

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

February 17, 1979

The fourteenth meeting of the Fish and Game Committee was called to order by Chairman Ed Smith, at 7:00 P.M., in Room 402 of the State Capitol Building.

ROLL CALL: All members were present, with the exception of Senators Galt and Stimatz, who were excused.

DISPOSITION OF SB 470: Senator Goodover made a motion that SB 497 DO NOT PASS. The motion was seconded by Senator Manley, and unanimously passed. Senator Galt had left his vote of "yes" on a DO NOT PASS motion with Chairman Smith.

CONSIDERATION OF SB 497, A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PERMIT SYSTEM FOR THE AERIAL HUNTING OF PREDATORY ANIMALS; FORBIDDING THE HARASSMENT OF LIVESTOCK BY AIRCRAFT; PROVIDING PENALTIES, INCLUDING FORFEITURE OF PERSONAL PROPERTY, FOR ILLEGAL AERIAL HUNTING OF WILDLIFE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Since the earlier meeting this date, a new bill had been drafted. Mr. Bob Gilbert of the Montana Woolgrowers Association, Mr. Joe Helle, also with the Woolgrowers Association, and representatives of the Montana Trappers Association, spoke in favor of the bill. Mr. Helle added that, as amended, the new bill would allow more consideration for pilots and trappers.

Senator Van Valkenburg stated that, with so many changes, he could not accept the new bill.

Chairman Smith mentioned he had not recommended a name be put on this bill.

Senator Manley said he thought the best thing to do would be to wait and work on a proposal within the next two years which would constitute a more compatible piece of legislation; he felt this would be wiser than accepting this bill. He asked the trappers how many months of the year they trap coyotes; they replied they trap twelve months of the year.

Mr. Edd Nentwig, representing the Trappers Association, said there were controls until the time of Judge Battin's ruling.

Chairman Smith asked if a meeting of the trappers, the private pilots, and Senator Van Valkenburg could result in an agreement regarding SB 497. It was decided they would meeting tomorrow.

DISPOSITION OF SB 475: Senator Goodover made a motion that SB 475 BE TABLED. The motion was seconded by Senator Manley and unanimously approved.

DISPOSITION OF SB 440: Senator Goodover made a motion that SB 440 BE TABLED. The motion was seconded by Senator Manley and unanimously carried.

ADJOURNMENT: Chairman Smith adjourned the meeting at 7:50 P.M.



SENATOR ED B. SMITH, CHAIRMAN

Date Feb. 17, 1979

ROLL CALL
FISH AND GAME COMMITTEE

7:00 p.m.

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
SMITH, Ed, Chairman	X		
GALT, Jack E., Vice Chairman			X
ANDERSON, Mike	X		
GOODOVER, Pat M.	X		
MANLEY, John E.	X		
STIMATZ, Lawrence G.			X
VAN VALKENBURG, Fred	X		

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

February 19 79

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MR. President

We, your committee on Fish and Game

having had under consideration Senate Bill No. 470

Respectfully report as follows: That Senate Bill No. 470

DO NOT PASS

~~DO PASS~~ *Pa*

A bill for an act entitled: An act providing for a permit system for the aerial hunting of predatory animals; forbidding the harassment of livestock by aircraft; providing penalties, and providing for an effective date.

Be it enacted by the legislature state of Montana:

Section one: aerial hunting prohibited- exceptions.

1. except as provided in (section 7), no person except an employee of the state, its subdivisions, or the federal government, acting within the scope of his employment may engage in the aerial hunting of wild animals as defined in ^{without first obtaining a permit from the} Department of Livestock. ^{section 81-7-101}

2. No person issued a permit as required by this section may engage in aerial hunting of wild animals ^{in violation of the terms of this act or the rules and regulations promulgated by the Board of Livestock.}

Section two: use of personal property for illegal aerial hunting prohibited. When a permit is required under (section one) the use of any aircraft or any other personal property, including motor vehicles and other personal property used on the ground in the support of aerial hunting activities, for the aerial hunting of any wildlife is prohibited except when done pursuant to a permit issued by the Department of Livestock.

Section three: prohibition against harassing livestock. No person, whether or not lawfully authorized to aerial hunt, may, while engaged in flying an aircraft, knowing harass, injure, or attempt to injure any livestock, except with the expressed permission of the owner of the livestock.

Section four: Rule making authority. The department of Livestock shall adopt rules to effectuate the purposes of this act and to implement and to conduct the aerial hunting permit system provided for by this act. Such rules may include:

1. classification of wild animals.
2. limits on the number of permits issued for a specific area of land.
3. reasonable experience qualification of pilots and gunners.
4. standards for determining when a non resident may be issued a permit under section six.
5. standards for the issuance of a permit.
6. reports required of permittees; and
7. such other matters that may be necessary to effectuate the purposes of this act and reduce loss to livestock or game due to predation.

Section five: duration of permit----fee. Each permit shall be valid for a period set by the Department of Livestock not to exceed three years and shall cost \$50 a year.

All fees for permits shall be paid to the Department of Livestock for deposit in the state treasury to the credit of the earmarked revenue fund for predatory animal control.

Section Six: Residency requirement. No person not having residence and domicile in Montana may be issued a permit provided for in section one, except when authorized by the Board of Livestock. Permits may be issued to non residents for use only in areas which the department considers are inadequately serviced by resident permittees or to non residents who are owners of land in Montana who wish to engage in aerial hunting only over their own property.

Section seven: Resident landowners authorized to aerial hunt over their own lands without a permit---- conditions.

Any landowner having residence and domicile in Montana may engage in aerial hunting of wild animals over his own land without a permit providing annual notification is given the Department of Livestock of lands to be hunted and a description of predatory animals to be hunted.

Section eight: Penalties--jurisdiction---revocation of permit.

1. any person violating this act is guilty of a misdemeanor and upon conviction is punishable as follows:

- a) for a first conviction, a fine of not more than \$1,000;
- b) for a second conviction, a fine of not more than \$1,500;
- c) for a third and subsequent convictions by a fine of not more than \$3,000;
- d) for the purpose of determining the number of convictions, convictions shall be accumulated for the life of the permit.

2. the Justice court has jurisdiction over the first and second violations and the District court has jurisdiction over third and subsequent convictions.

3. the Department of Livestock may revoke or suspend the permit of anyone violating this act or the rules and regulations promulgated by the board of livestock.

4. the Department may confiscate any carcasses or pelts taken in violation of this act with the revenue derived from the sale of carcasses or pelts paid to the Department of Livestock for deposit in the state treasury to the credit of the earmarked revenue funds for predatory animal control.

Section nine: Enforcement.

1. Investigations of violations of this act, arrests, and enforcement thereof shall be the

responsibility of the Department of Livestock or its' agents.

2. to enforce this act, the Department may enter into agreement with federal agencies charged with predatory animal control. Such agreements may allow the federal agency to assist in investigations, arrests, and the enforcement of this act.

Section ten: Codification. Sections one through nine in this act are intended to be codified as an integral part of title 81, chapter seven and provisions contained in title 81, chapter seven apply to these sections.

Section eleven: effective date. This act is effective July 1, 1979.