRANKLIN AND ELLINGSON voting "no."

Discussion:

Chris Smith, FWP, reminded the committee about testimony previously submitted by Jeff Hagener regarding the proposed Northern Rocky Mountain Grizzly Bear and Grey Wolf National Conservation Trust.

Mr. Smith said a Senate Resolution had been drafted endorsing this concept. The trust would establish, within the National Fish & Wildlife Foundation, a source of revenue to be used to offset costs related to grizzly bear and wolf management in Montana, Idaho and Wyoming.

SEN. SPRAGUE asked if this trust had been established in other states.

Mr. Smith replied that the trust had not been established in other states but there would be a proposal before congress to establish a trust.

ADJOURNMENT

Adjournment: 5:05 P.M.

SEN. MIKE SPRAGUE, Chairman

ROBERTA OPEL, Secretary

MS/RO

EXHIBIT (fis47aad)