10/22/08

CAC Legislative Meeting

Legislators Present: Senator Greg Barkus

Candidates Present: Carla Augustad

Others Present: Chris Smith, Sue Daly, Jim Satterfield, Martha Abbrescia, Jim Vashro, Jim Williams, John Fraley, Lee Anderson, Dave Landstrom, Alan Wood, Tony Anderson, Brent Mitchell, Chuck Williams, Bob Friedman, Jon Dahlberg, Dan Savage, Don Clark, Warren Illi, Bob Cole, Mike Wood, Darrell Coverdell, Theresa Conner, Tammi Fisher, Mike Feldmann, Don & Gretchen Bothwell

Facilitator: Jim Satterfield

Chris Smith, FWP Deputy Director, gives overview of FWP legislative process. This year, FWP has a conservative package with only 7 agency bills.

1. Statutory Changes Proposed by the Private Lands/Public Wildlife Council. *Before the year is up, the Private Lands/Public Wildlife Council (PL/PW) may propose statutory changes to the management of the state's hunting, fishing, and trapping resources. This is a placeholder in the event the governor concurs with any proposed changes and decides to request that an agency bill be drafted. At this point, the PL/PW council is considering amendments to the Hunter Access Enhancement Program to increase the incentives for landowners to open their land for public hunting. The free hunting license for participating landowner would not be deducted from impact payments and eligibility for use of the free license would be broadened. Another concept under consideration is to create 1,000 nonresident elk combination licenses and 1,000 nonresident deer combination licenses for former residents who are sponsored by a resident family. These two proposals for potential legislation are now out for public comment to PL/PW. If any legislation is proposed, it will probably be sponsored by a legislative member of PL/PW, not FWP.*

2. Hunting Access Enhancement Placeholder*. In addition to deliberations by the Private Land/Public Wildlife Council, FWP is exploring ways to enhance hunting access to private lands through landowner incentives. Among concepts being considered is broader authority to negotiate access agreements with landowners, similar to those authorized by 87-2-513. Ongoing discussions within FWP and with various user groups and landowners may identify additional options.*

3. Mandatory Trapper Education. *The purpose of this legislation is to require a person to complete a trapper education course before he or she may purchase a trapping license. The recreational aspects of trapping are similar in many aspects to big game hunting in that the public expects safe use of equipment, appropriate harvest practices and ethical behavior by trappers. Increasing conflicts between resident trappers and a growing number of recreating publics with dogs has highlighted the need for the state to require a reasonable level of knowledge by trappers to obtain a state license to harvest furbearers in Montana. The Montana Trapper's Association has endorsed trapper education as a state requirement.*

Similarly to the bow hunter safety and education course, this proposal would affect only first-time trappers. The bill would require a trapper education course before a person who has never been issued a trappers license can be issued a Class C general trapping license. FWP proposed similar legislation in 2005 and 2007.

4. Revise Revocation of Privileged Statutes. *This bill would clarify the statutes governing penalties for violation of hunting, fishing and trapping laws and add additional penalties. The proposed legislation would clarify that a person who hunts, fishes or traps while his or her privilege to do so is revoked is guilty of a misdemeanor. Similarly, the bill would state that anyone who fails to comply with any term or condition of a revocation of a hunting, fishing or trapping privilege imposed by a court is guilty of a misdemeanor. Penalties for conviction of either misdemeanor would not change except that the person convicted could also be subject to additional revocation of his or her privilege to hunt, fish or trap in this state or to use state lands. Finally, the bill would add revocation of privileges to hunt, fish, or trap as a penalty for vandalism of FWP property, including state parks, fishing access sites or Wildlife Management Areas, as well as for criminal trespass on FWP or private property while violating other laws related to hunting, fishing or land use.*

5. Authority to Revoke Fur Dealer Licenses. *The purpose of this legislation would be to provide authority for the FWP to revoke or not renew commercial fur dealer licensure for violations of rules or statutes that govern their licensure. Additionally, the legislation would include a provision that makes it unlawful to purposefully or knowingly buy or sell, trade or deal in the skins or pelts of furbearers that have not been obtained from a legal source. Other commercial wildlife licensure, including taxidermy, alternative livestock ranches, shooting preserves, etc. provide for a mechanism for revocation or non-renewal or license for violations of laws or regulations. Enforcement hasn't been able to address problem fur dealers through non-renewal or revocation and has to instead renew licenses for even those individuals who continue to violate the laws. The licensed fur dealer, when faced with revocation or non-renewal of its license, could invoke the contested case proceeding that would ensure that the revocation or non-renewal was fairly administered through protections afforded through Montana Administrative Procedure Act.*

Additionally, there has been no requirement against dealing in illegally obtained pelts and skins. Most other commercial wildlife laws, such as the alternative livestock statutes, make this a specific prohibition in the law. Without this prohibition, the FWP has no authority to enforce against persons knowing dealing in illegally obtained pelts and skins.

6. Authority for Archery Seasons for Mountain Lion, Wolf and Bear. *Expand the authority of Fish, Wildlife & Parks Commission to establish archery only seasons to include seasons for bear, wolf, and mountain lion. The Commission presently has the authority to establish archery only seasons for deer, antelope, elk, moose, mountain sheep, and mountain goats. The Commission has traditionally set archery seasons for deer, antelope, and elk. The Commission added an archery season for sheep in most permitted districts for the first time starting this fall. There has been some interest in considering early archery seasons for bear, wolf, and mountain lion. Whether to have separate archery seasons for these additional species would be a decision for the Commission after public input.*

There may be some increased revenue from the sale of additional archery licenses. However, most archers who will hunt during any wolf, mountain lion, or bear archery season will have already purchased an archery license. This is because one archery license covers all species that have an archery season.

7. Nonresident Antlerless Deer License Price Reduction. *Give authority to the Fish, Wildlife & Parks Commissions to decrease the price of a nonresident antlerless deer license (nonresident deer B) when it determines that decreasing the price of the license would encourage more hunting from nonresident hunters to aid with deer population objectives during the regular season. FWP has seen a decreased interest in nonresident hunters to pay the license price of $75 for an antlerless deer license. As such, FWP has missed out on the opportunity to utilize nonresident hunting to manage deer population objectives because the Commission and Department only have authority to reduce the price of second or third licenses for game management purposes under MCA 87-2-104(4). Rather, with this legislation, the Commission could authorize a reduced price for the first nonresident antlerless deer license purchased by a nonresident. Otherwise the $75 for the initial license will be a barrier to encouraging more participating by nonresidents to help reduce over populations of deer.*

The fiscal impact could be to decrease revenue for FWP in sales of nonresident antlerless deer licenses. However, it is expected that more licenses will be sold because of the reduced pricing and that will either offset the reduced price with no impact or possibly have a positive effect of more revenue for FWP.

Sue Daly, Chief of Finance, gives overview of the funding mechanisms of FWP and states that FWP as a whole is primarily funded by user fees. The Parks Program is funded through a few different sources:

1. Coal Tax Trust Int.
2. Motorboat Fuel Tax
3. Parks Bed Tax
4. Parks Earned Revenues (includes the $4.00 vehicle registration fee)

The legislators through two major bills appropriate all funding.

- House Bill 2 – all state agencies are funded through this bill for day-to-day operations
- House Bill 5 – is a capital construction bill and funds things like land acquisitions, roads, structures, etc.

Reviewed the FY2010/11EPP Items

- Director's Priorities
  - Energy / Development Proposal
  - Invasive Species Program NP
  - Private Lands Fishing Access
  - Parks Maintenance & Operations Staff
  - FAS Mgmt and Maintenance Staff
  - Block management
  - Regulations Production
  - Area Office Rent Increases
  - Core Technology Replacement
  - Taxes & leases
  - AG Prosecutor
- Inflation / Fixed Costs
  - Aircraft Rate Adj
  - Inflation
  - ITSD
  - Fixed Costs
  - Workers Comp Adj NP

Questions:

1. How can citizens get involved in budget and legislative process to see a particular project come to fruition?
   a. Work through the Budget Finance Committee or the Appropriations Committee and/or help think of or develop a new funding source or watch to match federal funds that are available.
2. Concerned about the shortage of wardens throughout the state, has there been any funding from Homeland Security?
   a. Yes, there was money to revamp communications so that all emergency officers could communicate with each other, and every agency wasn't using a different frequency…(Lesson learned from 9/11).
3. Has the state ever thought of using zero-based budgeting?
   a. Yes, however it's not the process of choice as the state budgets require that we start with the base (money spent last year) to start to build the new budget. It's important to note that sometimes the legislature only appropriates one-time spending for certain items, so that funding does not become part of FWP's base.
4. Would the legislature support change the FWP Commission Structure from 5 commissioners to 7?
   a. The state would still be weighted to the east and overall, it would make more sense to have a commissioner for each region (that lives in the region).

Senator Barkus / Hot Issues (He's hearing about)

- High Mountain Lakes – Rotenone issue
- Spring Bear Season
- The cost of hunting & fishing – there's a lot of people not going to the field because of rising costs.

- SB 78 – Bridge / Stream Access Bill – Senator Barkus opposes this bill in its current language as this bill highlights how to lose sportsman – landowner relationships.
- How many people know about the Lincoln Property? FWP paid $1000.00 per acre for 7600 acres. The agency needs to be more watchful on how the agency is buying land…through conservation easements, can get land for pennies on the dollar.

Discussion:

- Continued funding for ACCESS is a critical consensus of those present.
- Existing accesses need to be maintained and made more usable.
- Access based on activities – it's not right to limit access based on activities…i.e., trappers are no longer able to trap on Forest Service lands because of potential of harm to dogs that are not on leashes.
- Less than 30% of people buy a hunting or fishing license every year.

Meeting adjourned at 9:00 p.m.

Next regular CAC meeting will be scheduled for early December.