

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

February 8, 1983

The meeting of the Fish and Game Committee was called to order by Chairman Ed B. Smith on February 8, 1983 at 1:05 P.M. in Room 402, State Capitol.

ROLL CALL: Roll was called with Senator Jacobson arriving late.

DISPOSITION OF SENATE BILL NO. 126: Senator Smith passed out to the committee amendments that were prepared by Andrea Merrill as requested by the committee. (Exhibit 1) He advised he was happy with these amendments and felt they would take care of the problem.

Senator Lee motioned that the amendments to the bill be accepted.

Senator Lane seconded the motion. The motion passed unanimously with committee members that were present. Senator Jacobson had not arrived at the meeting as yet.

Senator Severson moved the bill as amended. Senator Lee seconded the motion.

Senator Mohar thinks, after the conversation about the word "consideration", that a different approach should be taken. He suggested amending the existing law to say "consideration in excess of \$100".

Senator Smith said we would have more problems if we removed the word consideration. He feels it would open the bill wide open.

Senator Mohar said the language opens it up anyway. This is another approach that would legitimatize what you would do on your ranch for friends but would make Mr. Harmon get a license.

Senator Smith said we tried to pursue that last session. He noted this will be discussed again in the House.

On a Roll Call Vote the Committee voted 5-1 that Senate Bill No. 126 Do Pass As Amended. The Roll Call Vote is attached.

CONSIDERATION OF SENATE BILL NO. 336: Senator Daniels, District #14, advised that he had some amendments to propose to the bill and that the title would have to be changed to reflect the changes. He went through the amendments listed in the attached

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Exhibit 2. He told the committee that the amendments were worked on at the last minute and they can be revised if appropriate.

Dave Harmon asked the committee if on page 2, lines 9, 10 and 11, if this allows an aircraft stationed on one side of the state to fly to the other side of the state. Instead of flying from one side of the state to the other, he was wondering if they couldn't get somebody in the specific area to handle the problem.

Senator Smith said that would be addressed when we get down to questions and answers.

Dave Harmon supports this bill. He would like annual permits. Aerial hunters have a 3 year permit and he would like to see it reduced to a yearly permit. There is an enforcement problem. There are two regional enforcement officers and that is not enough. If we could get more help and allow the officers to confiscate the plane and furs as partial payment, that would stop the problem the landowners are having in his area. He would like to see a stiffer fine for anybody who is caught, something that has a bite to it.

Bob Howard, President of the Montana Trappers Association, said that this bill addresses the problem of illegal aerial hunters in eastern Montana and some in the west. This bill puts some teeth into the penalties with a \$5,000 fine and conviction. It also puts it in line with the Federal law. He stated there are only two Federal law enforcement officers for the whole state. He feels this bill would help put more enforcement officers in the field to control the problem. In four years there hasn't been a single man brought to trial. Aircrafts have run sheep and cows through fences. Some of the hunters do not care what they shoot at.

Elaine Molnar, secretary of the Montana Trappers Association, read a letter to the committee from Paul L. VanCleve, which is attached as Exhibit 3. She also submitted written testimony from G. W. Marstaeller, attached as Exhibit 4, and her own written testimony, attached as Exhibit 5.

Janet Moore, Montana Trappers Association, has talked to people in the Eastern part of the state and there is bitterness there. The word is going around that they are going to take care of this matter themselves. They will get their guns and start shooting, which will create a national incident and will close down aerial hunting altogether. She said we need to get some teeth into this thing and hopes this bill will help.

Les Graham, Department of Livestock, supports this bill but does not agree with the comments made by the proponents with

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regard to law enforcement people. If they are talking about putting additional federal people for enforcement, that is fine, but the State of Montana does not have the revenue nor the FTE's to accomplish what they are talking about. Our Department is not in the process of adding any more people for enforcement work. He submitted amendments to the committee (Exhibit 6) and advised that he had not previously seen Senator Daniels amendments. He clarified the reason for the three year license is to coordinate with the sign-up with BLM and other Federal lands. He feels Senator Daniels amendment on page 3, line 13, to insert "leased or borrowed" should be taken out. He would concur with the penalties of \$5,000 minimum or \$10,000 maximum. He feels that is an excellent idea. He feels this law is good. There have been a lot of incidents and taking them to court is difficult.

Bob Gilbert, representing the Montana Woolgrowers, stated the aerial hunting program is very important to the woolgrowers industry. They have seen other means of control for coyotes taken away and hope this bill will not result in the same thing. The aerial hunting has put sheep people back into business. They can live with this bill and recognize the problems with law violators. They would be in accord with the stiffer penalty and have no problem with that. They are opposed to the one year permit and feel it is bad enough getting people signed up for the 3 year permits with BLM and the Forest Service. They are not an opponent to this bill but want to continue to have an effective aerial hunting program.

Chase Hibbard is a proponent to this bill, specifically as Less Graham has outlined with his amendments. He supports the comments made by Bob Gilbert on aerial hunting in general. Aerial hunting is the best tool we have to control coyotes. He stated this bill is not doing anything harmful to aerial hunting but the more workable form of the bill is the amendments suggested by Les Graham.

Representative Ryan, District #49, stated that Fergus County and Garfield County are both sheep producing counties and they use airplanes and a helicopter for aerial hunting. He said his county is the second highest sheep producing county in the state and they need the airplane program to control the coyotes.

Darrel Hanson is strictly in the cattle business and has given aerial hunters permission to hunt over his land. They have had no problems with them. They kill from 200 to 300 coyotes a year.

Senator Smith read a letter from Gerry Devlin, House District #52, in support of SB 336 if the proposed amendments are accepted. (Exhibit 7)

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There were no opponents. Chairman Smith asked for questions from the committee.

Senator Smith asked Les Graham if they ran into problems with aerial hunting if you lease a section of private land.

Mr. Graham said federal and state law considers leased land as being in control by the lessee. It would be considered as the lessee's own property. That is consistent department wide.

Senator Lee asked Senator Daniels on page 4, lines 9-13, "When-ever property is observed in such illegal use or if there is probable cause to believe that property was devoted wholly or in part to such use, the property must be seized and held by the enforcement officers specified in 81-7-512", if that was a proper technique.

Senator Daniels referred to section 81-7-512, "Investigations of violations of this part, arrests and seizures may be made by any peace officer, or agent of the department designated by the department" and stated that this bill does contain clauses that are already in the general law. He left a copy of the present law with the committee along with a copy of the Administrative Rules of Montana on aerial hunting. Copies are attached as Exhibits 8 and 9 respectively.

Senator Mohar feels Section 5 will cause problems. Someone could accuse somebody of harassing their animals and promulgate an investigation, which could result in the seizure of their plane while investigating.

Mr. Graham said on page 3, line 23 the word "knowingly" is a key word and on page 4, line 10 the words "if there is probable cause" are important. These facts have to be established before you can go very far with anything.

Senator Mohar told Mr. Howard that he understood there is an adversary relationship between the Trappers Association and aerial hunters. Are they trying to pin down a group of bad aerial hunters or eliminate some of the competition.

Mr. Howard said there is always competition and they do not have qualms against the legal aerial hunter. Their primary concern is to protect the sheep flocks and get some control of the illegal hunters.

Senator Mohar asked Mr. Howard the value of a helicopter.

Mr. Howard named a certain type of helicopter and priced it at approximately \$250,000.

Senator Mohar asked if he thought that was fair retribution.

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Mr. Howard said that is the same as the federal law. He said it is very hard to catch these people and that is why is is feasible to have such a high penalty.

Senator Mohar said then it is already on the federal statute. He asked why, if we have a federal statute, do we have to have a state statute.

Senator Daniels said there are all kinds of state laws identical to the federal laws.

Senator Mohar asked Senator Daniels if he thought the fines from \$500 to \$5,000 were standard.

Senator Daniels said to be perfectly honest the amendment came up an hour before the hearing and in an attempt to get it before the committee he just put it from \$500 to \$5,000. The committee can change that. The federal fine is \$5,000.

Mr. Howard thinks it should be comparable to the federal law.

Senator Mohar asked if somebody would look into this word "knowingly."

Mr. Graham said all through the criminal codes "knowingly", "probable cause" and "beyond a reasonable doubt" are used. He stated the \$5,000 maximum is fairly close with the present criminal code of a misdemeanor violation.

ADJOURNMENT: There being no further business the meeting adjourned at 2:10 P.M.

Ed B. Smith

ED B. SMITH, Chairman

ROLL CALL

FISH & GAME

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/8/83

COMMITTEE ON

FISH & GAME

DATE: February 8, 1983

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Chase Hibbard	Self	336	X	WITH Amendments
Les Graham	Dept of Livestock	336	"	
Bob Gilbert	MT Woolgrowers	336	"	
Daryl Hansen	Self	336	"	
Bennett J. Large	Self	336	"	
Robert J. Norman	Mont. TRAP Ass.	336	✓	
✓ Duke Norman	MTA Dist 8	336	✓	
Elaine L. Molnar	MTA Secretary	336	✓	
Scott M. Molnar	MTA Dist 1st 5	336	✓	
Robert Paulsen	Self	336	✓	

(This sheet to be used by those testifying on a bill.)

NAME: Bob Helbert DATE: 2-8-83

ADDRESS: Helena

PHONE: 2-1330

REPRESENTING WHOM? MT Woolflowers Assn

APPEARING ON WHICH PROPOSAL: SB 336

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: as amended

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: Lis Graham

DATE: 2-8-83

ADDRESS: 1 Helena

PHONE: 449-2044

REPRESENTING WHOM? Dept. of Livestock

APPEARING ON WHICH PROPOSAL: SIB 336

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS:

Only as amended

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit 1
Submitted by Senator Smith
February 8, 1983

AMENDMENTS TO SB 126

1. Title, line 7.

Following: "LEASES"

Insert: "PRIVATE"

Following: "PROPERTY"

Insert: "FOR THE PRIMARY PURSUIT OF BONA FIDE AGRICULTURAL
INTERESTS"

2. Page 1, line 21.

Following: "on"

Insert: "private"

3. Page 1, line 22.

Following: "leases"

Insert: "for the primary pursuit of bona fide agricultural
interests"

Amendments to Senate Bill 336

1. Page 1, line 21

Strike: ":"

Insert: take place "and will be valid for one year."

2. Page 2, line 3

Insert: livestock "together with the Department of Fish, Wildlife and Parks"

3. Page 2, lines 12-21

Strike: subsections 3 through 7 of Section 2; lines 12-21.

4. Page 3, line 13

Insert: aircraft ", leased or borrowed," and

5. Page 3, line 25

Strike: "Flying near livestock at an altitude of less"

6. Page 4, lines 1 & 2

Strike: lines 1 and 2: "than 500 feet establishes a rebuttable presumption of knowledge of livestock harassment."

7. Page 4, following line 20

Insert: "(3) In addition to the forgoing, any person or persons violating this act are subject to a fine of not less than \$500 nor more than \$5,000, or imprisonment in the county jail for not more than 6 months."

The Hazy K Bar Ranch, and the
Otter Creek Ranch & Cattle Co., support any
effort to legislate the following measures re-
lating to hunting from aircraft:

1. Enlarging identification or registration numbers from 4 to 24 inches high, or more.
2. Increasing the fine for hunting violations or trespass to \$5,000 and confiscation of the aircraft.
3. Necessitating the annual purchase of a license.

These measures may help to relieve the frequent problems we have experienced with helicopter trespass in the last several years, which in at least one case has resulted in the death of livestock.

Paul H. Von Clue, Jr.
Pres., The Von Clue Co.

Exhibit 3
February 8, 1983

Exhibit 4
February 8, 1983

February 8, 1983

Mr Orville Elliaison
The 1983 Montana Legislature;

My name is G. W. Marstaeller, and we have a ranch about 15 miles North East of Melville Montana. In the last three years we have been invaded in the fall and winter by Choppers and planes hunting Coyotes. At different times they have even been within ~~5~~ hundred feet or so, when we have been checking our range on motorcycle. We have not been able to get any numbers. We would like to recommend that the size of the numbers be 2 ~~feet~~ in lenght on aerial hunters and also they are no better than other hunters we feel they should have permission (written) like any other hunter. We would like to have the Fish & Game to manage aerial hunting. We understand that aerial hunters only have to buy a license every three years. We would like to have them license annually like every other hunter.

Thank You

G. W. Marstaeller
Melville, Mont. 59055

My name is Elaine Molnar. I would like to see strict enforcement of laws on aerial hunting. I run sheep and I have witnessed them run into the fence by an illegal aerial hunter which had no business being on our place. This harassment of livestock is intolerable. And I fully support any legislative action to discourage illegal aerial hunting. We must do something about this serious problem which affects livestock owners, wildlife and trappers.

Elaine L Molnar

AMENDMENTS
Senate Bill 336
Introduced Copy

Page 2

line 5 - strike: "Rules made under this"
strike line 6 thru 21 in their entirety

Page 3 - line 13

strike: "within his own aircraft and"

Page 3 - line 25

strike: "Flying near livestock at an altitude of less"

Page 4 - line 1 and 2

strike in their entirety

Exhibit 7
Submitted by Gerry Devlin
February 8, 1983

Mr. Chairman and Members of the Senate Fish and Game Committee:

I am Gerry Devlin, House District #52, and I support S.B. 336 if the proposed amendments are accepted. *Dept. of Livestock*

I operate a sheep and cattle ranch in northwest Prairie County. I am a permit pilot and hunt coyotes on my ranch, as well as some perimeter ranches. I hunt them year around for the protection of my livestock.

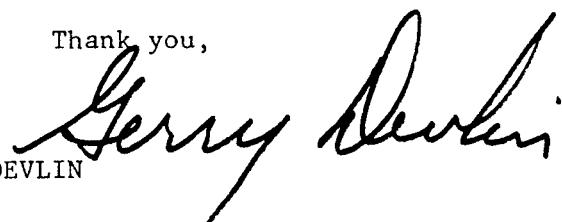
I feel that the Department of Livestock, through the permit system, has done an excellent job in administering this program. If the Department is forced to accept this bill in its original form, they will be put in the position of field enforcement which would be a duplication, because the Federal Aeronautics Administration already has that enforcement responsibility.

I am sure that there are individuals who violate their permits or hunt without them, but should we penalize all the honest aerial hunters because of a few irresponsible ones?

I urge this committee to accept the amendments so I can continue to protect my livestock from predators.

Thank you,

GERRY DEVLIN



livestock of which he is not the owner or the person in charge upon the open range or government lands or away from any watering place upon the open range is guilty of a misdemeanor and punishable by a fine of not more than \$50.

History: En. Sec. 1, Ch. 110, L. 1903; re-en. Sec. 8861, Rev. C. 1907; re-en. Sec. 11552, R.C.M. 1921; re-en. Sec. 11552, R.C.M. 1935; Sec. 94-3567, R.C.M. 1947; redes. 46-3001 by Sec. 29, Ch. 513, L. 1973; amd. Sec. 56, Ch. 12, L. 1977; R.C.M. 1947, 46-3001.

Part 5

Aerial Hunting of Predatory Animals

81-7-501. Aerial hunting prohibited — exceptions. (1) Except as provided in 81-7-505, 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 81-7-101 without first obtaining a permit from the department of livestock.

(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 his permit, the rules promulgated by the board of livestock, or the terms of this part.

History: En. Sec. 1, Ch. 704, L. 1979.

Compiler's Comments

Codification. Sec. 8, Ch. 704, L. 1979, provided: "Sections 1 through 7 in this act are intended to be codified as an integral part of

Title 81, chapter 7, and the provisions contained in Title 81, chapter 7, apply to these sections." Sections 1 through 7 are now 81-7-501, 81-7-502, 81-7-504, 81-7-503, 81-7-505, 81-7-511, and 81-7-512, respectively.

81-7-502. Rulemaking authority. The department of livestock may adopt rules to effectuate the purposes of this part and to implement and conduct the aerial hunting permit system provided for by this part.

History: En. Sec. 2, Ch. 704, L. 1979.

Compiler's Comments

Statement of intent. The statement of intent attached to SB 497 (Ch. 704, L. 1979) provided: "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. Finally, such rules shall reflect the purpose that aerial hunting is permitted for the purpose of reducing livestock losses due to predation." The reference in this statement of intent to section 4 is apparently in error. Section 2 is apparently the correct reference, since it provides for rulemaking authority.

81-7-503. Residency requirement. No person not having residence and domicile in Montana may be issued a permit provided for in 81-7-501 except when authorized by the board of livestock.

History: En. Sec. 4, Ch. 704, L. 1979.

81-7-504. Duration of permit — fee. Each permit shall be valid for a period set by the department of livestock not to exceed 3 years and shall cost \$50 or portion thereof if a period of less than a year is set. 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.

History: En. Sec. 3, Ch. 704, L. 1979.

81-7-505. Resident landowners authorized to aerially hunt over their own lands without permit — conditions. Any landowner having residence and domicile in Montana may engage in the aerial hunting of wild animals, as defined in 81-7-101, over his own land without a permit, provided he annually notifies the department in writing that he will be engaged in aerial hunting and gives an adequate description of the location of the land over which he will aerial hunt. Such hunting must be in accordance with all rules of the department of livestock.

History: En. Sec. 5, Ch. 704, L. 1979.

81-7-506 through 81-7-510 reserved.

81-7-511. Penalties — jurisdiction — revocation of permit. (1) Any person violating any provision of this part who is permitted to engage in aerial hunting pursuant to this part is guilty of a misdemeanor.

(2) A conviction for a violation of subsection (1) is punishable by a fine of not more than \$500.

(3) Any person who is not permitted to engage in aerial hunting pursuant to this part who violates any provisions of this part is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$250 or more than \$1,000. A subsequent conviction under this subsection is punishable by a fine of not less than \$500 or more than \$1,000.

(4) The justice court has jurisdiction over violations of this part.

(5) The department may revoke or suspend the permit of anyone violating its terms.

History: En. Sec. 6, Ch. 704, L. 1979.

81-7-512. Enforcement. (1) Investigations of violations of this part, arrests, and seizures may be made by any peace officer, or agent of the department designated by the department.

(2) To enforce this part, the department may enter into agreement with federal agencies with predatory animal control. Such agreements may allow the federal agency to assist in investigations, arrests, and seizures.

History: En. Sec. 7, Ch. 704, L. 1979.

CHAPTER 8

MARKETING

Part 1 — Livestock Markets
(Sections 81-8-101 through 81-8-133 repealed.
Sec. 37, Ch. 566, L. 1979)

Part 2 — Livestock Markets, Dealers, and Brokers

Section

81-8-201 through 81-8-210. Repealed. Sec. 37, Ch. 566, L. 1979.

81-8-211. Short title.

81-8-212. Purpose.

81-8-213. Definitions.

81-8-214. Regulation of certain nonmarket sales.

81-8-215. Quarantine of diseased animals.

STATE OF MONTANA
DEPARTMENT OF LIVESTOCK
BRANDS-ENFORCEMENT DIVISION
HELENA, MT 59620

This application will not be processed until it is completed, signed, and returned with necessary fee to the Montana Department of Livestock, Brands-Enforcement Division, Capitol Post Office, Helena. Make checks payable to the Department of Livestock.

The undersigned hereby makes application for an AERIAL HUNTING PERMIT to hunt coyotes and/or foxes from aircraft for the sole purpose of aiding in the protection of livestock from predation in Montana.

Full Name of Applicant _____

Mailing Address _____

Telephone Number _____

Full Name of Applicant _____
Mailing Address _____
Telephone Number _____

City _____
State _____
Zip _____

Check the Predator(s) requested to be hunted:

coyotes foxes Fee Amount Enclosed \$ _____

AIRCRAFT DATA

F.A.A. Registration Number _____

Full Pictures of left & right side must be enclosed
Registered Owner & Address _____

Aircraft Make & HP _____

MT Aircraft Reg. No. _____

Color & Markings _____

The undersigned hereby certifies that the foregoing information is true and correct; that he has read the statutes of Montana and the United States, and read the Dept. of Livestock rules governing aerial hunting & agrees to abide by them and the owner, lessee or administrator of the lands for which aerial hunting is requested has given written permission for applicant to conduct aerial hunting on said lands.

Original

PILOT APPLICATION FOR AN AERIAL HUNTING PERMIT

STATE OF MONTANA
DEPARTMENT OF LIVESTOCK
BRANDS-ENFORCEMENT DIVISION
HELENA, MT 59620

This application will not be processed until it is completed, signed, and returned with necessary fee to the Montana Department of Livestock, Brands-Enforcement Division, Capitol Post Office, Helena. Make checks payable to the Department of Livestock.

The undersigned hereby makes application for an AERIAL HUNTING PERMIT to hunt coyotes and/or foxes from aircraft for the sole purpose of aiding in the protection of Livestock from predation in Montana.

Full Name of Applicant (Pilot)

Mailing Address

Telephone Number

City _____ State _____ Zip _____

Check the Predator(s) requested to be hunted:

PILOT CERTIFICATE DATA:

Certificate Number

AIRCRAFT & PILOT DATA:

Type of Certificate

Aircraft Make _____

Type of Ratings

Model & Horsepower _____

MEDICAL CERTIFICATE:

Date of Last Annual Inspection

Given by

Montana Pilot's Registration No. _____

Total Pilot Time _____

Montana Aircraft Registration No. _____

Has your pilot's license ever been suspended or revoked Yes
If yes, why?

Total Time in Type _____

The undersigned hereby certifies that the foregoing information is true and correct; that he has read the statutes of Montana and the United States, and read the Department of Livestock rules governing aerial hunting and agrees to abide by them; and the owner, lessee or administrator of the lands for which aerial hunting is requested has given written permission for applicant to conduct aerial hunting on said lands.

Date

Signature of Applicant Pilot

VERTEBRATE PEST CONTROL

32.22.102

Sub-Chapter 1

Aerial Hunting

32.22.101 PURPOSE AND SCOPE (1) This sub-chapter implements the provisions of Chapter 704, Laws of Montana 1979, which provides for a permit system for the aerial hunting of predatory animals. Under legislative directive these rules are not to interfere with the needs of livestock producers protecting their livestock from predation, but are to assist in the prevention and/or reduction of livestock loss from predatory animals. They are also to protect landowners, administrators or leasees who do not wish aerial hunting to occur over land under their ownership, management or control. This sub-chapter provides a system for the issuance of aerial hunting permits to protect livestock from predatory animals, and establishes the duties of permittees. (History: Sec. 81-7-502 MCA; IMP, Sec. 81-7-502 MCA; NEW, Eff. 1/2/77; AMD, 1979 MAR p. 1240, Eff. 10/12/79.)

32.22.102 ISSUANCE OF PERMITS (1) A person desiring an aerial hunting permit shall apply for the permit by completing application and aerial hunting request forms provided by the department of livestock. Application and aerial hunting request forms are available upon request from the vertebrate pest control bureau, department of livestock, capitol station, Helena, MT. 59601.

(2) Permits will be issued only to persons currently licensed as pilots by the federal aviation administration, who have a private pilot's license as a minimum rating. An applicant must have at least 200 total flying hours. Applicants and their aircraft must also meet federal aviation administration and Montana aeronautics division, department of community affairs requirements for aircraft and pilots.

(3) Permits will be issued only to individuals or organizations resident and domiciled in Montana. The board of livestock, may authorize non-resident permits when adequate service cannot be provided by Montana permittees.

(4) The department may refuse the issuance of a permit, or revoke an already issued permit, if information contained in the application for a permit is found to be false.

(5) Individuals not employed by the fish and wildlife service, U.S. department of interior who engage in aerial hunting for the fish and wildlife service on a contract basis do not require a permit under these rules for those portions of the aerial hunting performed under contract with the fish and wildlife service. Any person under contract with the fish and wildlife service who engages in aerial hunting in addition to that performed under contract with the fish & wildlife service must comply with these rules for

those portions of the aerial hunting not performed under contract. (History: Sec. 81-7-502 MCA; IMP, Secs. 81-7-502, 81-7-504 MCA; NEW, Eff. 1/2/77; AMD, 1979 MAR p. 1240, Eff. 10/12/79.)

32.22.103 DURATION OF PERMITS-FEE (1) Permits will be valid for a period to be determined by the department not to exceed 3 years.

(2) Fees for permits will be:

(a) \$30.00 for a permit issued for less than 1 year.

(b) \$40.00 for a permit issued for 1 year to 2 years.

(c) \$50.00 for a permit issued for 2 years to 3 years. (History: Sec. 81-7-502 MCA; IMP, Sec. 81-7-503 MCA; NEW, 1979 MAR p. 1240, Eff. 10/12/79.)

32.22.104 RESTRICTIONS UPON USE OF PERMIT (1) A permittee may engage in aerial hunting only over areas specifically approved for him to hunt by the department of livestock. Such approval will be given only upon a showing that livestock depredation has occurred or is likely to occur in the area to be approved, or in an area adjacent thereto, and that the land owner administrator, lessee, or their agent has given written approval for the aerial hunting to take place.

(2) Only coyotes and/or foxes may be hunted as set forth in the permit. The hunting or harassment of any other animal will result in revocation of the permit. Aerial hunting of coyotes and/or foxes may occur only for the protection of livestock, domestic animals or human life. For extraordinary reasons, the permit may be modified to allow the aerial hunting of other predatory animals not protected by federal law.

(3) No permittee may engage in aerial hunting who is not in full compliance with all applicable rules and regulations governing pilots and aircraft issued by the federal aviation administration or the Montana aeronautics division, department of community affairs.

(4) A permittee may not use an aircraft in aerial hunting until the department has been notified of that use and has received adequate identifying information about the aircraft. (History: Sec. 81-7-502 MCA; IMP, Sec. 81-7-502 MCA; NEW, Eff. 1/2/77; AMD, 1979 MAR p. 1240, Eff. 10/12/79.)

32.22.105 REPORTING REQUIREMENTS (1) All permittees shall file semi-annual reports with the vertebrate pest control bureau of the department of livestock on forms supplied by the bureau. The reports are due no more than 30 days after the end of each half year. For purposes of these reports half years shall end on June 30 and December 31 of

each year.

(2) The department may require such other information or reports of permittees as it may from time to time need. (History: Sec. 81-7-502 MCA; IMP, Sec. 81-7-502 MCA; NEW, Eff. 1/2/77; AMD, 1979 MAR p. 1240, Eff. 10/12/79.)

32.22.106 REVOCATION, SUSPENSION, OR MODIFICATION OF PERMIT (1) Failure to comply with these rules or statutes governing aerial hunting will result in the suspension or revocation of the permit.

(2) Upon the written refusal of the landowner, administrator or lessee, or their agent to allow further aerial hunting, sent to the department of livestock, the department shall close such areas to aerial hunting and modify any permits issued for such areas accordingly.

(3) Landowners, administrators or lessees may also direct the department to modify certain permits while allowing other permits to remain in effect over land under their control. (History: Sec. 81-7-502 MCA; IMP, Secs. 81-7-502, 81-7-511 MCA; NEW, Eff. 1/2/77; AMD, 1979 MAR p. 1240, Eff. 10/12/79.)

STANDING COMMITTEE REPORT

February 8,

19 83

MR. PRESIDENT.....

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

having had under consideration SENATE..... Bill No. 126.....

Respectfully report as follows: That..... SENATE..... Bill No. 126..... introduced bill, be amended as follows:

1. Title, line 7.

Following: "LEASES"

Insert: "PRIVATE"

Following: "PROPERTY"

Insert: "FOR THE PRIMARY PURSUIT OF BONA FIDE AGRICULTURAL INTERESTS"

2. Page 1, line 21.

Following: "on"

Insert: "private"

3. Page 1, line 22.

Following: "leases"

Insert: "for the primary pursuit of bona fide agricultural interests"

And, as so amended,

DO PASS

SENATE COMMITTEE Fish & Game

Date February 8, 1983 Bill No. SB 126 Time 1:07 P.M.

NAME	YES	NO
Senator Severson	✓	
Senator Lee	✓	
Senator Tveit	✓	
Senator Lane	✓	
Senator Mohar		✓
Senator Jacobson	Arrived at	the meeting late.
Senator Smith	✓	

Agnes Hamilton
Secretary

Senator Ed Smith
Chairman

Motion: SB 126 DO PASS as amended.

The motion passed.

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