

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

February 19, 1979

The fourteenth meeting of the Fish and Game Committee was called to order by Chairman Smith at 6:20 P.M., in Room 402 of the State Capitol Building.

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

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."

Senator Van Valkenburg reviewed the amendments to SB 497. (Refer to attached Standing Committee Report.)

Senator Van Valkenburg made a motion that the amendments, which had been reviewed by the Committee, be accepted.

Question by Senator Stimatz; unanimously carried.

DISPOSITION OF SB 497: Senator Van Valkenburg that SB 497 DO PASS, AS AMENDED. Senator Stimatz seconded the motion, and it carried unanimously.

ADJOURNMENT: Chairman Smith adjourned the meeting at 6:40 P.M.



SENATOR ED B. SMITH, CHAIRMAN

Date 2-19-79

ROLL CALL
FISH AND GAME COMMITTEE

46th LEGISLATIVE SESSION - 1979

| NAME | PRESENT | ABSENT | EXCUSED |
|------------------------------|---------|--------|---------|
| SMITH, Ed, Chairman | ✓ | | |
| GALT, Jack E., Vice Chairman | | | ✓ |
| ANDERSON, Mike | ✓ | | |
| GOODOVER, Pat M. | ✓ | | |
| MANLEY, John E. | | | ✓ |
| STIMATZ, Lawrence G. | ✓ | | |
| VAN VALKENBURG, Fred | ✓ | | |
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Each Day Attach to Minutes.

THOMAS L. JUDGE, Governor

ANIMAL HEALTH DIVISION

Glenn C. Halver, D.V.M.
Administrator

BRANDS-ENFORCEMENT DIVISION

James L. "Les" Graham
Administrator



BOARD OF LIVESTOCK

Robert G. Barthelmess, Miles City
Chairman
Robert L. Deschamps, Jr., Bonanza
Eugene C. Donaldson, Helena
Fred A. Johnston, Great Falls
Vernon V. Keller, Fishtail
Ralph J. Parker, Fort Shaw
Robert M. Simons, Turner

STATE OF MONTANA
DEPARTMENT OF LIVESTOCK
HELENA, MONTANA 59601

(406) 449-2043

February 20, 1979

PROPOSED STATEMENT OF INTENT RE SB-497

Section 4 of this bill requires the Department of Livestock to adopt rules regulating aerial hunting. It is the intent of this bill that any rules so adopted not interfere with the needs of livestock producers protecting their livestock from predation. At the same time it is the intent of this bill that such rules protect the interests of persons who do not wish aerial hunting to occur over land in their control.

Respectfully submitted,

Handwritten signature of Les Graham in cursive script.

Les Graham, Administrator
Brands-Enforcement Division
Department of Livestock

APPROVED BY THE SENATE COMMITTEE OF FISH AND GAME ON
FEBRUARY 20, 1979

STANDING COMMITTEE REPORT

February 19 19 79

MR. President

We, your committee on Fish and Game

having had under consideration Senate Bill No. 497

Respectfully report as follows: That Senate Bill No. 497,
introduced bill, be amended as follows:

1. Page 1, lines 7 through 9.

Following: "PENALTIES"

Strike: ", INCLUDING FORFEITURE OF PERSONAL PROPERTY, FOR
ILLEGAL AERIAL HUNTING OF WILDLIFE; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE"

2. Page 1, line 17.

Following: line 16

Strike: "87-7-101"

Insert: "81-7-101"

3. Page 1, lines 18 through 20.

Following: "livestock."

Strike: remainder of line 18 and all of lines 19 and 20

~~DO-PASS~~

(Continued)

4. Page 1, line 23.
Following: "permit"
Insert: ", the rules promulgated by the board of livestock, or the terms of [this act]"
5. Page 1, line 25 and line 1 on page 2.
Strike: "When a permit is required under [section 1], the"
Insert: "The"
6. Page 2, line 3.
Following: "activities"
Strike: ", "
7. Page 2, line 5.
Following: "pursuant to"
Strike: "the terms of the"
Insert: "a"
Following: "permit"
Insert: "issued by the department of livestock"
8. Page 2, lines 10 through 12.
Following: "livestock."
Strike: remainder of line 10 and all of lines 11 and 12
9. Page 2, line 14.
Following: "livestock"
Strike: "may"
Insert: "shall"
10. Page 2, lines 20 and 21.
Following: "(2)"
Strike: remainder of line 20 and all of line 21.
Insert: "the species of wild animals to be hunted;"
11. Page 3, line 2.
Strike: "actual or potential"
12. Page 3, lines 18 and 19.
Following: "only in"
Strike: remainder of line 18 and "if" on line 19
Insert: "areas which"
13. Page 4, line 2.
Following: "81-7-101,"
Strike: "with his own aircraft and"
14. Page 4, line 3.
Following: "he"
Strike: "first"
Insert: "annually"

(continued)

15. Page 4, lines 6 and 7.

Following: "Such"

Strike: "notification must be made annually"

Insert: "hunting must be in accordance with all rules of the department of livestock"

16. Page 4, line 9.

Following: "violating"

Strike: "[sections 1 or 3]"

Insert: "any provision of [this act]"

17. Page 4, lines 10 through 13.

Following: "misdemeanor"

Insert: "."

Strike: remainder of line 10 and all of lines 11, 12 and 13

18. Page 4, line 14.

Following: line 13

Insert: "(2) (a) A conviction for a violation of [section 1(1)] is punishable by a fine of not less than \$500 or more than \$1000 or by imprisonment in the county jail for a period not to exceed 6 months, or both. A subsequent conviction is punishable by a fine of not less than \$1000 or more than \$1500 or by imprisonment in the county jail for a period not to exceed one year.

(b) A conviction for a violation of provisions of [this act] other than [section 1(1)] shall be punishable by fine of not more than \$500 or by imprisonment in the county jail for a period not to exceed 6 months, or both. A subsequent conviction shall be punishable by a fine of not less than \$250 and not more than \$500 or by imprisonment in the county jail for a period not to exceed 6 months."

Re-number: subsequent subsections

19. Page 4, line 10 through line 11 on page 5.

Strike: Section 9 in its entirety

Re-number: subsequent sections

20. Page 5, line 20.

Following: "through"

Strike: "10"

Insert: "9"

21. Page 5, lines 24 and 25.

Strike: section 12 in its entirety

And, as so amended,

DO PASS *BA*

.....Ed. B. Smith,.....

Chairman.