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MINUTES  
FISH AND GAME COMMITTEE  
MONTANA STATE SENATE

March 6, 1979

The eighteenth meeting of the Fish and Game Committee was called to order by Vice Chairman Galt at 1:00 P.M., in Room 402 of the State Capitol Building.

ROLL CALL: All members were present, with the exception of Chairman Smith who was attending another meeting and would return shortly, and Senator Stimatz, who was excused.

CONSIDERATION OF HB 782, A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ANNUAL REGISTRATION OF SNOWMOBILES AND ASSESSING A REGISTRATION FEE; REVISING THE TITLE REQUIREMENTS FOR SNOWMOBILES; REVISING THE REGISTRATION REQUIREMENTS FOR SNOWMOBILE DEALERS; GENERALLY REVISING FEES AND THEIR ALLOCATION; PROVIDING A REGISTRATION EXCEPTION FOR NONRESIDENT SNOWMOBILE RACERS; ELIMINATING THE DISCRETION OF THE DEPARTMENT OF FISH AND GAME OVER DECIBEL STANDARDS."

Representative William ("Red") Menahan, Chief Sponsor, explained the bill and presented a statement from the Montana Snowmobile Association, outlining proposed amendments. (Attachment #1) He then went through the amendments in final form. (Attachment #2)

Mr. Ken Hoovestol of Billings, Legislative Chairman of the Montana Snowmobile Association, stated he agreed with Representative Menahan's testimony.

There being no further proponents and no opponents, Chairman Smith closed the hearing on HB 782, and opened the meeting to questions from the Committee.

Senator Manley explained the first proposed amendment, saying it will make snowmobiles legal on private land without licensing.

ADOPTION OF AMENDMENTS: Senator Manley made a motion to adopt the proposed amendments. The motion carried unanimously.

DISPOSITION OF HB 782: Senator Manley made a motion that HB 782, AS AMENDED, BE CONCURRED IN.

Senator Goodover asked if he could take his machines without licenses on private property. Senator Manley said he could, if he transported them on a trailer and had the landowner's permission to be on his property.

Senator Van Valkenburg asked about the 78 decibel standard - had it been a problem to the Fish and Game Department? Mr. Robert Bird, Safety and Training Bureau Chief, Law Enforcement Division, Department of Fish and Game, replied it had not been a problem thus far.

The motion carried unanimously, with Senator Stimatz being excused. HB 782 went out of Committee with an AS AMENDED, BE CONCURRED IN recommendation.

CONSIDERATION OF HB 648, A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RESPONSIBILITIES OF THE FISH AND GAME COMMISSION AND THE DEPARTMENT OF FISH AND GAME IN REGARD TO PARKS AND RECREATION."

Representative John Scully, Chief Sponsor, explained the amendments he was proposing to the bill. (Refer to items 1, 3, 4, and 5 of the Standing Committee Report.)

Mr. Hoovestol said his association concurred with the amendments proposed by Representative Scully, and asked for the Committee's support of the bill.

After discussion, Representative Scully said he had no objection to changing the bill to remove the stipulation requiring that an attorney serve on the Fish and Game Commission.

ADOPTION OF AMENDMENTS: Senator Van Valkenburg made a motion that sections 2, 3, and 5 of the bill be stricken. He further moved to adopt Representative Scully's amendments and change the bill title to conform with them. The motion carried unanimously.

Senator Manley read a proposed amendment stating the governor is not required to appoint an attorney to serve as a member of the commission. (Attachment #3) He then made a motion to adopt this amendment.

Senator Goodover asked if the quasi-judicial portion of the bill would have to be removed to conform with the amendments. Debbie Schmidt, Legislative Council Researcher, said it would not.

Senator Manley stated he had discussed this amendment with Representative Scully and received his approval on it.

Mr. Woody Wright, attorney for the Department of Fish and Game, said he did not rise as a proponent or an opponent of the bill.

Mr. Ken Hoovestol spoke in support of the bill.

Debbie Schmidt said she didn't know whether Senator Manley's amendment was within the scope of the bill title.

Mr. Hoovestol said this amendment would allow a person in any particular district to serve on the Commission whether or not he was an attorney. Mr. Larry Putnam, Administrator of the Centralized Services Division, Department of Fish and Game, said he has observed Commission meetings for the last two years and witnessed that having attorneys on the Commission is an asset.

Senator Galt asked Senator Manley if this would be within the scope of the bill title; Senator Manley replied he felt it would be.

ADOPTION OF AMENDMENT: Senator Manley reiterated his motion to adopt the amendment and amend the bill title to conform with it. The motion carried unanimously by voice vote.

DISPOSITION OF HB 648: Senator Van Valkenburg made a motion that HB 648, AS AMENDED, BE CONCURRED IN. The motion carried unanimously by voice vote.

CONSIDERATION OF HOUSE BILL 767, A BILL FOR AN ENTITLED: "AN ACT TO PROVIDE A PREFERENCE FOR A LANDOWNER OR LESSEE IN THE ISSUANCE OF SPECIAL ELK OR DEER LICENSES TO ALLEVIATE DAMAGE TO PRIVATE PROPERTY."

Representative Gene Donaldson, Chief Sponsor, explained the bill, saying it will improve landowner-sportsman relations. Mr. Robert Van Der Vere, representing himself, spoke in support of the bill, stating it will give property owners the opportunity to hunt on their own lands. He stated it is for damage hunts only.

Mr. Gene Allen, Administrator of the Wildlife Division, Department of Fish and Game, spoke in general support of the bill. He said the Department especially supports the amendment requiring some portion of a ranch be open to hunting during the regular season in order for that landowner to be eligible for preference during a late

season damage hunt. (Attachment #4)

Senator Manley asked about the 160-acre requirement in the bill. Representative Donaldson said the ranch could not be less than 160 acres; however, it could be more.

Senator Goodover asked who will determine what part of the ranch will be open to the public. Representative Donaldson said that would be determined by the Fish and Game Department. Mr. Allen said the intent of the bill is to demonstrate cooperation between the hunter and the landowner; the Department did not expect a rancher to open up his entire ranch to hunting.

Senator Galt said he would vote against this bill because he felt it would open up a "big can of worms." He said the Department of Fish and Game does a service when they open special damage seasons, but there are other problems involved.

Chairman Smith arrived at 1:40 P.M.

DISPOSITION OF HB 767: Senator Anderson made a motion that HB 767 BE NOT CONCURRED IN. A roll call vote was conducted and carried 4-2, with Senators Manley and Van Valkenburg voting "no" and Senator Stimatz excused.

DISPOSITION OF HB 247, A BILL FOR AN ACT ENTITLED: AN ACT TO PROVIDE FOR THE HUNTING OF MOOSE, SHEEP, AND GOAT BY HOLDERS OF SPECIAL BOW AND ARROW LICENSES WHEN THEY ALSO HOLD PREREQUISITE LICENSES."

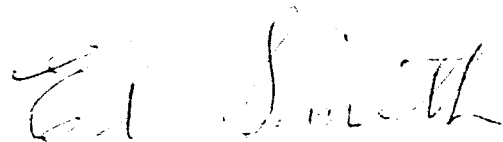
Senator Anderson made a motion that HB 247 BE CONCURRED IN.

Senator Manley said the landowner does not want hunters out in the field as early as September 8. Senator Anderson again mentioned the drawbacks with archers wearing camouflage clothing and the danger involved. Senator Manley reiterated he thought we should set aside separate areas for bow hunting, and he felt that would be the answer to the problem.

Senator Goodover asked where the areas were and how big they were. Mr. Allen said there are very few separate areas. He said he wanted the Committee to realize that just because a bill is passed which says the Department can allow special archery seasons doesn't mean they will do that.

Chairman Smith called for the question on HB 247. He reiterated Senator Anderson's motion that HB 247 BE CONCURRED IN. Following a roll call vote, the motion carried 5-1, with Senator Manley voting "no," and Senator Stimatz excused.

ADJOURNMENT: Chairman Smith adjourned the meeting at 2:45 P.M.



SENATOR ED B. SMITH, CHAIRMAN

EBS:ss

Date 3-6-79

ROLL CALL  
FISH AND GAME COMMITTEE  
46th LEGISLATIVE SESSION - 1979

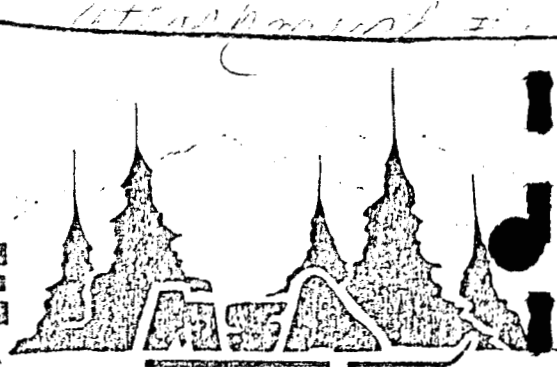
NAME	PRESENT	ABSENT	EXCUSED
SMITH, Ed, Chairman	✓		
GALT, Jack E., Vice Chairman	✓		
ANDERSON, Mike	✓		
GOODOVER, Pat M.	✓		
MANLEY, John E.	✓		
STIMATZ, Lawrence G.	<i>Excused</i>		
VAN VALKENBURG, Fred	✓		

Each Day Attach to Minutes.



Montana

# SNOWMOBILE



February 19, 1979

EXPLANATIONS AND SUPPORT OF HB ~~281~~

<sup>282</sup> Association

Throughout this act we are proposing various changes in definitions and procedures of the titling and registration of snowmobiles. These changes are necessary to conform with standard procedures within the motor vehicle department.

Additional proposed changes are itemized and explained below:

Page 5, line 7 through 14

This will remove the requirement for the title number to be displayed on both sides of the cowling in three inch high numerals. This provision is not only unsightly and difficult to comply with but has proven to be unnecessary for enforcement purposes. The sponsors of this provision in the 1977 legislature have since recognized these facts and support the removal of this requirement.

Page 8, line 21 - We support the following amendment:

Strike the word "it" and in its place add the words "both sides of the cowl". This will provide visual identification of current registration for enforcement purposes.

Page 12, line 23 -

This is an increase in dealer licensing fees of \$5 (five dollars). This is necessary to provide funds to the motor vehicle department to provide needed automated recordkeeping.

Page 13, line 2 -

We support the following amendment:

Remove the words "operating or". This will eliminate dealers from using dealer cards for pleasure riding but will continue the dealer use of these cards for business purposes.

Page 13, line 5 through 13 -

These requirements for snowmobile dealers are intended to help eliminate the cheaters and should not affect the legitimate dealer.

Page 15, line 1 through 4 -

This will exempt the out-of-state racer from registration when the machine is used strictly and only for racing. This is a common courtesy extended by most states. The Western Snowmobile Racing Association and Montana Snowmobile Association feel this is necessary and right.

Page 16, line 4 through 17 -

The deletion of this paragraph will remove the authority from the Fish and Game Department to arbitrarily change the sound level requirements for snowmobiles sold in Montana. The legislature will thus be the sole authority in this matter and present level limitations of 70 dbA will remain as provided in 23-2-634 paragraph 3

- There are 142,000 snowmobilers in Montana ( 1977 study by the Dept. of Interior )
- 29,864 snowmobiles are now operating in Montana
- Snowmobiling is the third fastest growing sport in U.S. ( recent Nielson Poll )
- U.S. Sales are up 26% in '77 -'78 over '76 - '77
- There are 165 snowmobile dealers in Montana.
- Snowmobiling adds \$46 million to the economy of Montana each year.



Amendments to HB-782

Page 8, Line 19

Following "operated"  
Insert "on public lands"

Page 8, Line 21

Following "on"  
Strike "it"  
Insert "both sides of the cowl,"

Page 11, Line 21

Following "year,"  
Strike the remainder of line 21 and line 22 through line 1  
on page 12. Add "." .

Page 12, line 11

Following "amended,"  
Strike the remainder of line 11 and line 12 through 17.

Page 13, Line 2

Following "when"  
Strike "operating or"

The above 5 amendments are supported by the Montana Snowmobile Association.

Attachment # 3

Amendments to House Bill No. 648

1. Page 3, line 1.

Following: "2-15-124."

Insert: "Notwithstanding the provisions of 2-15-124(1), the governor is not required to appoint an attorney to serve as a member of the commission."

*Senator Marley's amendment*

*Attachment # 4*

March 6, 1979

HB-767

Statement by the Montana Department of Fish and Game

Mr. Chairman, committee members, I am Gene Allen, Administrator of the Wildlife Division of the Montana Department of Fish and Game. I am here on behalf of the Department to speak in general support of this bill.

We are in general support of this bill. We especially support the amendment that requires some portion of a ranch be open to hunting during the regular season in order for that landowner to be eligible for preference during a late season damage hunt. Without this amendment, we believe this bill could be counterproductive to recent progress made by the Landowner/Sportsman's Council.

Thank you for the opportunity to comment.

# STANDING COMMITTEE REPORT

March 6, 19 79

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 648

Scully (Van Valkenburg)

Respectfully report as follows: That HOUSE Bill No. 648

third reading bill, be amended as follows:

1. Title, lines 7 and 8.

Following: "RECREATION;"

Insert: "DELETING THE REQUIREMENT THAT ONE COMMISSION MEMBER BE AN ATTORNEY; AND"

Following: "2-15-3402,"

Strike: "70-16-301, 87-1-201,"

Insert: "AND"

Following: "87-1-209,"

Strike: "AND 87-1-301,"

2. Page 3, line 1.

Following: "2-15-124."

Insert: "Notwithstanding the provisions of 2-15-124(1), the governor is not required to appoint an attorney to serve as a member of the commission."

DOXASSX (continued)

March 6, 19 79

3. Page 3, lines 2 through 7.

Strike: section 2 in its entirety

4. Page 3, line 8.

Strike: section 3 in its entirety

Renumber: subsequent section

5. Page 7, line 17.

Strike: section 5 in its entirety

And, as so amended, BE CONCURRED IN

P.O.

SENATOR ED. B. SMITH

Chairman.

# STANDING COMMITTEE REPORT

March 6, 19 79

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 732

Menahan (Manley)

Respectfully report as follows: That HOUSE Bill No. 732

third reading bill, be amended as follows:

1. Page 8, line 19.

Following: "operated"

Insert: "on public lands"

2. Page 8, line 21.

Following: "on"

Strike: "it"

Insert: "both sides of the cowl"

3. Page 11, line 21.

Following: "year"

Strike: the remainder of line 21 and lines 22 through line 1 on page 12

Insert: "."

~~XXXXXX~~ (continued)

~~DO-PASS~~

March 6, 19 79

4. Page 12, line 11 through line 17.

Following: "amended-

Strike: the remainder of line 11 and lines 12 through 17.

5. Page 13, line 2.

Following: "when"

Strike: "operating or"

And as so amended, BE CONCURRED IN

Senator Ed B. Smith, .....

Chairman.

HC

# STANDING COMMITTEE REPORT

March 6, 19 79

MR. **PRESIDENT**

We, your committee on **FISH AND GAME**

having had under consideration **HOUSE** Bill No. **767**

Respectfully report as follows: That **HOUSE** Bill No. **767**

BE NOT CONCURRED IN

~~DO PASS~~  
DO PASS

*Ed B. Smith*  
SENATOR ED B. SMITH, Chairman.



SENATE COMMITTEE FISH AND GAME

Date 3-6-79 News Bill No. 7614 Time 1:50

NAME	YES	NO
SMITH, Ed, Chairman	✓	
GALT, Jack E., Vice Chairman	✓	
ANDERSON, Mike	✓	
GOODOVER, Pat M.	✓	
MANLEY, John E.		✓
STIMATZ, Lawrence G.	<i>Abstain</i>	X
VAN VALKENBURG, Fred		✓

Sherri R. Smith  
Secretary

ED B. SMITH  
Chairman

Motion: By Pat Goodover I move  
that the motion be denied

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

# STANDING COMMITTEE REPORT

March 6, 19 79

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 247

Scully (Anderson)

Respectfully report as follows: That HOUSE Bill No. 247

BE CONCURRED IN

~~EXCESS~~

Ed B. Smith  
SENATOR ED B. SMITH

Chairman.  
/e

Date 3-10-79 Bill No. 247 Time 2:00

NAME	YES	NO
SMITH, Ed, Chairman	✓	
GALT, Jack E., Vice Chairman	✓	
ANDERSON, Mike	✓	
GOODOVER, Pat M.	✓	
MANLEY, John E.		✓
STIMATZ, Lawrence G.	<i>to proceed</i>	
VAN VALKENBURG, Fred	✓	

Sherri R. Smith  
Secretary

ED B. SMITH  
Chairman

Motion: *Be Concurred In*  
*Carried 5-1*

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