

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Bob Ream, on January 5th 1989,
at 3:00 p.m.

ROLL CALL

Members Present: All with exception of:

Members Excused: Rep. Orval Ellison

Members Absent: none

Staff Present: Doug Sternberg, Legislative Council and
Maureen Cleary, Committee Secretary

Announcements/Discussion:

It was noted by Chairman Ream that Rep. Pavlovich would not
be on committee. Rep. Gervais would be sitting on the
Committee in his place.

HEARING ON HOUSE BILL 6

Presentation and Opening Statement by Sponsor:

REP. PAVLOVICH: The present language of the bill states
that a temporary fishing permit for out of state
fishermen "may" be required. I would change the
language to, "is required". This bill would have the
out-of-state fishermen pay a \$10.00 fee to fish in the
state of Montana. Senator Vaughn has a similar bill in
the Senate. I would request that the Committee wait to
compare the bills.

List of Testifying Proponents and What Group they Represent:

none

List of Testifying Opponents and What Group They Represent:

none

Questions From Committee Members:

REP. RANEY: What about the possibility of a state-wide fee verses county per county fees? REP. PAVLOVICH: I think that could be a possibility. I have no objections to that.

REP. REAM: In regard to obtaining the decal for state-wide fee, how would that system be implemented? MR. MARCOUX: The monies would be collected through the assessors office and deposited into the county funds.

Closing by Sponsor:

REP. PAVLOVICH: I would like to wait until we could compare the two bills. Senator Vaughn's bill and this bill, compare language and content. And decide how to go about proceeding with this, I would not want duplication. The concept of the bill is good. It would bring needed income into the state.

HEARING ON HOUSE BILL 7

Presentation and Opening Statement by Sponsor:

REP. PECK: Read a part of the text of the bill, giving a brief overview.

List of Testifying Proponents and What Group they Represent:

Mr. Ron Marcoux/ Director Montana Fish, Wildlife and Parks, Helena (See Exhibits #1 and #2).

List of Testifying Opponents and What Group They Represent:

none

Questions From Committee Members:

REP. EUDAILY: Wouldn't there be confusion for boat operators with divers using a float and/or a flag? REP. REAM: Once the motorboat operator becomes familiar with the symbol confusion should decrease.

REP. REAM: Did the divers that testified meet with Rep. Peck and Mr. Marcoux? Were they in agreement with the proposed amendments? REP. PECK: Yes, we met and were in agreement with the amendments.

REP. KASTEN: Would be the fiscal impact with an immediate effective date? MR. MARCOUX: There should be no impact.

REP. REAM: How would the Dept. implement the new system?

MR. MARCOUX: Once the bill is passed the Dept. would simply caution people at first. But later we would begin to ticket. The specifics would be determined through the Dept.

REP. KELLER: What would be the size of the flag ? REP.

REAM: Under the statement of intent, wouldn't the size of the flag would be regulated? MR. STERNBERG: As long as the flag is marked with the international symbol it should be recognized at the designated 100 ft., that would be determined with this in mind. REP. PECK: The standard size for the flag is 14x16 inches when purchased.

REP. EUDAILY: I question the language in the bill, "or other marker". That might leave room for confusion and differences of interpretation.

Closing by Sponsor:

Closing by the sponsor was deferred.

DISPOSITION OF HOUSE BILL 7

Discussion: none

Amendments and Votes: REP. EUDAILY: as noted above

REP. PHILLIPS: motioned a "do pass as amended" The amendments were voted upon and passed. (See Attached Standing Committee Report)

Recommendation and Vote: THE COMMITTEE THEREFORE, RECOMMENDS A "DO PASS AS AMENDED" FOR THIS BILL.

ADJOURNMENT

Adjournment At: 3:30 p.m.



REP. BOB REAM, Chairman

BR/mc

0505.min

DAILY ROLL CALL

FISH AND GAME

COMMITTEE

51st Session - Legislative Council

Date Jan. 5 1989

NAME	PRESENT	ABSENT	EXCUSED
Bob Ream, Chairman	✓		
Jim Elliott, Vice-Chair	✓		
Robert Blotkamp	✓		
Ben Cohen	✓		
Fritz Daily	✓		
Gene DeMars	✓		
Bob Pavlovich Bob Geroux	✓		
Bob Raney	✓		
Bill Strizich	✓		
Roger DeBruycker	✓		
Orval Ellison			✓
Ralph Eudaily	✓		
Marian Hanson	✓		
Betty Lou Kasten	✓		
Vernon Keller	✓		
John Phillips	✓		

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE Jan 5 1989 BILL NO. 07 NUMBER _____

NAME	AYE	NAY
Robert Biotkamp	✓	
Ben Cohen	✓	
Fritz Daily	✓	
Gene DeMars	✓	
Bob Pavlovich	✓	
Bob Raney	✓	
Bill Strizich	✓	
Roger DeBruycker	✓	
Orval Ellison		
Ralph Eudaily	✓	
Marian Hanson	✓	
Betty Lou Kasten	✓	
Vernon Keller	✓	
John Phillips	✓	
Bob Ream, Chairman	✓	
Jim Elliott, Vice Chairman	✓	

TALLY

(15)

Maureen Cleary *Maureen Cleary*
Secretary

Bob Ream
Chairman

MOTION: _____

STANDING COMMITTEE REPORT

January 5, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Fish and Game report that House Bill 7 (first reading copy -- white), with statement of intent attached, do pass as amended.

Signed: _____

Bob Ream

Bob Ream, Chairman

1. Title, line 7.

Following: "DISPLAYED;"

Insert: "GRANTING RULEMAKING AUTHORITY TO THE FISH AND GAME COMMISSION TO DETERMINE NONDIVING AREAS;"

2. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 3.

Following: "100"

Strike: "yards"

Insert: "feet"

4. Page 2, line 5.

Following: "flag"

Strike: "or other marker"

5. Page 2, line 6.

Following: "(b)"

Strike: "If necessary for the safety of the motorboat operator, the"

Insert: "The"

6. Page 2, line 7.

Following: "enter the"

Strike: "100-yard"

Insert: "100-foot"

7. Page 2, line 11.

Following: line 10

Insert: "(c) The fish and game commission may by rule determine areas where establishment of a 100-foot safety zone is not allowed in order to provide for diver safety or the regulation of water traffic."

8. Page 2, line 25.

Following: line 24

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

9. The following statement of intent is attached:

"STATEMENT OF INTENT -- HB 7

A statement of intent is required for this bill because 23-2-525(4)(c) grants rulemaking authority to the fish and game commission. It is intended that the commission may, after a public hearing, establish areas where, because of diver safety or water traffic, underwater diving is not allowed."

HB 7
January 5, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

The Department of Fish, Wildlife & Parks supports the concept of HB 7 promoting safety of underwater divers if it does not unreasonably restrict or eliminate existing recreational activities.

We suggest amending Section 1(4) to read: All diving shall be within 100 feet radius of the diving flag and no boat operator shall knowingly operate within 100 feet of the flag.

In addition, we suggest adding language to authorize the Fish and Game Commission to close areas to underwater diving through a hearing process when an area has been determined to be hazardous to underwater divers or where diving operations impede the normal flow of motorboat traffic.

It might also be noted that Missouri dealt with the issue of impacts to other recreational use by stating that divers must not impede the normal flow of motorboat traffic.

A copy of the proposed amendments is attached for your consideration. With these amendments the department supports HB 7.

EXHIBIT # 01
DATE 1/5/89
HB 07

Amendments to House Bill No. 7
Introduced Reading Copy

For the Committee on House Fish and Game

Prepared by Doug Sternberg
January 3, 1989

1. Title, line 7.

Following: "DISPLAYED;"

Insert: "GRANTING RULEMAKING AUTHORITY TO THE FISH AND GAME
COMMISSION TO DETERMINE NONDIVING AREAS;"

2. Page 2, line 3.

Following: "100"

Strike: "yards"

Insert: "feet"

3. Page 2, line 6.

Following: "(b)"

Strike: "If necessary for the safety of the motorboat operator,
the"

Insert: "The"

4. Page 2, line 7.

Following: "enter the"

Strike: "100-yard"

Insert: "100-foot"

5. Page 2, line 11.

Following: line 10

Insert: "(c) The fish and game commission may by rule determine
areas where establishment of a 100-foot safety zone is not
allowed in order to provide for diver safety or the
regulation of water traffic."

6. The following statement of intent is attached:

"STATEMENT OF INTENT -- HB 7

A statement of intent is required for this bill because 23-
2-525(4)(c) grants rulemaking authority to the fish and game
commission. It is intended that the commission may, after a
public hearing, establish areas where, because of diver
safety or water traffic, underwater diving is not allowed."

Examples from Other States

IDAHO

Requires the 100-foot distance from the diver's flag.

CALIFORNIA

Only requires that boat operators exercise caution when boating in those areas where diving operations are being conducted.

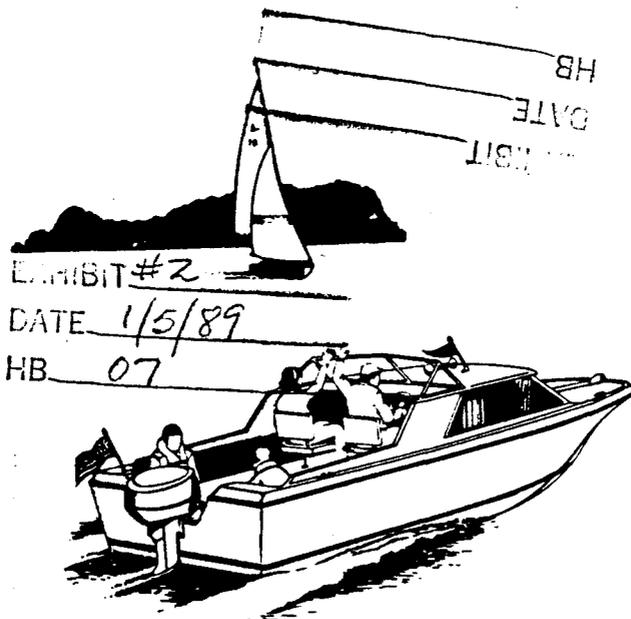
MISSOURI

Requires:

- (1) The diving flag to be at least 12"x16"
- (2) All diving shall be within 50 yards radius of the flag and no boat operator shall knowingly operate within 50 yards of the flag
- (3) Diving operations shall not impede the normal flow of motorboat traffic.

EXHIBIT #2
DATE 1/5/89
HB 07

MONTANA BOATING REGULATIONS



JUNE 1988

DEPARTMENT OF
FISH, WILDLIFE AND PARKS
HELENA, MT 59620

UNABLE TO
MICROFILM BACK
PAGE, due to being
glued down.

