

MINUTES
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

March 23, 1977

The twenty-second meeting of the Fish and Game Committee was called to order by Chairman Frank Dunkle, at 8:00 A.M., in Room 405 of the State Capitol Building.

ROLL CALL: All members were present, with the exception of Senator Manley, who was excused.

CONSIDERATION OF HB 340, an act to provide a portion of the fuel tax for development and maintenance of snowmobile facilities.

Senator Dunkle made a motion to dispose of the bill. He brought to the attention of the committee a report submitted by Mr. Ron Holliday of the Recreation and Parks Division, Montana Fish and Game Department. (Entitled, "Snowmobile Facility Development Report," Attachment #1).

Senator Lensink said he had mixed feelings about the bill; he said he felt the committee should look at this in regard to all the programs it wants to consider this session.

Senator Smith made a motion that the committee concur in HB 340. Senator Bergren seconded the motion.

Chairman Dunkle opened the Executive Session to discussion.

Senator Lowe mentioned that a person cannot receive a gasoline tax refund on either snowmobiles or lawn mowers.

Senator Lensink stated this was contrary to testimony heard on the bill previously. It was explained that the committee had researched this point and found it was wrong in its original assumption.

DISPOSITION OF HB 340: Chairman Dunkle called for the question. The vote was unanimous that HB 340 BE CONCURRED IN.

Senator Smith will carry the bill on the floor.

CONSIDERATION OF HB 299, an act to prohibit hunting the same day ~~as-or-the-day~~ following a flight to locate game ~~and-to prohibit~~ the use of citizen band radios for hunting and the use of aircraft, including helicopters, for transporting hunters, fishermen, hunting and ~~fishing-equipment~~, or wildlife and harassing certain wildlife.

Chairman Dunkle discussed the proposed amendments to HB 299 and mentioned that the committee had already adopted amendments 1 through 4. (Attachment #2).

He also said it should be pointed out that under the proposed amendments, you can still use helicopters to go back into high mountain lakes for fishing, since the House deleted the fishing portion of the bill.

Senator Warden said in this day and age, most people can afford to hire a helicopter to get to fishing spots, and soon the fish population suffers.

Senator Smith pointed out that if there is a problem of decreased fish population, the Fish and Game Department can close the season.

Mr. Wes Woodgerd of the Montana Fish and Game Department said the bill was originally intended to close fishing to people arriving by helicopter. He said when the Department closes a season to fishing, the way the bill is presently written, it will be closed to everyone, not just those in helicopters.

Senator Lensink said he felt we should clarify just exactly what it is we are trying to accomplish in this bill. He felt the intent was that we don't want wildlife to be harassed. He asked if we wanted to prevent spotting of wildlife for purposes of hunting.

Chairman Dunkle said it was his impression that we don't want to restrict people from flying to observe scenery, etc., but we don't want wildlife harassed or flying into an area and using that as an aid to communicate the whereabouts of wildlife to hunters on the ground.

Senator Warden asked if the FCC monitored conversations from aircraft to persons on the ground. It was said that this was not probable.

Senator Lowe made a motion that on page 3 of the third reading bill, following the word "wildlife," that lines 9 through 12 be stricken. The motion was seconded by Senator Bergren. The amendment was adopted unanimously.

It was also agreed that included in this amendment would be the appropriate change in the title of the bill.

Senator Warden felt the "fishing" portion of the bill should be reinserted. She made a motion that on page 3 of the third reading bill, subsection (c), line 15, the words, "or-fishing" be reinserted; on line 20, the words, "or-fishing" be reinserted; on line 21, the word, "fishermen" be reinserted. The words referring in the title to fishing or fishermen were also to be reinserted.

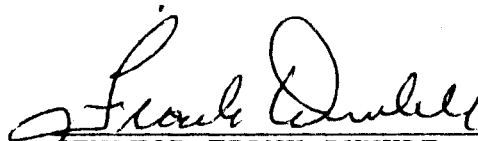
Senator Warden's motion was seconded by Senator Lensink. Senator Bergren said he felt this would be very difficult for the Fish and Game Department to enforce. Senator Lowe was excused from the meeting at 9:10 to attend another hearing.

Senator Warden didn't feel this would be difficult to enforce. She said if a person were in a helicopter flying over an area every day or so, they would develop a pattern; you could hear them and then call a game warden to check on the situation.

Senator Dunkle conducted a ROLL CALL VOTE on Senator Warden's proposed amendment. The vote was a tie, with Senators Dunkle, Warden and Lensink voting "yes" and Senators Galt, Smith and Bergren voting "no." Senators Manley and Lowe were absent. Senator Warden's amendment was not adopted.

DISPOSITION OF HB 299: Senator Warden made a motion that HB 299 BE CONCURRED IN, AS AMENDED. The motion was seconded by Senator Lensink. Senator Smith wanted it a matter of record that he voted against the bill. The motion carried.

ADJOURNMENT: Chairman Dunkle adjourned the meeting at 9:30 A.M.


SENATOR FRANK DUNKLE, CHAIRMAN

SENATE COMMITTEE FISH AND GAME

Date 2-18-07 House Bill No. 299 Time 9:15

NAME	YES	NO
DUNKLE, Frank, Chairman	✓	
WARDEN, Margaret, Vice Chairman	✓	
GALT, Jack		✓
LENSINK, Everett	✓	
LOWE, Bill	<i>absent</i>	
MANLEY, John		
SMITH, Richard		✓
BERGREN, Russell		✓

Sharon (Riskin) Smith
Secretary

FRANK DUNKLE
Chairman

Motion: _____

(include enough information on motion---put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

.....March 23..... 19 77.....

MR.PRESIDENT.....

We, your committee onFISH AND GAME.....

having had under considerationHOUSE..... Bill No. 340.....

Respectfully report as follows: That.....HOUSE..... Bill No. 340,...

third reading bill,

BE CONCURRED IN

XXXXXX
DO NOT
XXXXXX

.....
Chairman.

STANDING COMMITTEE REPORT

March 23, 19 77

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 299

Respectfully report as follows: That HOUSE Bill No. 299

third reading bill, be amended as follows:

1. Amend title, lines 5 through 7.

Following: "PROHIBIT"

Strike: "HUNTING THE SAME DAY AS-OR-THE-DAY FOLLOWING A FLIGHT TO
LOCATE GAME AND-TO-PROHIBIT, THE USE OF CITIZEN BAND RADIOS FOR
HUNTING AND"

2. Amend page 1, section 1, line 23.

Following: "light,"

Strike: "citizens' band radio,"

3. Amend page 1, section 1, line 25.

Following: "light,"

Strike: "citizens' band radio,"

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House Bill 299, continued
Page Two

4. Amend page 3, section 1, lines 9 through 12.

Following: "wildlife."

Strike: "It is unlawful for an-airborne A person or-persons-on-the ground AIRBORNE to pursue or hunt game OR FUR-BEARING ANIMALS on the same day as-or-the-day following such flight."

F.R.

SENATOR FRANK DUNKLE, CHAIRMAN

SNOWMOBILE FACILITY DEVELOPMENT REPORT

As a result of concerted efforts by the state snowmobile association, the 43rd legislative session, in 1975, passed a law, Senate Bill 254, which required that all snowmobiles be assessed an annual \$2.00 registration fee which was earmarked for use by the Montana Department of Fish and Game. One-half of this fee was allocated to the Recreation and Parks Division for development of snowmobiling facilities and one-half was allocated to the Enforcement Division for enforcement of snowmobile laws.

Since passage of this bill, from 17,000 to 21,000 snowmobiles have been registered each year. Approximately \$10,000 has been spent or is committed to date, and the department currently has approximately \$50,000 set aside with which to develop facilities.

Expenditure of this money has been slow, partly due to the early complexities of setting up a new program and formulating guidelines, a copy of which is attached to this report.

These guidelines were distributed widely to department personnel, the state snowmobile association and to numerous individuals and clubs. No adverse comments were received and these guidelines were adopted as policy.

An early proposal for a parking area on Waldron Creek which was accepted as a pilot project brought to light a serious problem that has further limited the expenditure of these funds. The legislation clearly restricts the department's expenditures to development and enforcement. No maintenance expense such as snow removal or purchase of grooming equipment can be charged to these funds. These restrictions have made it impossible to consider many otherwise worthwhile proposals.

The following projects are either completed, under construction, or in the planning stages.

WALDRON CREEK (North Fork of Teton River, Teton County)

Project Scope: Conceived as pilot project in 1975. Provides parking for approximately 15 vehicles, sanitary facilities, and signing. Construction on USFS land.

Approximate cost: \$2,500

Status: Project completed. Sanitary facility maintenance assumed by USFS. Snow removal was initially paid for by Choteau Snowmobile Club and is now being done by operator of adjacent ski area.

VANCE HILL (North Fork of Flathead River, Flathead County)

Project Scope: Signing, dozer work and brush removal on approximately one-half mile of trail. On USFS land.

Approximate cost: \$300

Status: Project completed. No maintenance necessary.

HB 299

PROPOSED AMENDMENTS

Amend third reading copy as follows:

1. Amend page 1, title, line 6.

Following: "DAY"

Insert: "as"

Strike: "FOLLOWING"

2. Amend page 1, title, line 7.

Following: "PROHIBIT,"

Strike: "THE USE OF CITIZEN BAND RADIOS FOR HUNTING AND"

3. Amend page 1, section 1, line 23.

Following: "light,"

Strike: "citizens' band radio,"

4. Amend page 1, section 1, line 25

Following: "light,"

Strike: "citizens' band radio,"

5. Amend page 3, section 1, line 12

Following: "flight"

Insert: ", except when persons or cargo are loaded and unloaded at federal aviation agency approved airports, aircraft landing fields, or heliports which have been established on private property or which have been established by any federal, state, county, or municipal governmental body."

Amend page 1, section 1, line 12
Following: "day"
Strike: "Following"
Insert: "as"