

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 13, 2003 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Dan McGee, Vice Chairman (R)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. Ken (Kim) Hansen (D)
Sen. Dale Mahlum (R)
Sen. Trudi Schmidt (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jane M. Hayden, Committee Secretary
Mary Vandenbosch, Legislative Branch

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

Committee Business Summary:

Hearing & Date Posted: **HB 123, 3/13/2003**
Executive Action: **HB 123, 3/13/2003**

Sponsor: **REPRESENTATIVE PAUL CLARK**

Proponents: **Chris Smith**, Director of the Department of Fish, Wildlife, and Parks

Opponents: **None.**

Opening Statement by Sponsor:

REPRESENTATIVE PAUL CLARK, House District 72, Sanders County, testified that HB 123 is a simple bill with just two provisions. The first provision is allowing the youthful trapper(12 years old) to trap the full gamut of animals and no longer be limited to just muskrats and mink. The number of youth that trap is about 40. The second provision clarifies Fish, Wildlife, and Parks (FWP) Commission that regulates trapping. The FWP Commission regulates hunting, fishing and trapping, not the Department of Fish, Wildlife, and Parks. Licenses sold to youth trappers do not raise much money.

Proponents' Testimony:**EXHIBIT (fis53c01)**

Chris Smith, Director of the Department of Fish, Wildlife, and Parks, testified that on average, 35 youth trappers licenses have been issued in the recent past so there is not a lot of demand for this.

Opponents' Testimony: None given.

Informational Testimony: None given.

Questions from Committee Members and Responses:

SENATOR DEBBIE SHEA asked **Chris Smith** how many six-year-old trappers are licensed. **Mr. Smith** responded that he had no statistics by age, but that he thought that at least one half of the 35 youth licenses issued are held by 12 year olds. Any youth trapper must be accompanied by an adult, and that was stated in either the statutes or the regulations. **SENATOR SHEA** then asked **Mr. Smith** why HB 123 was changing the age from 13 to 12 years of age. **Chris Smith** replied that HB 123 would make the trapping ages consistent with the ages for other permits and licenses.

SENATOR GREG BARKUS asked **Chris Smith** whether he felt that the cost of \$3 was reasonable for a six year old trapper because if someone under 12 years of age goes fishing, they need no license. **Mr. Smith** replied that the \$3 was in the current law, and the Committee was welcome to change it, if they so wished.

SENATOR KEN HANSEN asked **Chris Smith** if the age was lowered, how does that correspond to someone who would buy state ground. **Chris Smith** stated that historically, the Department of Natural

Resources and Conservation (DNRC) has administered trapping on state-owned sections of land. DNRC has issued a special use license for hunting and fishing, and trapping was administered separately. Under the bill that **SENATOR DAN MCGEE** is carrying, it changes the structure to include recreational trapping as a privilege granted with your conservation licenses, so twelve-year-olds would not be competing with adult trappers. **SENATOR KEN HANSEN** then asked **Chris Smith** if a twelve-year-old was considered a commercial license holder. **Mr. Smith** said it would be up to DNRC whether they would consider a twelve-year-old trapping license holder a commercial or recreational trapper.

SENATOR HANSEN asked **Chris Smith** whether or not a youth trapper had the same right as an adult to sell their pelts. **Mr. Smith** replied that DNRC was responsible for the language. There is not a distinction between a commercial and recreational trapper under the new system. If the youth was going to trap on DNRC lands, then the youth must get a special use permit, but there was no cost for the permit. It would be up to the DNRC Area Managers to determine if a twelve-year-old trapper who wanted to come in and trap on a state section could do so, if there was already an adult trapper working the section. The DNRC Area Manager could allow both trappers to trap on the same section as the permits are not exclusive, or the Area Manager could restrict the twelve-year-old from not trapping there.

SENATOR DALE MAHLUM asked **REPRESENTATIVE PAUL CLARK** if he regretted that this hearing took longer than five minutes, as he had predicted. **REPRESENTATIVE CLARK** responded that the amount of time felt right.

Closing by Sponsor:

REPRESENTATIVE PAUL CLARK testified that if HB 123 was passed there would be no charge for the first year's youth trapping license. If the Fish and Game Committee takes off the \$3 cost for youth trappers then the youth trapping license would be free of charge. As an adult, I would take the child along as an educational experience, and if charging the \$3 is going to make or break that experience then take it out of HB 123.

SENATOR MIKE SPRAGUE said to **REPRESENTATIVE CLARK** that the \$3 would teach the youths that they have a responsibility to pay for the privilege to recreate in Montana.

EXECUTIVE ACTION ON HB 123

(On Tape for HB 157, 03/13/03)

Motion: SENATOR DEBBIE SHEA moved that HB 123 BE CONCURRED IN.

SENATOR DAN MCGEE stated that there should be an amendment on Page 2, Line 4, after the word "age" strike comma, add "or older or less than two years of age", through Line 5, age may receive a Class C License.

SENATOR KEITH BALES suggested that the youth should be able to just go and trap with no application needed.

SENATOR MCGEE asked **Chris Smith** if FWP keeps counts of youth trappers. **Mr. Smith** stated that there is no specific reference, and is probably a FWP Commission Rule. Youth trappers can only take mink and muskrat. He further explained that the license elimination would create a problem because the FWP Commission Rules would have to be changed. They might eliminate the possibility that anyone under 12 years of age could trap at all.

SENATOR MIKE SPRAGUE asked **Chris Smith** would it cause youths to run amuck to eliminate the youth trapping license altogether. **Chris Smith** said that if FWP eliminated the youth trapping license, then youth could not trap at all.

SENATOR GREG BARKUS asked **Chris Smith** about youths being able to fish. **Mr. Smith** stated that it is an FWP Commission Rule that youths under 12 years of age can fish without a license.

SENATOR BILL TASH asked about the amendment and state that getting a license is an important distinction for a youth.

SENATOR MCGEE moved his suggested amendment. **SENATOR KEITH BALES** wants amendment to make application to FWP, too. **SENATOR SPRAGUE** stated that the Committee would have **Mary Vandenbosch** write the amendment correctly.

Motion/Vote: SENATOR DEBBIE SHEA moved that HB 123 BE AMENDED. Motion carried 9-1 with SPRAGUE voting no.

Motion/Vote: SENATOR DAN MCGEE moved that HB 123 BE CONCURRED IN AS AMENDED. Motion passed unanimously.

HB 123 will be carried by **SENATOR DEBBIE SHEA.**

ADJOURNMENT

Adjournment: 5:00 P.M.

SEN. MIKE SPRAGUE, Chairman

JANE M. HAYDEN, Secretary

MS/JMH

EXHIBIT (fis53cad)