

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Bob Ream, on February 7th 1989, at 3:15 p.m.

ROLL CALL

Members Present: All members present

Members Excused: none

Members Absent: none

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

Announcements/Discussion: Chairman Ream announced to Committee members that there were seven bills left for the Committee to act on. And that these were to be scheduled within the next two weeks.

HEARING ON HOUSE BILL 447

Presentation and Opening Statement by Sponsor:

Rep. Clark opened to committee members, noting he represented District #31, the bill would be an act revising the limits of storage of smokeless powder and small arms primers, amending sections and providing an effective date. This bill is at the request of the Montana Rifle Association, but noting that he also had a personal interest in the bill, because he is a competitive shooter and his wife and daughter also shoot. It was for this reason that he carried this bill. What this does is revise the limits on the storage of smokeless powder and small arms primers, in use in reloading ammunition.

Testifying Proponents and Who They Represent:

Mr. Gary Marbut/ Vice Pres. MT Rifle Association, Missoula

Mr. Charles Woolley/ competitive shooter and former Pres. of MT Action Shooting Council, Plains, MT

Mr. Kenneth Guy Jr./ Blacksheep Sporting Goods, Missoula

Mr. H. Terry Smith/ Secretary, MT Rifle and Pistol Assoc., Billings

Mr. A. M. Elwell/ White Sulphur Springs

Mr. Brian Judy/ National Rifle Association, Sacramento, CA.

Mr. Dave Mere/ Bob Ward and Sons Sporting Goods, Helena

Mr. Ed Beall/ Sports Incorporated, Lewistown

Mr. Charles R. Brooks/ Executive Vice Pres., MT Retail
Association

Mr. Don Miller/ self, Helena

Proponent Testimony:

Mr. Gary Marbut/ Vice Pres. MT Rifle Assoc, Missoula: Currently the state of Montana has authorized the State Fire Marshall and local government by statutes to adopt model codes for what a state fire marshall does and what the local government does, to adopt a uniform fire code. The code that is used in Montana is a fire code, one of several used in the United States, one of the most widely used fire codes used by the National Fire Protection Assoc. However, in Montana that code specifies that a retail establishment, may have on the premises no more than 2000 small arm primers and no more than 100 lbs of smokeless powder on display. That is a problem with the competitive shooters in Montana and problem with retailers. (At this time, Mr. Marbut showed a video to the Committee noting several combustible materials commonly found and the variables in the point of combustion.)

Mr. Ed Beall/Sports Inc., representing a number of sporting good stores, Lewistown, MT.: (See Exhibit #1)

Mr. Brian Judy/ Northwestern representative or the National Rifle Assoc.: You have heard why the legislation is needed. A general perception is, and usually stronger than reality, that gun owners "are bad", this follows legitimate law abiding gun owners. And that "people who use guns are bad", and "the things that go along with fire arms are dangerous". Retailers who store and sell powder and products now must label those products "dangerous", and there are other merchants that carry products that are much more hazardous but for which there are no regulations. The video was compelling that what we are seeing is that other products that are stored and displayed in other types of stores are just as dangerous. There are two advisory codes that are used, the Uniform Fire Codes which are put together by the Western Fire Chief Assoc., and the National Fire Protection Assoc. Currently, there is quite a significant difference between the two. UFC say that 100 lbs of powder and 2000 primers, and the NFPA says 800 lbs of powder, which is 8 times the amount, and 750,000 primers. I contacted one of

the representatives of the Western Fire Chief Assoc., and he wasn't technically aware of the differences in the powders, and flammability of the various products. This August the Western Fire Chief Assoc, is going to meet to consider the possibility of raising the limits, and be in agreement with the NFPA. I think that they realize that their limits are unrealistic, there is really no need to have them as low as they are, and they are going to do something about this.

Mr. Charles Brooks/ Ex. Vice Pres. MT Retail Assoc: I represent a number of sporting good stores throughout the state. Our industry has proven that we are very safety conscience and further than that, we do comply with the codes. Our industry has very keen interest for the safety of the consumer, and properly handling this type of merchandise. I would encourage you to support this legislation.

Mr. Alfred Elwell/ weapons collector: We come face to face with over 380,000 gun owners each year through our shows. The restriction for those in the state of Montana, have a small selection of retail primers, powders and reloading components of any organization of its kind. We have the smallest selection with the highest price. Our retailers, or wholesalers cannot buy in bulk where they will be able to get a price break. We urge your support.

Mr. Charles Woolley/ competitive shooter/ former Pres. of the MT Action Shooting Council: We have had to buy supplies out of state in order to get the volume that we need in order to shoot competitively. We feel that if retailers were allowed to have the quantities to affect their supplies, that we would not have to store this quantity in our houses. There are many shooters that do the same thing. What we have is a proliferation of questionably large amounts of powder and primers stored in homes under questionable circumstances, which I suggest might pose a greater hazard than a large quantity stored in a known place under known safe conditions. I urge you to support this bill.

Mr. Terry Smith/ Sec., MT Rifle and Pistol Assoc., Billings/ Ex. Officer of the Yellowstone Rifle Club, Billings: These organizations are primarily competitive shooting organizations. On behalf of the membership of both, we urge you to support this bill.

Mr. Kenneth Guy/ Blacksheep Sporting Goods, Missoula: I concur with all that is said. (See Exhibit #8) Being close to Washington State, I know for a fact that my customers will go out of state to purchase goods in quantity.

Mr. Dave Mere/ Bob Ward and Sons, sporting goods, Helena: I feel that the numbers are inadequate for storage.

Mr. Don Miller/ "I represent freedom": What we see on the screen up there, could be highly impressive to the hysterical. If

we are going to start outlawing weapons and all that, then we are going to have to start outlawing gasoline, outlawing trains, because they cause explosions and a great deal more. I've been handloading now for about 45 years and I have never seen a fire caused by primers or smokeless powder. What we've seen up there, I am entitled to.

Testifying Opponents and Who They Represent:

Mr. Ray Blehm/ Montana State Fire Marshall, Helena

Mr. M. Duane Larson/ Mt. State Fire Chief Association, Kalispell

Opponent Testimony:

Mr. Ray Blehm/ State Fire Marshall: I realize those problems, but I will speak about some of the other problems. And give you some other perspectives on this issue. My agency is out of the Dept. of Justice, I have a license to carry a concealed weapon, and I have several weapons. I am not anti-rifle, anti-ammunition or anti-shooter. But we do have a process in this state that is well adapted and well in place. It deals with the model codes, with several other codes that are designed to fit together and to work in a common cohesiveness so that it regulates various types of problems, with building, and fires, and hazardous materials and flammable liquids and explosives, in a way that they do not conflict with each other. I think that you can see when we talk about this, we will change the way in which the uniform building code applies to hazardous materials, and in what point and time an occupancy is identified as a hazardous occupancy. How it interdicts with the problems of when you put in a sprinkler system and all sorts of things. The code process is one that goes on within the Western United States for this particular set of codes, this is not just a California set of codes, we are talking about essentially all of the western states and the codes has been spreading into the mid-west and even into some of the eastern parts of the United States. There are various sections of these codes where exceptions are made from one state to another. It is not completely adapted and adopted in its entirety in every case. In most cases we apply the codes across the board and try to come up with the uniformity of it. Because what happens is all the various officials come together from the various disciplines, they meet and discuss and debate and fight over these various provisions. The provisions are introduced to changed code provisions all of the time. It is a process that undergoes these continual evolutions. You heard the proponents of this bill talk about the possibility that the Western Fire Chiefs will change this provision and liberalize the storage, as it applies to primers and powders, at the national meeting. That is how the code process works, but

there are these people that are going to want to run to the legislature to change that process. To codify and statute what is now a model code. If we did that we could probably span at least two volumes in those green books over there. What I am trying to tell you is that I do not believe that this is an appropriate place for this to happen in the statutes, in the State of Montana. These things should be left to the model code process. Just within the last couple of sessions of the State Legislature, we got them taking out a section of the code that essentially dealt with explosives. It was codified, they took that out basically, and gave the authority to the State Fire Marshall for regulations and rules with explosives. Now we are in the process of trying to put some of that back into the law, simply because people don't want to wait for the model code process or are dissatisfied with the standards that are set by this. I can sympathize with the retailer in Montana and the problems that he is facing, with mail order operations, and I can tell you quite frankly that alot of shooters are going to do mail order business regardless because that is still probably their cheapest source of primers and powders. Maybe not as convenient as running to your local store, but at least in this case they can do it without violating the code and get what they are after. Slow, perhaps, but at least it meets the requirements. Those of you that are from Missoula, might remember a fire last year in a hunting shack, a very spectacular fire. Quite frankly when ammo goes off in a fire, it will not normally hurt you...but it does make a very spectacular hot fire. One that spreads rapidly and consumes everything around it, in the video we saw, we say some flammable liquids demonstrated and I am going to tell you that flammable liquids are regulated in the same way that smokeless powder and other explosives are regulated. And there are limits to their storage. We have underground storage tanks in the state, people want to stick them on top of the ground, I can tell you right now that EPA doesn't require that. The person that requires that they be underground is the good old State Fire Marshall. There is going to be another bill floating around that says State Fire Marshals have to put those storage tanks on top of the ground, because we can sell gas cheaper. And what you are going to do is increase the risk of explosion. Maybe that is legislating against gasoline, through administrative rule. But believe me that is my job, to look after public safety, and I take that job seriously. The point of all this is that what you have got here is an attempt by a group to start writing codes, this code here in the bill is both different from the NFPA, and Uniform Fire Code. This should be left to the Model Code Process.

Mr. Duane Larson/ MT State Fire Chiefs Assoc, Kalispell: My testimony is not so much on the merits of the bill, as to the process of change. The MT Fire Service has worked very diligently to adopt a model code, and in 1975 they switched from the National Fire Code, to the Uniform Fire Code, by

the Western Fire Chiefs. And has helped considerably in the administration of the code, everyone knows exactly where to go and where to look, and what references had to be made. It created uniformity for the people administrating the code. When working from the uniform code, there are areas of the code that is not palatable to all the people concerned with the code. There are parts of the Uniform Fire Code that I don't particularly care for, and there is lots of parts that small interest groups don't care for. There is every kind of special interest group, beside the ones what want to change a particular section of the code. And they use your valuable time to affect that change. Very soon, this MT States Fire Codes book will be so heavy that you won't be able to carry it. This is strictly fire codes, this has nothing to do with uniform fire code, building code. If special interest groups, whether they be retail shop owners, builders, architects or whatever their special interest may be, are allowed to use the legislative process to change the code, you will no longer have the uniform code, but you will have a state of confusion. I would urge the Committee to encourage the special interest groups to come before the, whether it be a Fish and Game Committee or any other committee, to seek relief through the organized change process of the Western Fire Chiefs. And if the code change has merit it will be adopted, and this will be judged by a panel of experts. The tests we saw on the video were impressive, but they were not controlled tests. And we can tests of anything we want to.

Questions From Committee Members:

REP. PHILLIPS: Why is the NFPA so much more liberal than the others? MR. RAY BLEHM: That is an issue that comes up quite often, and I stay away from that particularly on purpose. Fire Professionals tend to think of the NFPA headed by retailers, manufacturers. Where Western Fire Chiefs is basically made up of fire service professionals from throughout the western United States. And so they have a tendency to err a little heavier on the side of safety. Realize that all codes are considered minimums, they are not considered the maximum. And there are always more distance that you could go and be safer than the code allows.

REP. EUDAILY: Has the current code changed? MR. BLEHM: The code was adopted since the mid-70's and to the best of my knowledge has not changed. REP. EUDAILY: If a group, such as those here today, wanted to change the code, how would they go about it? MR. BLEHM: Basically what we do is take input on the proposed code changes, and make a decision as to what to recommend to the state. REP. EUDAILY: Does that consist of public hearings throughout the state? MR. BLEHM: Not necessarily around the state, in the past there has not been extensive public hearings on trying to expand the code. REP. EUDAILY: If in the process of following the current

code, when a shooter is going out of state and buying large quantities and bringing it back and putting it in their homes, how are we improving the safety, when you have an uncontrolled situation. MR. BLEHM: I have never known a reloader to skimp on how much they have at their house, because of relevancy to supply. I am sure that some are safer than others, and technically we cannot go into someones house and say that you cannot have this here. So they can put as much in there as they want. REP. EUDAILY: You don't think that the quantity of a retailer will change the situation? MR. BLEHM: I don't think that those persons buying large amounts will change, because they can get a better price, more cost effective still through the catalogues.

Closing by Sponsor:

REP. CLARK: I think that the unsafe storage areas in the homes would not be necessary if the stores can carry larger amounts. I would feel better not having to store as much at my home, the talk about changing the codes, one of the reasons why we would like to see this legislation passed is that there is no guarantee that those codes are going to be changed. At this point, it is just talk. We feel that if we don't get something done now it will stay that way, just talk. We have had pretty much of a negative response about trying to get these codes changed. We don't feel that these products are as dangerous. I think some positive response from those involved in changing those codes would help keep the special interest groups from using the legislative process, but there hasn't been any.

HEARING ON HOUSE BILL 403

Presentation and Opening Statement by Sponsor:

REP. ELLISON opened to the Committee.

Testifying Proponents and Who They Represent:

Mr. Gary Marbut/ National Rifle Association, Missoula

Mr. Brian Judy/ National Rifle Association, Sacramento, CA.

Mr. Alfred M. (Bud) Elwell/ Montana Weapons Collectors

Mr. Lon Dale/ Hellgate Civilian Shooters Association

Mr. Ron Marcoux/ Department of Fish, Wildlife and Parks, Helena

Mr. Charles Lloyd/ Eastern Sanders County Sportsman Club

Mr. Terry Smith/ Billings

Mr. Lon Dale/ Hellgate Civilian Shooters Association

Mr. Dale Hillman/ Secretary of the Missoula Trap and Skeet Club

Mr. Don Chance/ MT Wildlife Federation, Helena

Proponent Testimony:

Mr. Gary Marbut: (See Exhibits listed #3, #4, #5) "to provide a safe place for persons to practice shooting."

Mr. Brian Judy: We have 20,000 members in the State of Montana, and we need this bill because of a lack of a place to shoot. The development and improvement of state shooting facilities should be a high priority in a state such as Montana, with as much hunting and shooting as there is. Shooters have to drive 50 to 75 miles to shoot in a range or a safe place. There is money available, in the current budgets that is not being used. Montana could set an example to alot of other states. I urge your support.

Mr. A. Ewell: I hear the same question asked over at our conventions, "Where is there a good place to shoot?" I recommend a "do pass" on this bill.

Mr. Lon Dale: Recently with the Dept. of Fish, Wildlife and Parks (DFWP) assistance, they acquired a parcel of property near Missoula that will be developed for a shooting range. This is going to require this money. That is the main reason we are supporting this bill. The problem that you have is that there are no good public facilities. You see people on the side of the road, etc. There is a need for this type of facility. There is money available from Pittman-Robertson Funds. I believe that the squeaky wheel gets the grease. We have not in the past made our voice known, now we are saying something about this. I offer some amendments. (See Exhibit #6)

Mr. Ron Marcoux: (See Exhibit #7)

Mr. Charles Lloyd: We see the need for a safe shooting facility.

Mr. Terry Smith: Beyond clubs, there is no public place to shoot. A large portion of the funds for this bill would come from the Pittman-Robertson Funds, which is an excise tax on firearms, ammunition and hunter related equipment. Therefore, I urge your support of this bill, devoting the money that shooters are already spending back to giving them a place to shoot.

Mr. Dale Hillman: We support this program.

Mr. Don Jans: We support this bill in concept, but we do have some concerns about it. The Dept. (DFWP) needs the time to

develop a well conceived program. They are in the process of doing that, the Department also needs a broader rule making authority for development of that program. The program needs to be developed at a pace which is compatible with the staffing capabilities and the regulatory process. DFWP has included \$20,000 within their current budget for the next biennium on a matching basis. There will be \$40,000 available to develop. The Montana Wildlife Federation will encourage the program which would incorporate the current capabilities. We do believe that the \$250,000 requested exceeds the Department's capability to spend those kinds of dollars.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. EUDAILY: Because you are broadening the rulemaking authority, does this bill need a statement of intent? MR. MARCOUX: We would need more time to develop the specifics. We would like to have the broad authority to develop a shooting range program.

Closing by Sponsor:

REP. ELLISON: I request permission to close after I take a look at the proposed amendments.

DISPOSITION OF HOUSE BILL 403

Motion: REP. ELLISON MOTIONED A 'DO PASS'

Discussion: none

Amendments, Discussion, and Votes: Amendments were discussed among committee members and the clarification of those amendments (See Attached Standing Committee Report) were verified by the researcher, Doug Sternberg. The vote was taken and the majority voted a "do pass" on the proposed amendments.

Recommendation and Vote: THE COMMITTEE THEREFORE RECOMMENDS A 'DO PASS AS AMENDED' ON THIS BILL, WITH A UNANIMOUS VOTE.

HEARING ON HOUSE BILL 478

Presentation and Opening Statement by Sponsor:

REP. RANDY ROTH, House District #96, Billings opened to the

Committee: This bill is not a traditional Fish and Game bill, but an enforcement bill. I noticed fined forfeitures and making false statements for purposes of obtaining conservation licenses. That surprised me, and the forfeited \$100 bonds, as a result it peaked my interest. I called my local Fish and Wildlife people to find out what was going on. These people were coming in from out of state to apply for conservation licenses, at which time when they got in state conservation licenses, they would then use that as an identification form to obtain in-state hunting licenses. Therefore saving hundreds and hundreds of dollars in hunting licenses and illegally hunting as in-state hunters. When they were in fact not. As a result, I wanted to investigate a little further the problem in out-of-state people obtaining a state licenses. I was able to determine that they are approximately 25 to 35 % of all licenses that are false. The Dept. [Dept. of Fish, Wildlife and Parks] has a real tough problem investigating this and prosecuting this. This is my bill, I brought this up. The Dept. had nothing to do with it, except for providing me information when I approached them. This problem is significant and hurts the local hunters and the local outfitters, it takes away game, and it costs the state hundreds and hundreds of dollars. It is a problem that needs to be addressed. What this bill does is allow the Dept. to do what other agencies in state government are doing, and that is have access to Revenue Dept. information, with respect to income tax to determine in fact if theses persons are residents or not. Other agencies do this now, this will allow the Dept. to determine officially if those persons are in fact state residents. They do not request any other information from the Dept. of Revenue. This bill also extends the statute of limitations so that these people may have a little more time to prosecute them. Sometimes, by the time they buy their license and go through a hunting season, the statute, which is currently one year has expired. And if they had the correct information, they couldn't prosecute. So this extends that for them. It is strictly to allow the Dept. [DFWP] access to specific information to determine if these people are residents or not, and it is a much needed bill. And it will benefit alot of people in the state.

Testifying Proponents and Who They Represent:

Rep. Barry Stang/District 52, Missoula

Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena

Proponent Testimony:

Rep. Stang: I come to you today not so much as a Representative, but as a licensing agent in that district that sells these licenses. In the past, we have been approached by people that have all the necessary pieces of identification to obtain a license, and mainly in Montana all that is required

in the state is a drivers license. And many of those people do not live in the state, and [when I] question their residence, they can produce a cash receipt. I think that this [bill] will allow the Dept. of Fish, Wildlife and Parks and the Dept. of Revenue to communicate with each other. If in fact some of these people are declared residents by the local Justice of the Peace and they do not file a Montana tax return, either the Fish and Game is going to get the money out of them or the State of Montana is going to get the money. One way or the other the State of Montana is going to make an honest citizen out of these people.

Mr. Ron Marcoux: (See Exhibit #5)

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. GERVAIS: On our reservation, we have some licenses, for an indian living on a reservation, he doesn't pay state taxes...do you think that should be addressed through this?

MR. IRV KENT: (DEPT FISH, WILDLIFE AND PARKS): That is a particular example that I have not thought of. The situation would have to be examined each case on it's own merits.

REP. ELLISON: How do you pursue someone with false information?

MR. IRV KENT: We have a number of methods that we use to determine, the utility companies, etc., that does take time. With the addition of requiring information in the State Income Tax, [this] will provide us with easier access to information. REP. ELLISON: How do you find out where he does live? MR. IRV KENT: The information is shared with other states.

REP. PHILLIPS: Do you plan this on a case by case basis? How is this going to work? MR. MARCOUX: The enforcement people in the local areas have situations where they feel that something is wrong or will go through and check a list. And found significant numbers that have the same addresses, for a number of persons and have found that non-residents have listed the same address. If we suspect a problem we could get some information. REP. PHILLIPS: What about military personnel that live at Malstrom Airforce Base, but don't list that as their address? MR. KENT: The military does have a different set of requirements. REP. PHILLIPS: They are still not required to pay state income tax, how will they show up on the list? MR. KENT: I am aware that there are different requirements for those in military service.

REP. REAM: I think the bill just makes that income tax information available. It is just one piece of information, and if you can't produce it, essentially you are guilty.

MR. KENT: That is essentially true, it is a type of information that we don't have now and feel that it would be extremely valuable.

REP. ELLIOTT: It would not be a requirement for obtaining a state license? MR. KENT: No it would not.

REP. KASTEN: Would you go through the step by step procedure for this type of problem. REP. ROTH: If they suspect an individual through any of the procedures, they need this ability to help them prove. This bill would give them access to information that will help them prove that this person is a resident. The absence of this does not prove your guilt, but will further verify their records.

Closing by Sponsor:

REP. ROTH: A couple of points, with respect to both Rep. Phillips and Rep. Gervais questions, this again indicates that the lack of information will not convict them. In most cases the Dept. [DFWP] has that information way before they get to that point with individuals. So that is not going to be a problem. They also need the extended time to apprehend the individuals if they should come back the next year. It is a needed tool for the Department [DFWP], and will benefit all Montanans, hunters and outfitters.

DISPOSITION OF HOUSE BILL 478

Motion: Rep. Raney motioned a 'do pass'.

Discussion: Discussion among the Committee was minimal.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THE COMMITTEE THEREFORE RECOMMENDS A 'DO PASS' FOR THIS BILL WITH A UNANIMOUS VOTE.

HEARING ON HOUSE BILL 283

Presentation and Opening Statement by Sponsor:

REP. HARPER/ House District #44, Helena: This bill proposes to establish a license for the raising of the harvest of fur bearing animals. I believe that there are some amendments. I thank the Humane Society and the Animal Welfare Associations, that helped form this bill. They had sent a national representative to meet with me to develop some of these amendments. I think these [amendments] will be accepted to the bill, but I am receptive to changes. I

think that we will establish a system for the humane treatment of the raising of fur farm animals in the State of Montana. The reason that mink and fox are removed from the bill is that mink and fox are treated differently. For one thing they are domesticated animals, basically they are livestock and the people that came to my office this morning were adamant that their relationship is with the Livestock Dept., and I believe that they are right. The last amendment put their regulation under the Dept. of Livestock. All other fur bearing animals are regulated by the Dept. of Fish, Wildlife and Parks, and this bill establishes and verifies their authority in how these animals are to be treated and destroyed. The American Vet Association standards are used. This bill arises, frankly, from a situation that happened in Hamilton, where an organization was in a systematic method across the country, raising animals, letting them starve to death and writing it off as a tax loss. Something that most caring individuals believe is not reasonable treatment of animals, certainly not a way to run a business.

Testifying Proponents and Who They Represent:

- Ms. Judy Fenton/ Sec. Treas., Federated Humane Societies of Montana, Helena
- Ms. Barbara Dahlgren/ Pres., Federated Humane Society of Montana, Missoula
- Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena
- Mr. Dan Huggans/ Hamilton mink rancher
- Mr. William Hadlow/ Vet Pathologist, Hamilton
- Mr. Dan Follett/ Fur Farm Animal Coalition, Morgan, Utah
- Ms. Lorna Frank/ representing 3,600 farmers from the state
- Mr. Gardner Cromwell/ retired law professor, 30 years experience in voluntary work for Humane Society, Potomac, MT

Proponent Testimony:

- Ms. Judy Fenton: (See Exhibit #6)
- Ms. Dahlgren: (See Exhibit #7) Passed photographs of the beaver farm, noted in testimony, in Hamilton.
- Mr. Gromwell: You heard what happened in the Bitterroot, and this bill is an outgrowth of that problem. The purpose of the bill is to ensure that those persons abusing animals would not be issued a license, if they are not equipped to meet these standards. There is currently several states that have some kind of legislation that regulates fur farms,

and I recognize that there is nothing in those states that is as detailed as this bill.

Mr. Marcoux: The incident that occurred in Montana is a concern to all of us. (See Exhibit #8)

Mr. Huggans: We are for this bill with the amendments, I represent the Montana Fur Breeders. Approximately 42 mink ranches are in the state of Montana, and about 25 fox ranches. Annually in the state we produce about 70 thousand mink pelts, and about 3 thousand fox pelts. This brings in about 2.5 million dollars to the State of Montana. We use by products from the State, which if we didn't use would be wasted in the State. Because of the high volume of feed that we use, we have to bring in a lot of feed from out of state. The annual payroll comes to about 1/4 million dollars. We also pay the trucking firms over 13 thousand to haul feed. You can see that it is a viable industry in the State of Montana. We have a national organization that sets its own guidelines so that we can police our own mink farms so we don't have incidence that happen. Mink farming in the state is an old enterprise, started in 1939. The only reason that you can make it a good business is to take care of the animals that you sell, if you don't feed them and you don't take care of them the quality of the fur is poor and you would be out of business in a short while. We agree with this bill along with amendments. I would like to invite you to visit any mink ranch in the state, we are proud of our businesses.

Mr. Hadlow: For twenty five years, while conducting research on infectious diseases at the Rocky Mountain Laboratory, I dealt with mink as an experimental animal. And during this period I had contact with many mink ranchers and learned much about the mink industry. I became impressed with the view that raising mink and foxes is a commercial venture. Like other animal agriculture, mink and fox farmers are concerned about the health and welfare of their animals. The development of standards, understanding that are essential to any kind of animal agriculture. The mink and fox industry is quite a different enterprise than that of the casual keeping of truly wild fur bearers. For this reason I think the exclusion of mink and fox is appropriate. The Dept. of Livestock seems to be the more logical place to deal with the furbearing animals of mink and fox.

Mr. Follett: We are a self regulating organization. Mink and fox is definitely a different enterprise, there are over 24 hundred farms in the United States. Differences that make mink farming unique, one is that there is more economic incentive to take proper care and proper treatment than any other kind of animal. The way that mink are marketed is that the price is more dependent on the quality of the final product. If there is a problem with that animal it will show in the coat. So it is in the best interest of the

farmer to take better care of the animal, as amended, under the Dept. of Livestock, we could support this bill.

Ms. Frank: We believe that there is some cruelty, and we do not condone that. However we do feel that farmers and ranchers involved with the raising of fur bearing animals do take care of their animals, because of the expense. We would support this bill with the amendments.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. BLOTKAMP: Are mink and fox are currently under the Dept. of Livestock? REP. HARPER: My understanding is that the issue was a gamble in the 60's and somewhere someone dropped the ball and it never got written in. I guess we just never carried through.

REP. COHEN: What authority does the Dept. [DFWP] have, suppose they hear that there is a rumor, how do they go about investigating? MR. IRV KENT: (Dept. Fish, Wildlife and Parks) We do have authority to regulate presently the definition of the fur bearer, there are only two that are excluded, the fox and mink. MR. MARCOUX: It is my understanding that any violations would be subject to a 50 to 500 dollar fine and loss of license. REP. COHEN: Can you actually go on the property and investigate? MR. MARCOUX: Yes, we would have the authority, but would have to have a complaint first.

REP. ELLIOTT: Why is the chinchilla considered a wild animal and a mink considered a domestic animal? REP. HARPER: A mink weighs 3 pounds in it;s natural state and that is a big one, but these minks that they are talking about are bigger than that. They are a different animal.

REP. COHEN: Do you believe that if there were a problem and you were to call that they [Dept. of Fish, Wildlife and Parks] would go in and investigate, through your experience? MS. DAHLGREN: I would hope they would, but they certainly didn't in our case. I don't know who it is up to provide some kind of result, if there was a problem.. That is what we kept hearing for two years, and we could not get anyone to go look. And we couldn't because we didn't have permission to go there. REP. HARPER: The only requirement in the law right now is that they be fenced. If they have a

fence there doesn't seem to be any grounds, any basis for the Dept. [DFWP] to go in. And with this law then there is grounds for humane treatment.

REP. RANEY: How about an amendment that will give the Dept. authority to go into a farm at any time they so choose.

REP. HARPER: I think that the Committee would want to consider reasonable hours, etc. REP. REAM: There is in the statutes, 87-4-1007, an inspection provision, that allows it already, it is a law. (Read text of 87-4-1007)

REP. KASTEN: If in your amendments you are going to allow the Dept. of Livestock to regulate the rulemaking, why can't all of this be left to the rulemaking? REP. HARPER: Because as I understand, there are very well defined standards for mink and fox already. REP. KASTEN: I assume that it took awhile to develop rules, and yet you want strict regulations now? REP. HARPER: All that I would like to see is the authority for Fish, Wildlife and Parks, to be able to make sure that those animals are raised humanely and destroyed humanely. The others [fox and mink] that are considered livestock, will be regulated under the Dept. of Livestock. REP. KASTEN: I see that you are also advocating vaccinations, according the American Veterinarian Association. Is that going to extend to all livestock eventually? REP. HARPER: No, I don't believe so, if you look at the bill. Page 3 section 6. We replaced that with amendment number 7. (See Exhibit) No sense in putting those kinds of regulations on people unless there is a need for it. REP. KASTEN: I see this as overreaching, in essence your saying that this has to be done in every instance, according to whatever a vet states. If livestock people would borrow every vaccination that is proposed for their area, you would never stop giving your animals shots. REP. HARPER: But if you need to vaccinate for mandatory you would certainly do it would' you. That is what we are talking about. REP. KASTEN: And every once in awhile there would be lots of standards and some people would continue to do it. Here they would not have a chance to decide for themselves. It says whatever standards are set by the American Vet. Assoc., so they could ask for anything.

REP. KELLER: You would agree to defer any action on this until we do get some further information. REP. HARPER: If we take enough time, we adopt it and we don't have to fool with it ever again. Why should we write in alot of standards when they are always changing.

REP. GERVAIS: Do we have any law that pertains to cruelty to animals? MR. KENT: We don't have it under our statutes. REP. GERVAIS: One of the reasons that I ask, is if this cruelty were happening now. You can dictate probable cause and go in and do something about it. MR. KENT: Again, that is not in our area, in regards to cruelty to animals. There is nothing in the statutes. The provisions in this bill will

provide that along with inspections.

REP. DEMARS: Are you mink farmers pretty much disease free herds?

MR. CROMWELL: We vaccinate for 4-way disease. You have to have protection, we do that every year. REP. DEMARS: You don't let anyone go in there if you have a disease free farm. MR. CROMWELL: If I were to allow that I would have them disinfect before entering, you just can't gamble with that. We have to be very careful. During the breeding season, we don't allow anyone in during the breeding season, we only have about 20 days. When they are having their young, we don't allow in. We keep it as quiet an atmosphere as we can.

REP. BLOTKAMP: How do you feel about the laws on cruelty to animals in the state. MS. DAHLGREN: There is a law, and these people in Hamilton were charged and found guilty and it's been two years and nothing has been done yet. They have been fined and nothing has happened.

Closing by Sponsor:

REP. HARPER: closed briefly to the Committee.

DISPOSITION OF HOUSE BILL 551

Motion: Rep. Raney motioned a 'do not pass'

Discussion: question was called for

Amendments, Discussion, and Votes: none

Recommendation and Vote: THE COMMITTEE THEREFORE RECOMMENDS A
'DO NOT PASS' FOR THIS BILL.

DISPOSITION OF HOUSE BILL 478

Motion: Rep. Raney motioned a 'do pass'

Discussion: Rep. Cohen: Will this bill convict a person unfairly? Rep. Ream: this is just another tool for the Dept. [DFWP] to use, it will not prove their guilt.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A
'DO PASS' FOR THIS BILL.

DISPOSITION OF HOUSE BILL 186

Motion: Rep. Ream motioned a 'do pass'

Discussion: questions from the committee were discussed.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A
'DO PASS' FOR THIS BILL.

DISPOSITION OF HOUSE BILL 342

Motion: Rep. Debruycker motioned a "do pass"

Discussion: Discussion among committee members did transpire.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A
"DO PASS" FOR THIS BILL.

DISPOSITION OF HOUSE BILL 426

Motion: Rep. Ellison motioned a "do pass"

Discussion: question was called for

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A
"DO PASS" FOR THIS BILL.

DISPOSITION OF HOUSE BILL 289

Motion: Rep. DeBruycker motioned a "do pass"


Discussion: Rep. Elliott reported to the Committee the report of the Subcommittee's findings. He also stated that he must speak out against the commercialization of any species.

Amendments, Discussion, and Votes: Amendments were approved and voted on by the Committee. With a "do pass" on amendments.

Recommendation and Vote: WITH A VOTE OF 11 AYE AND 5 NAY, THE
COMMITTEE THEREFORE RECOMMENDS A 'DO PASS AS AMENDED' FOR
THIS BILL.

ADJOURNMENT

Adjournment At: 4:50 p.m.

A handwritten signature in cursive script that reads "Bob Ream". The signature is written in dark ink and is positioned above a horizontal line.

REP. BOB REAM, Chairman

BR/mc

3205.min

4/17

roll call
attendance sheet
missing from file.

M. Cleary.

EXHIBIT 7
DATE 2/7/89
HB 447

Good Afternoon,

My name is Ed Beall. I represent a group of sporting goods retailers called Sports Inc. Sports Inc. numbers 171 member stores and is based out of Lewistown, Montana. Nineteen (19) of these stores are in Montana cities and are independently owned and operated. As a representative of these store's I would like to express our support for House Bill 447.

I am also the manager and buyer for Capital Sports here in Helena. Our basis for support of this bill stems from the unrealistic restrictions placed upon our business by outdated fire codes. Currently, we are restricted to the storage of 100 pounds or less of smokeless powder and 20,000 small arms primers.

There are a number of problems with the current limits. In the case of smokeless powders the initial problem is that there are 65 different types of powders that are available and in use.

Exhibit A.

As you can see if we were to keep all types in stock, we would only be able to have 1.54 cans of each powder in the store. We continuously stock 56 of these powders so we can keep 1.79 lbs in stock with the current codes. On a good day we may have around 10 requests for the same type of powder. If we run a promotion with powder we may sell 100 pounds in one day. As the situation stands today, we have to store our powder outside the city in a magazine. This means we have to run to the magazine almost daily and or lose a sale because we do not have the powder on hand. Many of our customers are from out of town and just aren't able to hang around or come back later. The only other option is to disregard the code and be in violation of the 100 lb limit.

Another problem is that the quantity that a retailer must purchase at one time to be making a competitive purchase generally exceeds 100 pounds.

On Exhibit C You will find that the minimum order I can buy from Hodgdon Powder Co. is 100 pounds of smokeless powder. (this includes Hodgdon, Winchester and Hercules mixed.) To get the best discount and prepaid freight from Hodgdon Powder Co., I need to buy 300 pounds at one time.

On Exhibit D. The best discounts available are on a 500 pound purchase and again their minimum order is 100 pounds. (This includes Dupont and Accurate powders) As you may have concluded the 100 pound limit is obviously a major problem in purchasing smokeless powder. A realistic quantity of powder for our store to stock would be 400 to 500 pounds. This is based upon an estimated bi-monthly usage.

In regards to small arms primers, again 20,000 ea. primers is unrealistically small. In exhibit B you can see that there

are 32 different types of primers. We stock all these types. If we were to only buy one carton of each type that would equate to 32,000 primers. Already we would be in violation of the existing code. All of these primers must be purchased in quantities of at least 1000 ea. In order to buy them direct from the manufacturer you must buy each in quantities of 5,000 (1 case). This equates to 160,000 primers. Again as you can see a restriction of 20,000 primers is unrealistic. In the case of our operation 250,000 primers would be a reasonable quantity to be in stock.

Naturally, both smokeless powder and primers are a concern in the matter of safety. It seems though, that undue restrictions have been placed upon both, whereas in the case of other flammables such as coleman fuel, propane, paint thinners, turpentine and other flammables you find on retail shelves are not so severely restricted. Case in point, the Coast to Coast next to us which is a relatively small hardware store has 500 Gallons plus of such flammables on the sales floor with no restrictions.

Smokeless powder burns, it does not explode. Primers must be struck to ignite. This combined with the storage conditions contained in HB 447 would seemingly provide for a safer situation than what you might find in any hardware store or automotive store in town.

An item not discussed in this bill that does need attention is that of Black Powder. We propose an amendment to the state code to allow for the storage of 20 pounds of Black Powder instead of the current restriction of 5 pounds.

Again, the situation is the same. There are four types of Black Powder 1F, 2F, 3F, 4F. These powders are used for muzzle loading rifles, pistols and shotguns. While black powder is definitely more volatile than smokeless powder, if it is stored in compliance with the storage constraints in the current codes it would be as safe as 5 pounds.

Thank you for your consideration

A.

VARIETIES AND QUANTITY OF POWDERS

HODGDON	DUPONT	WINCHESTER	HERCULES	ACCURATE
EH4227	700-X	680	RED DOT	5
EH4198	800-X	748	GREEN DOT	7
EH322	PB	760	BLUE DOT	9
EH335	SR4756	231	HERCO	223
EH4895	SR4759	296	UNIQUE	2460
BLC	SR7625	452AA	BULLSEYE	2520
EH380	1MR3031	473AA	2400	3100
EH414	1MR4064	540	RELOADER 7	5744
EH4350	1MR4198	571	RELOADER 12	8700
EH4831	1MR4227		RELOADER 15	
EH450	1MR4320		RELOADER 19	
EH870	1MR4350		RELOADER 22	
EHF38	1MR4831			
TRAP 100	1MR4895			
HS-6	1MR7828			
HS-7				
H-110				
RS				
P				
CTG				

65 DIFFERENT TYPES OF SMOKELESS POWDERS
 AVAILABLE IN 1LB, 5LB, 8LB, 12LB CANISTERS
 CASE PACKS ARE (10cs) AND (25cs)

3.

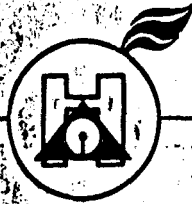
SMALL ARMS PRIMERS

CCI	FEDERAL	REMINGTON	WINCHESTER
200	100	1 1/2	1 1/2
250	150	2 1/2	1 1/2 M
300	155	5 1/2	6 1/2
350	200	6 1/2	7
400	205	7 1/2	8 1/2
450	210	9 1/2	8 1/2 M
500	215	9 1/2 M	
550	205 M		
BR2	210 M		
BR4			

32 DIFFERENT TYPES

100 PRIMERS PER BOX , 10 BOXES PER CARTON.

5 CARTONS PER CASE. (5,000 PRIMERS PER CASE)



HODGDON POWDER COMPANY, INC.

WATS 1-800-622-4366

913-362-9455

FAX-1-913-362-1307

6231 ROBINSON • P. O. BOX 2932 • SHAWNEE MISSION, KANSAS 66201

CONFIDENTIAL WHOLESALE TERMS EFFECTIVE JUNE 15, 1988

MINIMUM ORDERS: 100 lb. net weight of smokeless powder, Pyrodex, black powder, or accessories. Quoted prices are for full case quantities. (Hodgdon Brand Products in less than case lots can be added for making up difference between net weight of manufacturer's standard container pack and the optimal shipping weight of 100 lbs.)

Our fill rate on orders historically has averaged 97%. However, shortages do occur from time to time. Therefore, we recommend all orders indicate acceptable substitutes allowing shipment of a full 100 lb. unit.

QUANTITY DISCOUNT: Orders for powder quantities of a full ton or more, may be delivered by our truck, and enjoy a special quantity discount as reflected on our price schedule. To qualify for ton lot pricing, the order must be for a minimum of 2,000 lbs. net weight, shipped at one time, and shipped to one destination. Orders may "mix or match" full cases of smokeless powder (all brands), Pyrodex, and black powder in any combination.

1988 DROP SHIPMENTS PROGRAMS: Two different programs are offered to wholesale accounts desiring products drop shipped directly to their dealers. Drop shipments may consist of Pyrodex, smokeless powder in 8 lb. containers or less, plus any quantity of non-powder items. (Black Powder cannot be offered on drop-ship basis.) All orders processed under drop ship programs will be priced per our "ton" schedule. A certified copy of your dealer's FFL must accompany the order. Freight and terms for both drop ship programs are the same as for other orders. When ordering, please specify which of the two drop ship programs you desire.

"PLAN A"

Broken cases, all brands. Minimum order for 100 lbs. net weight, or increments thereof, and shipped to a single destination.

IMR, Hercules, and Winchester products can be "mixed or matched" using any combination. However, the composite order for any manufacturer must conform to that manufacturer's standard container pack, i.e. an order for IMR rifle powder can include any combination of container sizes or burning rates, but the number of 1 lb. containers in the order must total 25, 50, 75, etc.; the number of 8 lb. caddies must total 4, 8, 12, etc.

Hodgdon Brand smokeless powders and Pyrodex may be "mixed or matched" by container size and burning rate without conforming to manufacturer's standard container pack, providing at least 10% of order consists of Hodgdon Brand Smokeless Powder, i.e. one order could include 5-H380, 8-H4227, 20-H110, 1-5 lb. H4831, etc.

To cover added cost of repackaging, processing and freight, a fee of \$40 cwt. is added to invoice.

"PLAN B"

Full cases only of all brands, or broken cases of Hodgdon Brand only. Minimum order for 100 lbs. net weight, or increments thereof, and shipped to a single destination.

IMR, Hercules, and Winchester Smokeless Powder must be ordered in factory full case lots.

(continued on back page)



Roundup
COMPANY
Powder

P.O. Box 160, Miles City, Montana 59301, (406) 232-1632



WHOLESALE TERMS AND ORDERING INSTRUCTIONS

Effective January 1, 1987

Minimum Orders: Full case lots of smokeless powder or black powder. Prices quoted are for full cases. You can mix different numbers of the same brand within the case.

Discounts: You can obtain quantity discounts on orders over 500 lbs. See price list for current prices. You may combine full cases of smokeless powder (all brands) and black powder in order to obtain a quantity discount.

Shipping Information: All prices are quoted FOB Miles City, Montana. Discount quantities may be delivered by our truck at no additional cost. Orders shipped by UPS will have actual freight and handling charges added. A certified reproduction of your current Federal Firearms License must be on file with us or accompany your order before shipment can be made. Prices are subject to change without notice and become effective immediately upon being announced.

Credit: Credit must be approved by our credit department. Applications for credit are available on request.

Payment Terms: Net 30 days, 1 1/2% per month interest on past due accounts. Orders under \$ 150.00 must be prepaid or will be sent COD.

EXHIB. 2

DATE 2/7/89

HB 403

MONTANA RIFLE AND PISTOL ASSOCIATION

Amendments offered for HB403

A the request of the Department of Fish, Wildlife & Parks, the MRPA has agreed to offer the following amendments to HB403, to cause the provisions of HB403 to best concur with the preferences of the Department.

Amendment #1: On page 2, in Section 3(3), in line 9, after the words "A grant must be used for", add the words "property purchase, ".

Amendment #2: On page 3, in Section 3(7), in line 7, change the word "weapon" to the word "arm", and change the word "weapons" to the word "arms".

Amendment #3: On page 3, in Section 3(8), in line 11, delete the word "safety" and the words "on an occasional basis".

Amendment #4: On page 3, in Section 3(9), in line 16, delete the words "for a reasonable fee", and in line 17, after the word "license", add the words ", and may charge a reasonable fee for such access".

Amendment #5: On page 3, in Section 4(3), in lines 23 and 24, after the words "effort to use", add the words "or commit".

Amendment #6: On page 4, in Section 4(4), in line 3, delete the words "number of shooters" and replace those words with the words "local need".

Amendment #7: On page 4, in Section 4(4), in line 4, change the word "weapons" to the word "arms".

- End -

EXHIBIT 3

DATE 2/7/89

HB 403

MONTANA RIFLE AND PISTOL ASSOCIATION
HB 403, FUNDING FOR SHOOTING RANGES

HISTORIC MONTANA USE OF PITTMAN-ROBERTSON FUNDS

U.S. Fish and Wildlife Service administers funds, from excise taxes on firearms and ammunition, under the federal Pittman-Robertson Act. A portion of the P-R funds is available for Hunter Education. Hunter Ed funds may be used for funding shooting range development. That amount of P-R funding that is apportioned to Hunter Ed is determined by a formula which includes many factors. However, in the case of Montana, the portion of P-R funds available for Hunter Ed amounts to about 5% of the entire P-R allotment. The remainder (about 95%) is allocated for wildlife programs.

Those P-R funds that are apportioned for Hunter Ed by the U.S. Fish and Wildlife service, and that are NOT used for Hunter Ed or other allowable purposes (including shooting range funding), revert to the wildlife programs portion of the allotment. The Montana Department of Fish, Wildlife and Parks has a steady history of not using all of its Hunter Ed apportionment and allowing some Hunter Ed available funds to revert to wildlife programs. Had they not reverted, these funds would have been available for funding shooting range development in Montana.

A five-year history of the apportionment of P-R funds for Hunter Ed and the amounts actually spent for such purposes by the Montana DFWP, according to the U.S. Fish and Wildlife Service, is as follows:

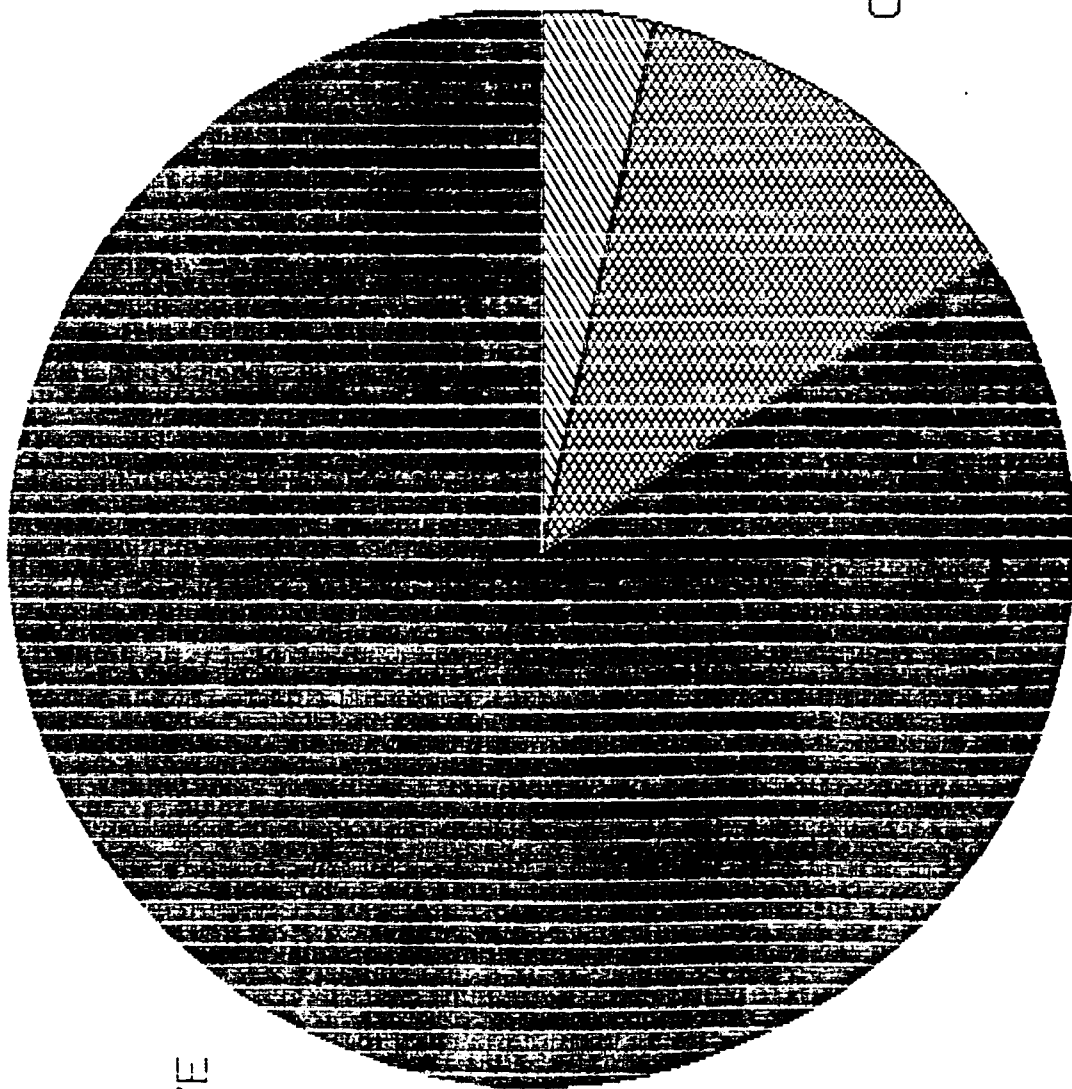
Year	Apportioned H.E.	Spent H.E.	Reverted to wildlife
1984	\$154,500	\$ 74,818	\$ 79,682
1985	\$141,900	\$138,030	\$ 3,870
1986	\$151,302	\$121,637	\$ 29,665
1987	\$194,398	\$109,525	\$ 84,837
1988	\$170,000	\$144,462	\$ 25,538
Total	\$812,100	\$588,472	\$223,628

Thus, there was roughly \$1/4 million of P-R funds in the last five years that could have been used for shooting range funding, but that was spent for wildlife programs instead. Had these funds been spent regularly for shooting range funding, such a program would have made an appreciable difference in the availability of appropriate places to shoot in Montana.

Hunting is shooting. If people are not shooting, they will not be hunting. If people are not hunting, the Department of Fish, Wildlife & Parks will be unfunded. No better investment can be made in the long-term future of the Department than to make sure that the people of Montana keep shooting.

Do you support idea of Range Funding?

EXHIBIT 4
DATE 2/7/89
HB 403



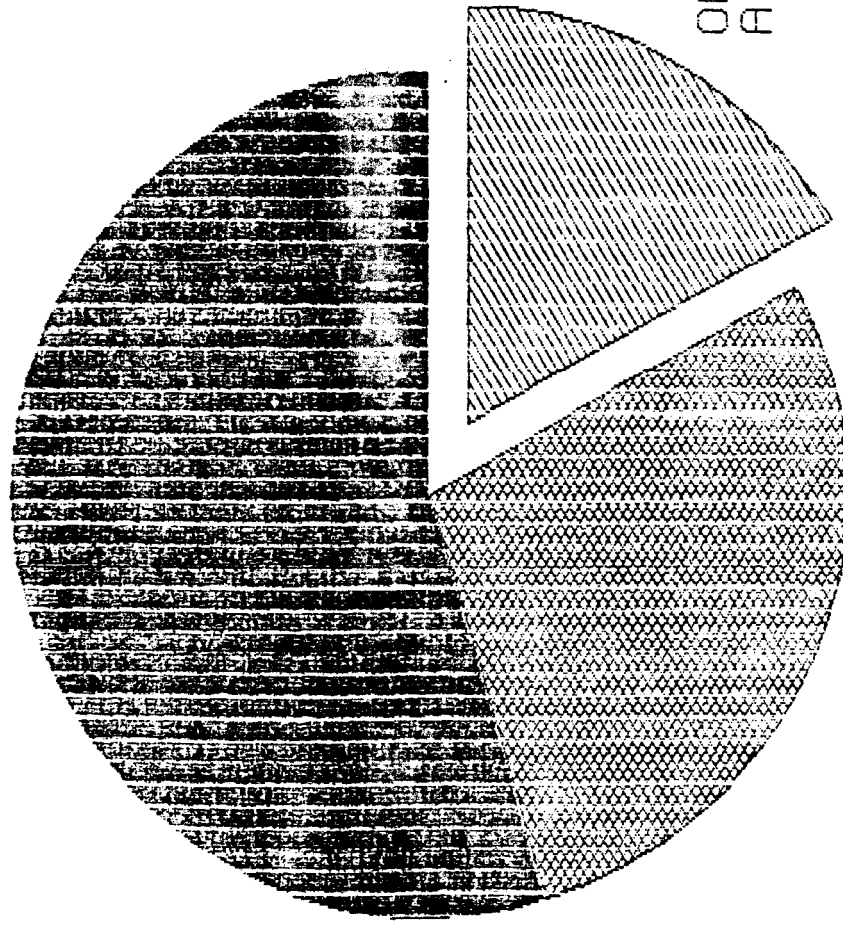
APPROVE
84%

UNDECIDED
3.4%

OPPOSE
12.6%

Range Funding from Wildlife Funds

DON'T
OBJECT 55%



OBJECT
ALOT 17%

OBJECT
LITTLE 29%

Public Policy Research & Analysis

Gary S. Marbut

EXHIBIT

5

DATE

2/7/89

HB

403

P.O. Box 4924

Missoula, MT 59806

(406) 549-1252

FUNDING FOR SHOOTING RANGES, A SURVEY POPULARITY AMONG HUNTING LICENSE PURCHASERS

The Survey:

In January of 1989, a survey was mailed to probable hunters to determine the popularity of funding for shooting range development in Montana. The survey results were taken from among persons who describe themselves as "always" purchasing hunting licenses. The survey inquired if the respondent would approve or disapprove of using up to 1% of license fees for range development. The respondents were also asked to characterize their level of objection to the diversion of up to 1% of license fees from wildlife programs.

Overview of Results:

191 responses were received from persons who characterized themselves as "always" purchasers of hunting licenses. In overview, 84% of the respondents either "Strongly approve" or "approve" of the range funding concept. Only 12.6% "Oppose" or "Strongly Oppose" the idea. Concerning objection to funds diversion for this purpose, 84% "Don't object at all" or only "Object a little" (55% and 29% respectively) to applying funds normally used for wildlife programs to range development. Conversely, 17% of the respondents "Object a lot" to diversion of funds for range purposes.

Composit Results:

In more narrow and intersecting criteria, 80% of the respondents "Strongly approve" or "Approve" AND ALSO "Don't object at all" or only "Object a little". Also, in the most approving categories intersection, 55% of respondents "Don't object at all" AND ALSO either "Strongly approve" or "Approve" of the concept. This last is as opposed to the obverse intersecting categories of the 10.5% who "Oppose" or "Strongly oppose" the range funding concept AND who ALSO "Object a lot" to the possible diversion of funds.

Key Points:

Several key points become apparent from the survey results.

1) Most (85%) of those who "Object a little" to funds diversion still either "Approve" or "Strongly approve" of the range funding concept.

2) Many (32%) of those who "Object a lot" to the funds diversion also either "Approve" or "Strongly approve" of the range funding concept.

3) By any analysis, the great majority of surveyed hunting license purchasers like the idea of up to 1% of their license dollars being spent for shooting range development.

Extrapolation:

The survey sample was taken regionally, and was not large enough to guarantee a 95% confidence interval statewide. However, the results are so dramatically self-demonstrative that it becomes a convincing indicator of likely hunter attitudes statewide. Said another way, if a betting person could get even odds, he would be a fool not to bet in favor of range funding popularity, under the terms of the survey, on a statewide basis.

Attachments:

A copy of the survey questionnaire is attached as Appendix A.

A table of the survey data is attached as Appendix B.



Gary S. Marbut

RANGE FUNDING POPULARITY SURVEY DATA
(Complete 01/24/89)

	Strongly Approve	Approve	Neutral	Oppose	Strongly Oppose	Total	Group Total
Don't #	82	22	0	0	1	105	
Object %	43%	11.5%	0%	0%	.5%	55%	160
Object #	15	32	5	3	0	55	84%
Little %	8%	17%	2.6%	1.6%	0%	29%	
Object #	5	5	1	11	9	31	
Lot %	2.6%	2.6%	.5%	6%	5%	17%	
Total #	102	59	6	14	10	191	
%	53%	31%	3%	7%	5%	100%	
Group #	163			24			
Total %	85%			12.6%			

NRA Members = 128/191, or 67%

REPEAT

	Strongly Approve	Approve	Neutral	Oppose	Strongly Oppose	Total	Group Total
Don't #	82	22	0	0	1	105	
Object %	43%	11.5%	0%	0%	.5%	55%	160
Object #	15	32	5	3	0	55	84%
Little %	8%	17%	2.6%	1.6%	0%	29%	
Object #	5	5	1	11	9	31	
Lot %	2.6%	2.6%	.5%	6%	5%	17%	
Total #	102	59	6	14	10	191	
%	53%	31%	3%	7%	5%	100%	
Group #	163			24			
Total %	85%			12.6%			

RANGE FUNDING POPULARITY SURVEY FORM

"Will you please take just a minute to answer the following questions, and return this page in the envelope provided."

There is a proposal brewing to set aside up to 1% of the money all hunters pay for a hunting license, to fund the development and improvement of shooting ranges throughout Montana. This money would be available to local shooting clubs and organizations as cash grants to match local contributions of money, labor, materials or property. The intention is to begin creating a thorough system of safe, suitable and designated places for hunters and gun owners to shoot around Montana. We need to know if you approve of this idea.

1. Do you purchase a hunting license for any kind of game animal each year?

☐ Always ☐ Often ☐ Sometimes ☐ Never

2. Do you approve of up to 1% of your license dollars being spent for shooting range development and improvement in Montana?

☐ Strongly approve ☐ Approve ☐ Neutral
☐ Oppose ☐ Strongly oppose

3. Do you object to the fact that this range funding would take away up to 1% of the funds currently spent for wildlife programs in Montana?

☐ Don't object at all ☐ Object a little ☐ Object a lot

4. Are you a member of the National Rifle Association?

☐ Yes ☐ No

Your response to this survey will be very helpful.
Thanks for your help."

EXHIBIT 6
DATE 2/7/89
HB 403
BILL NO. HB 403

WITNESS STATEMENT

NAME Lon Dale

ADDRESS 2555 Sunlight Ct

WHOM DO YOU REPRESENT? Hellgate Civilian Shooters Ass'n

SUPPORT ☒ OPPOSE ☐ AMEND ☒

COMMENTS: Amend Section 4, subsection (5)

to Add following language:
"in any one biennium."

Reason for ~~this~~ amendment: present
language would preclude continued
support of substantial range
development

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HB 403
February 7, 1989

EXHIBIT 7
DATE 2/7/89
HB 403.

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

The department appears today in support of the intent of HB 403. Through our Hunter Education programs, we have identified a need for additional shooting ranges. The department's budget request for the next biennium includes a \$20,000 matching grants project for a pilot shooting range development program.

As background for our request, we have obtained and are continuing to obtain information that would assist us in developing a sound program. Specifically, we have corresponded with other states regarding their range development activities and funding sources. We have also been in contact with other agencies to determine the possibility of cooperative efforts in developing shooting range facilities.

Existing laws and regulations pertinent to shooting ranges have been reviewed, as has the availability of insurance. Through a questionnaire, we have asked our Hunter Education Chief Instructors to tell us about the availability of public and private ranges, and also the relative need for shooting ranges. We have other questionnaires out to County Commissioners and sporting groups throughout Montana to assist us in developing a long-range program.

While we agree with the intent of this legislation, we have several suggestions and concerns for your consideration.

In general, we would prefer to initiate a program with broader rule making authority than HB 403 allows. Our concerns relate to establishing by law, specific criteria such as: when grants must be submitted, as listed on lines 20-21 in section 2; how projects will be prioritized, as discussed in section 4, subsection 4; and promoting the use of public land as discussed in section 4, subsection 6.

We would prefer to draw on the experience we've gained in administering over \$30 million in Land and Water Conservation Fund grants and suggestions we will receive as we work with interested groups throughout Montana. It's possible we might be creating criteria by law that will prove to be unnecessary or, in fact, a hindrance as we move into administration of the program.

In section 3, subsection 6, HB 403 suggests that in the event of discontinued use of a shooting range facility, the assets

of the facility would revert to the Department of Fish, Wildlife and Parks. We certainly want to protect assets that may be the result of this program, but do not want to be expected to manage local facilities if a range is discontinued.

Our proposal for the \$20,000 of matching funds was one where we could utilize existing manpower to develop the program, initiate some projects and through the experience gained, plan appropriately for future increases. If \$250,000 is allocated for this upcoming biennium, it must come from other programs. It will also be necessary to request additional FTE's to adequately handle a grant program of that size.

Although we strongly support the development of a grants program, we urge your consideration of broad rule-making authority to develop the program and a lower level of funding as we begin the program and gain experience in implementation.

EXHIBIT 8
DATE 2/7/89
HB 447

WITNESS STATEMENT

NAME KENNETH JOHN GUY JR BILL NO. H.B. 447

ADDRESS 125 W. FRANKLIN MISSOULA, MONTANA 59801

WHOM DO YOU REPRESENT? BLACKSHEEP SPORTING GOODS MSLA, MT.

SUPPORT _____ OPPOSE _____ AMEND X

COMMENTS: Under Current Laws (City Ord's) Any person
& or retail outlet can only store 100 lbs or less
of smokeless powder. There are 5 major powder
companies that encompass over 50 TYPES of powder.
To abide by the LAW you CANNOT CARRY EVEN 2 lbs
of each TYPE. You CAN'T BY Powder in Quantity to
be price competitive nor keep a back log to eliminate
shortages. Thus sportsmen are purchasing their
reloading components in another state. We are
losing buisness to NABORING states.

Primers (also a reloading component) are restricted
to 4 cases (20,000) primers. That computes to 20 boxes
of 1000. Primers are only purchased in boxes (1000)
lots. There are 4 major companies w/ 12 TYPES AVAILABLE
We have limited our stock to 2 BRANDS THAT
WOULD MEAN I WOULD HAVE TO HAVE 24 BOXES in
stock minimum to be competitive. That would put us
over the limit by 4 boxes (1000 per box)

I MONTANA WE NEED TO REMAIN COMPETITIVE
AND NOT SEND OUR DOLLARS TO NABORING STATES TO
PURCHASE REASONABLE ITEMS AT REASONABLE QUANTITIES AT REASONABLE
COSTS. THANK YOU KEN GUY

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT 9
DATE 2/7/89
HB 403

WITNESS STATEMENT

NAME Rob BRAACH BILL NO. HB 403

ADDRESS 1915 So 12th W

WHOM DO YOU REPRESENT? Western MT Fish & Game Assn

SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS:

We believe this bill would help alleviate Landowner/Sportsmen
conflicts while providing safer and more responsible
places to recreate in the form of shooting

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT 10
DATE 2/7/89
HB 403

WITNESS STATEMENT

NAME DALE BEECHMAN BILL NO. 403

ADDRESS 2 SEPTEMBER DR, MISSOULA MT 59802

WHOM DO YOU REPRESENT? MISSOULA TRAP & SKEET CLUB

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: IN SUPPORT OF THIS BILL, OUR CLUB

COULD USE GRANT FUNDS TO EXPAND SHOOTING

FACILITIES FOR OLYMPIC STYLE SHOTGUN SHOOTING

FOR TRAINING, RECREATION AND COMPETITION. OUR CLUB

MEETS THE REQUIREMENTS AS A REQUESTING ORGANIZATION

AS OUTLINED IN THE PROPOSED BILL.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT 11
DATE 2/7/89
HB 403

WITNESS STATEMENT

NAME CHARLOS H. WOOLLEY BILL NO. H.B. 403

ADDRESS BOX 646, PLAINS, MT. 59859

WHOM DO YOU REPRESENT? NOXON ROD+ GUN CLUB AND EASTERN SANDWICH
SPORTSMENS CLUB

SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS: BOTH SPORTSMENS ORGANIZATIONS

WHOM I REPRESENT HAVE ASKED TO BE

PUT ON RECORD IN FAVOR OF HB 403

DUE TO A PERCEIVED NEED FOR

IMPROVED SAFE RANGE FACILITIES

IN SANDWICH COUNTY TO PROVIDE

GREATER OPPORTUNITIES TO SHOOT IN

A CONSTRUCTIVE MANNER I.E.:

YOUTH PROGRAMS, TRAP, SKOOT, HUNTING RELAY

PRACTICE AND SIGHTING IN, TURKISH SHOTS

AND GENERAL "PLINKING".

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Amendments to House Bill No. 289
Introduced Reading Copy

For the Committee on House Fish and Game
Paddlefish Subcommittee

Prepared by Doug Sternberg, Committee Staff
February 7, 1989

1. That the following statement of intent be attached to House Bill 289:

STATEMENT OF INTENT--HB 289

A statement of intent is required for this bill because 87-4-601(3) grants rulemaking authority to the department of fish, wildlife, and parks to implement the paddlefish roe donation program. The legislature intends that the priority in implementing the provisions of this bill be on maintaining the paddlefish fishery. At a minimum, it is intended that the rules address the following:

(1) a process for the selection of a Montana nonprofit corporation to accept roe donations and to process and market the paddlefish roe;

(2) recordkeeping required of the selected corporation and commercial buyers to assure proper administration of the program;

(3) a process for development of recommendations and review of projects in expending funds raised through the paddlefish roe program; and

(4) any other topics necessary for administration of the program.

Amendments to House Bill No. 289
Introduced Reading Copy

Requested by Paddlefish Subcommittee
For the Committee on House Fish and Game

Prepared by Doug Sternberg, Committee Staff
February 7, 1989

1. Title, line 7.

Following: "USED;"

Insert: "INCREASING RESTITUTION ON ILLEGAL KILLING OR POSSESSION
OF PADDLEFISH;"

Following: "SECTIONS"

Insert: "87-1-111,"

2. Title, line 8.

Following: "87-3-111"

Insert: ", "

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION
DATE"

3. Page 2, line 16.

Following: "who"

Insert: "legally"

4. Page 2, line 19.

Following: "corporation"

Insert: "as specified in subsection (3)(b)"

5. Page 2, line 21.

Following: "(b)"

Strike: the remainder of line 21 through line 4 on page 3.

Insert: "The department shall develop rules for selecting one
Montana nonprofit organization to accept paddlefish egg
donations, process and market the eggs. The department shall
also develop rules for regulating the marketing and sale of
roe.

(c) The department may enter into an agreement with the
organization selected pursuant to subsection (3)(b)
specifying times, sites, and other conditions under which
paddlefish eggs may be collected. The agreement must require
the organization to maintain records of revenue collected
and related expenses incurred and to make the records
available to the department and the legislative auditor upon
request.

(d)(i) One-half of the proceeds from the sale of
paddlefish egg products, in excess of the costs of
collection, processing, marketing, and administration must
be deposited in a state special revenue fund established for
the department. The fund and any interest earned on the fund
must be used to benefit the paddlefish fishery, including
fishing access, improvements, habitat, and fisheries
management or to provide information to the public regarding

fishing in eastern Montana, which could include the design and construction of interpretive displays. The director shall establish an advisory council pursuant to 2-15-122 consisting of one member from the organization selected under subsection (3)(b), one area local government representative, and two representatives of area sportsmen. The council shall work with the department in developing recommendations and reviewing projects for the expenditure of these funds.

(ii) The other half of the proceeds from the sale of paddlefish egg products in excess of the costs of collection, processing, marketing, and administration must be paid to the nonprofit corporation that processes and markets the roe. The nonprofit organization shall solicit and review proposals and fund projects. The nonprofit corporation shall recommend to the commission potential historical, cultural, recreational, and fish and wildlife uses for proceeds. Proceeds may be used as seed money for grants. "

6. Page 4, line 12.

Following: line 11

Insert: "Section 3. Section 87-1-111, MCA, is amended to read:

"87-1-111. Restitution for illegal killing or possession of certain wildlife. In addition to other penalties provided by law, a person convicted of the illegal killing or possession of a wild bird, mammal, or fish listed in this section shall reimburse the state for each such bird, mammal, or fish according to the following schedule:

(1) bighorn sheep, mountain goat, caribou, buffalo, grizzly bear, moose, and endangered species, \$1,000;

(2) elk, mountain lion, black bear, lynx, and wolverine, \$500;

(3) deer, antelope, fisher, raptor, swan, bobcat, and pallid and white sturgeon, paddlefish, \$300;

(4) ~~paddlefish~~, grayling, and furbearers not listed in subsection (1), (2), or (3), \$100;

(5) game bird (except swan), \$25;

(6) game fish, \$10."

Renumber: subsequent section

7. Page 4, following line 15.

Insert: "NEW SECTION. Section 5. Effective date -- termination. [This act] is effective July 1, 1989, and terminates June 30, 1993."

VISITORS' REGISTER

Fish and Game

COMMITTEE

BILL NO.

HB 447

DATE

February 7th

SPONSOR

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
GARY S. MARBUT ✓	Vice Pres. MT. Rifle Assoc MISSOULA	✓	
CHARLES H. WOOLLEY ✓	competitive shooter/former PLAINS Pres of MT RIFLE SHOOTING	✓	
DALE BEELMAN	MISSOULA	✓	
KENNETH GUY SR ✓	Black Sheep Sporting Goods MISSOULA	✓	
H. Terry Smith ✓	Sec. MT Rifle & Pistol Assoc. BILLINGS	✓	
ROB Braach	MISSOULA	✓	
A. M. (Bud) Ellwell ✓	WCSM	✓	
M. DUANE LARSON	MT St Fire Chief Assoc KALISPELL		✓
BRIAN JUDY - NRA ✓	SACRAMENTO, CA	✓	
Doc Miller ✓	Bob Ward & Sons Helena Sporting Goods	✓	
Ray Blehm	State Fire Marshals Helena		X
ED BEALL ✓	Sports Inc. Lewistown HELENA MT.	✓	
Charles R. Brooks ✓	Executive Vice Pres MT. Rifle Assoc - Helena	✓	
Doc Miller ✓	"represents freedom" Helena	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Fish and Game COMMITTEEBILL NO. HB 403DATE February 7th

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
GARY S. MARBOT	MISSOULA	✓	
CHARLES H. WOOLLEY	PLAINS	✓	
DALE BEELMAN	MISSOULA	✓	
Kenneth GUY JR	MISSOULA	✓	
H. Terry Smith	BILLINGS	✓	
Don Dale	Missoula	✓	
Rob BRACH	Missoula	✓	
A. W. (Bud) Elwell	WESLEY	✓	
BRIAN JUDY - NEA	SACRAMENTO, CA	✓	
Dave Meyer	Helena	✓	
Ron Marcum	"	✓	
Don Miller	"	✓	

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.