

MINUTES OF MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

March 25, 1981

Chairman Smith called the meeting to order at 1:50 p.m. in Room 402 of the Capitol.

ROLL CALL: Senators Smith, Severson, Lee and Eck were present for roll call. Senator Jacobson arrived at 1:55 p.m. Senators Galt and Berg were excused.

ACTION ON LETTER OF INTENT FOR HOUSE BILL 222, "An act to limit noise emissions...."

Senator Severson moved the Letter of Intent for House Bill 222 be adopted. (Attachment #1)

There was a discussion on the number of decibels allowed in Section 1 of HB 222, as amended. Ms. Merrill said that there was some misunderstanding in yesterday's meeting regarding the 86 dbA's as opposed the suggested 84 dbA's. There apparently is a great deal of difference and the committee members agreed that they had not understood that. The recommendation was made that perhaps the number should be decreased from 86 to 84. Chairman Smith recognized Senator Bob Brown, Whitefish, who also said he had been told there was considerable difference in the two decibels and that, speaking for the boat racing people, they have no objection to the number being reduced. He also stated that Representative Ken Robbins, sponsor of the bill, has no objections to lowering the number.

Senator Brown will carry the bill on the Senate floor and it was agreed by the committee and those attending the meeting that at the time the bill is heard on the floor of the Senate, Senator Brown will move to amend the number from 86 to 84.

The motion to adopt the Statement of Intent was carried unanimously.

CONSIDERATION OF HOUSE BILL 731, "An act to require the Department ...to limit the number of new outfitter and guide licenses...."

Chairman Smith recognized Jim Flynn, Director of the Department of Fish, Wildlife, and Parks. Mr. Flynn said that pursuant to the discussion in yesterday's meeting, he and his staff drew up some amendments which he felt would answer the major concerns of the committee. The amendment, he said, would apply to people who are guiding and outfitting on the two streams mentioned in the bill. The bill, would not apply to white water floaters who are not fishing. (Attachment #2)

There was discussion on the wording of the last sentence of the proposed amendment, i.e., "a moratorium may commence April 1, 1981 and may terminate before April 1, 1983." Senator Lee asked if perhaps the terminology should be "shall terminate on or before April 1, 1983." Mr. Flynn explained that to leave the wording as it is would give the commission the option of continuing the moratorium if they felt it was necessary. There was general agreement among the committee members that the wording should be left as it is.

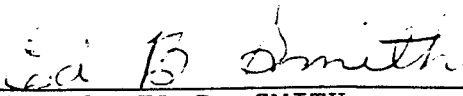
ACTION ON HOUSE BILL 731. Senator Lee moved that HB 731 be amended as shown in number one of Attachment #1. The motion carried.

Senator Lee moved that HB 731 be amended as shown in number two of Attachment #1. The motion carried with all members present voting yes, except Senator Smith who voted no.

Senator Lee moved that House Bill 731, as amended, be concurred in. The motion carried with all members present voting yes, except Senator Smith who voted no.

Senator Jacobson will carry the bill on the Senate floor.

The meeting adjourned at 1:59 p.m.



SENATOR ED B. SMITH

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ROLL CALL

FISH AND GAME COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3/25/81

NAME	PRESENT	ABSENT	EXCUSED
Smith			
Galt			✓
Severson	✓		
Lee	✓		
Eck	✓		
Berg			✓
Jacobson	1:55	✓	

Each day attach to minutes.

STATEMENT OF INTENT
HOUSE BILL 222

Senate Fish and Game Committee

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Fish, Wildlife, and Parks to adopt rules prescribing:

- (1) the manner of certification by manufacturers of outboard motors and other marine engines manufactured after January 1, 1982, as having been tested and found to comply with the noise level of 86 dbA measured at a distance of 50 feet from the source;
- (2) the testing procedures employed to determine compliance on a voluntary basis by owners of outboard motors and other marine engines manufactured before January 1, 1982.

As prescribed in Section 2 of the bill, the testing procedures employed to determine outboard and marine engine noise shall comply with the exterior sound level measurement procedure for pleasure motorboats recommended by the society of automotive engineers in its recommended practice designated SAEJ 34. The department shall establish a program throughout the state whereby boaters can voluntarily have their motorboats checked for compliance with the noise level limit of 86 dbA measured at 50 feet from the motorboat.

Section 4 of this bill requires that the Department of Fish, Wildlife, and Parks will issue a permit on an annual basis to the owner of a motorboat that is registered by a bona fide national boat racing association and displaying numbering approved by that association in order to exempt the motorboat from compliance with the noise level limit in [section 1] for the purposes of completing in regattos and testing for competition races. Before issuing the permit, the Department shall require proof of registration and displayed numbering by the bona fide national boat racing association. In addition, the Department shall determine whether the racing association that the motorboat is registered with is in fact a legitimate nationally recognized boat racing association.

STANDING COMMITTEE REPORT

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MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration STATEMENT OF INTENT, HOUSE Bill No. 222
ROBBINS (BOB BROWN)

Respectfully report as follows: That STATEMENT OF INTENT, HOUSE Bill No. 222
be adopted.

STATEMENT OF INTENT RE: HB 222

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Fish, Wildlife, and Parks to adopt rules prescribing:

- (1) the manner of certification by manufacturers of outboard motors and other marine engines manufactured after January 1, 1982, as having been tested and found to comply with the noise level limit in Section 1;
- (2) the testing procedures employed to determine compliance on a voluntary basis by owners of outboard motors and other marine engines manufactured before January 1, 1982.

As prescribed in Section 2 of the bill, the testing procedures employed to determine outboard and marine engine noise shall comply

END/PASS

with the exterior sound level measurement procedure for pleasure motorboats recommended by the society of automotive engineers in its recommended practice designated SAEJ34. The department shall establish a program throughout the state whereby boaters can voluntarily have their motorboats checked for compliance with the noise level limit in Section 1.

Section 4 of this bill requires that the Department of Fish, Wildlife, and Parks will issue a permit on an annual basis to the owner of a motorboat that is registered by a bona fide national boat racing association and displaying numbering approved by that association in order to exempt the motorboat from compliance with the noise level limit in Section 1 for the purposes of competing in regattas and testing for competition races. Before issuing the permit, the department shall require proof of registration and displayed numbering by the bona fide national boat racing association. In addition, the department shall determine whether the racing association that the motorboat is registered with is in fact a legitimate nationally recognized boat racing association.

First adopted by the Senate Fish and Game Committee on the 25th day of March, 1981.

PA.
[Signature]
.....
Chairman.

AMEND HB731
(Third Reading Blue Copy)

1. p. 2, line 11
following: "fish"
strike: "or floating"

2. p. 4, lines 3 through 10
following: "welfare"
strike: "(6)" in its entirety
insert: a new "(6)" that reads:
"When the commission determines it necessary to protect the fishing resource, public health, public safety, or public welfare, establish and regulate a moratorium on either or both the Madison River or Big Hole River, in the issuance of outfitter licenses for the purpose of float fishing as defined in Section 87-4-101(4)(c), except those fishing outfitters licensed in 1980 may receive renewal licenses, if qualified. The total number of professional guide licenses endorsed by fishing outfitters under a moratorium shall not be less than the total number issued in 1980. A moratorium may commence April 1, 1981, and may terminate before April 1, 1983."

STANDING COMMITTEE REPORT

MARCH 25

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MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 731

DAILY (JACOBSON)

Respectfully report as follows: That HOUSE Bill No. 731

third reading copy, be amended as follows:

1. Page 2, line 11.
Strike: "or floating"
2. Page 4, lines 3 through 10.
Strike: subsection (6) in its entirety
Insert: "(6) when the commission determines it necessary to protect the fishing resource, public health, public safety, or public welfare, establish and regulate a moratorium on either or both the Madison River or Big Hole River, on the issuance of outfitter licenses for the purpose of float fishing as defined in 87-4-101(4)(c) except that those fishing outfitters licensed in 1980 may receive renewal licenses, if qualified. The total number of professional guide licenses endorsed by fishing outfitters under a moratorium shall not be less than the total number issued in 1980. A moratorium may commence April 1, 1981, and may terminate before April 1, 1983."

DOYBASS

And, as so amended, BE CONCURRED IN.

[Handwritten signature]
Chairman.