

MINUTES FOR THE MEETING  
JUDICIARY COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

February 12, 1985

An executive session of the Judiciary Committee was called to order by Chairman Tom Hannah on Tuesday, February 12, 1985 at 7:00 a.m. in Room 312-3 of the State Capitol Building.

ROLL CALL: All members were present.

ACTION ON HOUSE BILL NO. 265: Rep. Keyser, chairman on the subcommittee studying the stream access bills, submitted the "gray bill" that the subcommittee unanimously drafted together. The gray bill is marked as Exhibit A and is attached to these minutes. He also informed the committee of the Statement of Intent. He briefly discussed with the committee the particular changes the subcommittee made to the original HB 265.

Rep. Addy had a few questions concerning the arbitration panel portion of the "gray bill" on line 9. Rep. Keyser said this would allow an arbitration panel that would work so that two parties could get together with the third party and discuss their differences and reach some sort of an agreement which would prevent them from having to go to court.

Rep. Montayne feels the language dealing with the arbitration portion is vague, and he wishes to see a consumer added to the panel.

Rep. Keyser said that the Statement of Intent is clear and concise as to what the subcommittee agreed to. It clearly gives the duties that the Fish, Wildlife and Parks Department have to address.

Rep. O'Hara moved that the committee adopt the amendments to HB 265 as the subcommittee proposed, and the Statement of Intent likewise be adopted. The motion was seconded by Rep. Grady.

In response to a question asked by Rep. Gould, Rep. Keyser said this act is effective on passage and approval.

Rep. Cobb had several amendments he submitted at this time. The first one dealt with page 1, line 25, following "that" insert "and are capable of recreational use". His reasoning behind this amendment is because he feels it clarifies that there are some waters that are not capable of recreational usage. The motion was seconded by Rep. Grady and further discussed.

Rep. Mercer stated the reasons why that particular amendment is not necessary. He referred the committee to page 4, line 24, pointing out that this language takes care of this. Another reason making the amendment unwise to put in is because under the current definitions of class 1 and class 2 waters, this permits the fish and game to regulate all those waters.

The question was called on Rep. Cobb's amendment, and the motion failed with Reps. Cobb and Grady voting for the motion.

Rep. Rapp-Svrcek referred to page 6, line 3 when he asked the question if there are any areas in the state that big game is hunted with shotguns only. Rep. Keyser stated that the subcommittee definitely discussed this subject and didn't feel this was the bill to include it. He pointed out that big game hunting will be excluded only from private property.

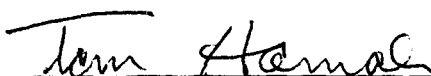
Rep. Keyser, in response to a question asked by Rep. Brown, stated that there is an existing statute that an individual must request permission from the landowner before hunting on his property. He said they have not changed any of this language, and big game hunting is not being stopped. There is no intent to stop hunting on what isn't private property.

In response to another question, Rep. Keyser knows of no other state which allows big game hunting from boats.

Rep. Brown moved on page 6, line 3 to strike line 3 in its entirety. The motion was seconded by Rep. Krueger. Rep. Mercer stated his objection to this motion to amend. He pointed out that there is a statute that requires an individual to have permission of the landowner before he big game hunts on that landowner's property.

The question was called, and the motion failed 5-13. Reps. Brown, Krueger, Montayne, Miles and Darko voted in favor of the motion to amend while the rest of the members voted against it.

There were further general questions asked. Chairman Hannah stated that this bill will be further considered following the hearing scheduled for 8:00 a.m. this day.

  
TOM HANNAH, Chairman