

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON FISH AND GAME

Call to Order: By Bob Ream, Chairman, on January 3rd 1989,  
at 2:06 p.m.

#### ROLL CALL

Members Present: All members present with exception of:

Members Excused: none

Members Absent: Rep. Bob Raney, Rep. Ben Cohen

Staff Present: Doug Sternberg, Legislative Council and  
Maureen Cleary, Committee Secretary

#### Announcements/Discussion:

All committee members introduced themselves and gave a brief statement of the district they represented.

Chairman Ream noted to the Committee that this meeting was scheduled on short notice in order that testimony could be heard by several proponents of House Bill 7. Those persons had traveled some distance to be present.

Rules of Procedures were passed to each member present to review and discuss. The Committee agreed to accept the Rules of Procedure without corrections. (See Exhibit #1)

#### HEARING ON HOUSE BILL 7

##### Presentation and Opening Statement by Sponsor:

REP. PECK: Read the text of the bill. Noting that this bill protected the divers.

##### List of Testifying Proponents and What Group they Represent:

Mr. Chris Rice/ Montana Divers Council, Great Falls

Mr. Kenneth Stevens/ Montana Divers Council, Great Falls

Mr. Ray Bergh/ Montana Divers Council, Havre

##### List of Testifying Opponents and What Group They Represent:

none

Testimony:

Refer to Exhibits #2 and #3

Questions From Committee Members:

REP. EUDAILY: How do boats get by the restricted area in small streams and lakes? Several members noted that there is mention in the text of the bill that provisions were made to the effect that boaters shall slow to a "no wake speed" or use sail or oars to pass through the restricted area.

REP. EUDAILY: Questioned the "burden of proof". DOUG STERNBERG: The burden of proof would vary case by case. It would be up to the operator of the motorboat to prove his particular case. Emergency situations could be determined by an enforcement officer.

REP. EUDAILY: Could you provide clarification of preference over the water by divers who display the flag? MR. BERGH: Divers would have priority in the water when the "diver down" flag is displayed.

REP. DEMARS: Some waterways in the state are not that large, what happens in those cases? MR. BERGH: The no-wake speed, sailor oars could be utilized in such cases by the operator of the watercraft.

REP. HANSON: What would be the effective date of the bill?  
REP. REAM: Requested Mr. Sternberg add an immediate effective date by amendment.

REP. DEMARS: Do you think the average fisherman could recognize the international diver down flag? MR. RICE: New fishing regulations contain a picture of the flag. Most persons reading this text should recognize the symbol.

REP. REAM: Further testimony will be heard when the Committee convenes again. I would also request that the Doug Sternberg and Mr. Marcoux, of the Dept. of Fish, Wildlife and Parks investigate the 100-yd restriction. To attempt to resolve enforcement concerns. I would also encourage input from those persons here today to testify.

Closing by Sponsor: closing was deferred until further hearing dates.

ADJOURNMENT

Adjournment At: 3:00 p.m.

A handwritten signature in dark ink, appearing to read "Bob Ream". The signature is written in a cursive, flowing style. The first name "Bob" is written with a large, looped 'B'. The last name "Ream" is written with a large, looped 'R' and a trailing flourish.

---

BOB REAM, Chairman

BR/mc

0305.min

# DAILY ROLL CALL

FISH AND GAME

COMMITTEE

51st Legislative Session 1989

Date JANUARY 3, 1989

NAME	PRESENT	ABSENT	EXCUSED
BOB REAM, CHAIRMAN	✓		
JIM ELLIOTT, VICE CHAIRMAN	✓		
ROBERT "Rob" BLOTKAMP	✓		
BEN COHEN			
FRITZ DAILY	✓		
GENE DEMARS	✓		
BOB PAVLOVICH	✓		
BOB RANEY			
BILL STRIZICH	✓		
ROGER DEBRUYCKER	✓		
ORVAL ELLISON	✓		
RALPH EUDAILY	✓		
MARIAN HANSON	✓		
BETTY LOU KASTEN	✓		
VERNON KELLER	✓		
JOHN PHILLIPS	✓		

Amendments to House Bill No. 7  
Introduced Reading Copy

For the Committee on House Fish and Game

Prepared by Doug Sternberg  
January 3, 1989

1. Title, line 7.

Following: "DISPLAYED;"

Insert: "GRANTING RULEMAKING AUTHORITY TO THE FISH AND GAME  
COMMISSION TO DETERMINE NONDIVING AREAS;"

2. Page 2, line 3.

Following: "100"

Strike: "yards"

Insert: "feet"

3. Page 2, line 6.

Following: "(b)"

Strike: "If necessary for the safety of the motorboat operator,  
the"

Insert: "The"

4. Page 2, line 7.

Following: "enter the"

Strike: "100-yard"

Insert: "100-foot"

5. Page 2, line 11.

Following: line 10

Insert: "(c) The fish and game commission may by rule determine  
areas where establishment of a 100-foot safety zone is not  
allowed in order to provide for diver safety or the  
regulation of water traffic."

6. The following statement of intent is attached:

"STATEMENT OF INTENT -- HB 7

A statement of intent is required for this bill because 23-  
2-525(4)(c) grants rulemaking authority to the fish and game  
commission. It is intended that the commission may, after a  
public hearing, establish areas where, because of diver  
safety or water traffic, underwater diving is not allowed."

Amendments to House Bill No. 7  
Introduced Reading Copy

Requested by House Fish and Game

Prepared by Doug Sternberg  
January 3, 1989

1. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 25.

Following: line 24

Insert: "NEW SECTION. Section 3. Effective date. [This act] is  
effective on passage and approval."

HOUSE FISH AND GAME COMMITTEE  
RULES OF PROCEDURE

EXHIBIT #01  
DATE 1/3/89  
HB       

A. Public Hearings

- (1) Sponsor of the bill will open the presentation.
- (2) Proponents of the bill will present testimony. Time subject to limitation of the chair.
- (3) Opponents of the bill will present testimony. Time subject to limitation of the chair.
- (4) All questions will be put forth by the committee. No questions will be directed between proponents and opponents. All questions will be directed through the chair, and everyone will be treated courteously.
- (5) All discussion will commence at the direction of the chair.
- (6) Sponsor of the bill will close the presentation.
- (7) Proponents and opponents will try to state new points of testimony only. If they wish to agree with points already made, they should simply so state.
- (8) Witnesses presenting testimony before the committee should remain in the room to answer any questions from committee members until the hearing is closed.
- (9) All witnesses must sign the witness sheet before presenting testimony.
- (10) Written copies of the testimony should also be submitted if possible.
- (11) Suggested amendments to bills must be presented to the committee in writing.

B. Executive Session

- (1) Executive action may be taken the same day or later, but not until after all scheduled bills have been heard.
- (2) Although executive sessions are open to the public, no comments may be made by anyone but committee members.

Bob Ream, Chairman  
Jim Elliott, Vice-Chairman

Doug Sternberg, Researcher  
Maureen Cleary, Secretary

EXHIBIT #02  
DATE 1/3/89  
HB #07

WITNESS STATEMENT

HB-7

NAME R. Q. BERTH BUDGET \_\_\_\_\_

ADDRESS 609 WY. AVE, HAVER 59501

WHOM DO YOU REPRESENT? DIVERS

SUPPORT ☒ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: I support HB-7 as amended  
to the 100' restriction rather than 100 yds in  
para 4, sentence "A" and the deletion of  
the first <sup>clause</sup> ~~section~~ of sentence "B" as listed  
in the hearing.

I am favorable to the bill.

RBert

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



EXHIBIT #03  
DATE 1/3/89  
HB #07

Chris R. WITNESS STATEMENT

NAME 1/5/89 BUDGET

ADDRESS 1617 Central Ave Cor Falls

WHOM DO YOU REPRESENT?

SUPPORT  OPPOSE  AMEND

COMMENTS: On dive flag Boster awareness:  
Comment was made that Dive Flag  
Description & meaning was  
in owner manual for 1975  
Everade Motor Manual-  
Awareness is only upon area  
of use & recognition

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITORS' REGISTER

## FISH AND GAME

COMMITTEE

BILL NO. 87

DATE January 3, 1989

SPONSOR Peck

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

\* will offer amendments