

## MINUTES

### MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Severson, on January 26, 1989,  
at 1:05 p.m.

#### ROLL CALL

Members Present: Sen. Elmer Severson, Sen. John Anderson,  
Jr., Sen. Judy Jacobson, Sen. Al Bishop, Sen. Paul  
Rapp-Svrcek, Sen. Loren Jenkins, Sen. Bill Yellowtail.

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council

Announcements/Discussion: Gary Marbut, of the Montana Rifle and Pistol Association, presented a joint resolution to the committee asking if a senate bill could be written up for this legislative session. See exhibit #1, "Supporting Firearms Safety Training In Elementary Schools, and Exhibit #2, Supporting Rimfire Shooting Competition In Secondary Schools.

Sen. Bishop asked Mr. Marbut what state has the highest percentage of population purchasing hunting licenses, and Mr. Marbut answered, the state of Wyoming. Sen. Paul Rapp-Svrcek asked him if there was a shooting competition on the high school level in any other state. He wasn't sure if it is sanctioned by school districts, however it is done in some schools. Sen. Anderson, Jr., asked if some schools give instructions on how to use firearms. He stated that in some schools this does exist.

Sen. Severson stated that Mr. Marbut hadn't completed these bills in time for the process of this legislature and he is asking our committee if we can make committee bills of these. We need to make this decision.

Mr. Marbut stated that Nancy Keenan, State Office of Public Instruction, supports firearms safety in elementary schools. Sen. Bishop then asked Sen. Severson if we could ask Nancy Keenan to come to one of our committee hearings in regard to that resolution. Sen. Anderson, Jr. asked Mr. Marbut about the funding

for these resolutions. Mr. Marbut stated that he expects that all funding will be done by local private organizations.

Sen. Jacobson asked Mr. Marbut what he plans to do with these resolutions if they are passed by the legislature. Mr. Marbut stated that they don't have a binding effect, we are only hoping to get the legislature on record as offering their blessing to these concepts. She then asked if he planned to send them out to the schools and Mr. Marbut stated that he would like to do that.

#### HEARING ON SENATE BILL 56

Presentation and Opening Statement by Sponsor: Sen. Jenkins stated that this bill goes into special landowner preference for elk hunting that was passed two years ago. In passing that bill we issued an elk permit for hunting on land owned by the hunter.

In the first full year that this bill has been used, we found that most elk hunting is done on ranches. Most of the ranchers fence according to natural boundaries and they don't fence each piece of deeded ground in a pasture. Consequently, it has caused some problems with even the landowner himself. When he goes into a large pasture and sees an elk, he has to try and figure out which piece of ground is owned by him, which is owned by federal and which is owned by state. They are often mingled in one single pasture. It also causes problems for the game warden.

In light of what has been done with antelope tags, where we allow land-owner preference for antelope and allow them to hunt within that district, we felt that this was a way to do it with elk. There is also a second problem with elk. Some ranchers have elk that summer on their property and during the hunting season, the elk have migrated off their property. The same thing happens to those who winter the elk. So, the only hunters allowed to shoot them are the ones who catch them on their migratory path.

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

Ron Marcoux, Department Fish, Wildlife & Parks  
Kim Enkerud, Farm Bureau, Montana Cattlefeeders,  
Montana Stockgrowers, Montana Cattlewomen, Montana  
Association of State Grazing Districts  
Don Chance, Montana Wildlife Federation  
Robert Van Der Vere, Concerned Citizen Lobbyist

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Mr. Marcoux left his testimony. See Exhibit #3  
Kim Enkerud left her testimony. See Exhibit #4

Don Chance stated that they support SB 56. We believe that the bills provisions are quite reasonable. There are many instances where landowners who have hunting preference don't have the opportunity during hunting season because of the animals migratory habits.

Robert Van Der Vere stated that this bill is a long time in coming and with the amendments I think this a good bill.

Questions From Committee Members: None

Closing by Sponsor: Sen. Jenkins stated that he endorsed the amendments of the Department. I asked Mr. Marcoux if we could put an immediate effective date on the bill and that way it would cover this hunting season.

DISPOSITION OF SENATE BILL 56

Discussion: Sen. Yellowtail stated that he remembered discussing the same type of issue in the last legislative session regarding hunting on land owned by the permittee. Sen. Severson stated that there was some discussion, but it wouldn't concern the expansion of this bill. There was some opposition to landowner hunting, but not a lot.

Mr. Marcoux stated that the Department supported allowing this to take place in the entire hunting district. Sen. Rapp-Svrcek asked Mr. Marcoux if a group of people in California bought a piece of land in Montana, would they then be eligible for landowner preference hunting. Mr. Marcoux stated that if they did, they would have to be a corporation and would have to assign one of the members to receive a non-resident elk license. In addition, they would have to own 640 acres. Then, if they did enter the drawing and there name was picked, they would be awarded one tag.

Amendments and Votes: Sen. Jenkins moved that the Department's amendments and the other one making this

bill effective on passage be voted on. The amendments passed on a voice vote. See Exhibit #5.

Recommendation and Vote: Sen. Jenkins moved that SB 56 as amended be passed. The bill PASSED AS AMENDED.

Amendments and Votes: Sen. Yellowtail moved that the committee sponsor, as a committee bill, the resolution pertaining to elementary school firearm training. Sen. Bishop seconded the motion. The motion was passed on a voice vote.

Amendments and Votes: There was a motion made to move that the committee sponsor, as a committee bill, the resolution pertaining to supporting rimfire shooting competition in secondary schools. The motion was passed on a voice vote.

ADJOURNMENT

Adjournment At: 1:40 p.m.

  
ELMER D. SEVERSON, Chairman

LAB/FISMIN.126

FISMIN.126



EXHIBIT NO. 1DATE January 26, 1989C.L. NO. Resolution

## MONTANA RIFLE AND PISTOL ASSOCIATION

A JOINT RESOLUTION OF THE  
MONTANA HOUSE OF REPRESENTATIVES AND THE MONTANA SENATE

## SUPPORTING FIREARMS SAFETY TRAINING IN ELEMENTARY SCHOOLS

WHEREAS, Montana has the second highest percentage of population purchasing hunting licenses among the fifty States, and

WHEREAS, as many as 85% of Montana households are estimated to contain firearms, and

WHEREAS, improper use or handling and unsupervised use or handling of firearms by children can be hazardous, and

WHEREAS, a small but unfortunate and preventable number of Montana children are the victims of unnecessary firearms accidents every year, and

WHEREAS, the right of Montana citizens to keep and bear arms is a right guaranteed under the Montana and U.S. Constitutions, and

WHEREAS, it is expected that Montana citizens will continue a high level of private ownership of firearms, and

WHEREAS, safety training for other life hazard or injury hazard topics, such as fire escape, is currently conducted in elementary schools, and

WHEREAS, widespread firearms safety training in elementary schools could cause a significant reduction in firearm related injuries among Montana children;

BE IT THEREFORE RESOLVED, by the Montana House of Representatives and the Montana Senate that the Montana Legislature hereby encourages the inclusion of some amount of firearms safety training in all the elementary schools of Montana, and that such training should involve discussion of the potential hazards of firearms misuse and exhortations for children to handle firearms only with adult supervision; and

BE IT FURTHER RESOLVED, that the Montana Legislature encourages the educators and educational administrators of Montana to rely on the expertise and availability of the Montana shooting and sporting community to aid in implementing firearms safety training in Montana elementary schools, and that the Montana Legislature does not expect schools to rely upon public funding to accomplish such training; and

BE IT FURTHER RESOLVED, that the Montana Legislature encourages the educators and educational administrators of Montana, together with the Superintendent of Public Instruction, to seek the counsel and advice of the National Rifle Association of America and the Montana Rifle and Pistol Association to design and implement appropriate firearms safety curricula for the elementary schools of Montana.

MONTANA RIFLE AND PISTOL ASSOCIATION

A JOINT RESOLUTION OF THE  
MONTANA HOUSE OF REPRESENTATIVES AND THE MONTANA SENATE

SUPPORTING RIMFIRE SHOOTING COMPETITION IN SECONDARY SCHOOLS

WHEREAS, Montana has a long and honorable tradition of appropriate firearms use, and

WHEREAS, firearms and shooting are a common ingredient of Montana life, and

WHEREAS, Montana has the second highest percentage of population purchasing hunting licenses among the fifty States, and

WHEREAS, as many as 85% of Montana households are estimated to contain firearms, and

WHEREAS, the right of Montana citizens to keep and bear arms is a right guaranteed under the Montana and U.S. Constitutions, and

WHEREAS, it is expected that Montana citizens will continue a high level of private ownership of firearms, and

WHEREAS, Montana has produced a number of Olympic shooters that is disproportionate to the size of Montana's population, and

WHEREAS, the shooting sports are recognized as viable sports throughout the World, and

WHEREAS, the shooting sports are not commonly recognized in Montana's secondary schools as acceptable competitive activity, and

WHEREAS, the shooting sports in Montana currently enjoy a safety record that cannot be matched by any other organized sport, and

WHEREAS, the shooting sports are an area of competition in which the smaller, rural Montana secondary schools can compete on equal footing with the larger, urban Montana secondary schools, and

WHEREAS, the shooting sports are an area of competition that allows excellence and meaningful participation regardless of gender and many handicaps;

BE IT THEREFORE RESOLVED, by the Montana House of Representatives and the Montana Senate that the Montana Legislature hereby encourages the adoption of rimfire shooting competition as an acceptable intramural and inter high school sport in the secondary schools of Montana; and

BE IT FURTHER RESOLVED, that the Montana Legislature encourages the educators and educational administrators of Montana to rely on the expertise and resources of the Montana shooting and sporting community to aid in implementing a program of rimfire shooting competition in and among Montana secondary schools, and that the Montana Legislature expects schools to rely on the private resources of the Montana shooting community, rather than public funds, for the recommended implementation of such program; and

BE IT FURTHER RESOLVED, that the Montana Legislature encourages the educators and educational administrators of Montana, together with the Montana High School Association, to seek the counsel and advice of the National Rifle Association of America and the Montana Rifle and Pistol Association to design and implement appropriate rimfire shooting competition in and among the secondary schools of Montana.

SB 56  
January 26, 1989

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

The Department of Fish, Wildlife & Parks supports SB 56. Current language allows a holder of a landowner preference elk permit to hunt only on land owned by the individual. This does not accommodate landowners who have elk on their property during times of the year other than the hunting season. In some cases, elk movement may occur such that during the fall few, if any, animals may occur on a landowner's property, while considerable use may occur at other times of the year.

It is our opinion that these landowners should also have a reasonable opportunity to take an elk during the season when the permits are valid. This is not provided when they are required to hunt on their own property. The proposed change would also simplify enforcement, since individual property boundaries are often difficult to define.

The department would like to propose an amendment to accommodate the limitations placed on some elk permit districts. Elk permits are not always valid for the entire district, and are sometimes restricted to portions of the district. Our proposed amendment would place the same restrictions on landowner permits as the nonpreference permit holders in that district.

Passage of this bill will provide equity to all landowners with elk using their property, and will increase the efficiency of law enforcement.

We urge passage of SB 56 with our proposed amendment.

SENATE FISH AND GAME  
EXHIBIT NO. 3  
DATE January 26, 1989  
BILL NO. SB 56



AMENDMENT TO SB 56  
INTRODUCED (WHITE) COPY

1. Page 1, line 24.

Following: "district"

Strike: "for which the permit is issued"

Insert: "under the terms and conditions of the elk  
permit"

LANDOWNER ELK PREFERENCE PERMIT HOLDERS

Questionnaire \*

<u>Hunted</u>		<u>Kill</u>	
<u>Yes</u>	268	<u>Yes</u>	183
<u>No</u>	28	Success Rate	68%

Comments

Likes current system	44	Should not have either sex hunting	4
Dislikes current system	1	Should be mandatory to shoot cow if you have cow permit.	28
Should be more permits in area	18	Every landowner should receive a permit	4
Should be fewer in area	2	Landowners should get either sex permits	8
Should be valid for whole area (Not just land owner land)	27		

\* 400 questionnaires were sent out

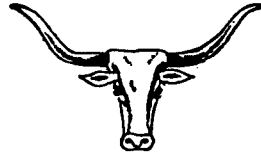


# MONTANA STOCKGROWERS ASSOCIATION, INC.

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January 26, 1989

TO: Senate Fish and Game Committee

FROM: Agricultural Coalition

SUBJECT: Senate Bill 56, Revising the Landowner Elk Hunting Preference

Mr. Chairman, Members of the Committee:

My name is Kim Enkerud. I am representing the following agricultural groups: Farm Bureau, Montana Cattlefeeders, Montana Stockgrowers, Montana Cattlewomen, and Montana Association of State Grazing Districts.

We support Senate Bill 56 and urge a do pass.

Restricting the rancher to fill his special elk permit on deeded land can be difficult when the land ownership pattern in Montana is so mixed and deeded is not often fenced separately from state or federal land. Administration of this program by the Montana Department of Fish, Wildlife, and Parks is probably very difficult due to the mixed ownership. Allowing the rancher to fill his permit in the hunting district for which the permit is issued will make the enforcement of this law easier.

I travel to various rancher meetings across the state. One comment I have often heard is, "We like the opportunity this bill gives us, but the majority of the time the elk are not on our deeded land when we want to fill the tag." By opening up the area, these ranchers who have a permit will have a greater opportunity to fill it.

Thank you.

SENATE FISH AND GAME

EXHIBIT NO. 4

DATE January 26 1989

BILL NO. SB56

SENATE STANDING COMMITTEE REPORT

January 26, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SB 56 (first reading copy -- white), respectfully report that SB 56 be amended and as so amended do pass:

1. Title, line 7.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, lines 24 and 25.

Following: "district"

Strike: remainder of line 24 through "issued" on line 25

Insert: "under the terms and conditions of the permit"

3. Page 2, line 15.

Following: line 14

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

SENATE FISH AND GAME

EXHIBIT NO. 5

DATE January 26, 1989

BILL NO. SB 56

AND AS AMENDED DO PASS

Signed: Elmer D. Severson  
Elmer D. Severson, Chairman

VISITORS' REGISTER

FISH AND GAME

COMMITTEE

BILL NO. SB 56

DATE January 26, 1989

SPONSOR Jenkins

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Ron Mancamp	Fur	✓	
Kim Enkerud	State grazing District Stockgrower Cattlewoman	✓	
Robt. Tom DeWitt	Helena	✓	
Don CHANCE	HELENA	✓	
Lorna Frank	Farm Bureau	✓	
John Anderson	Bozeman		
Mark Perreault	Bozeman Emu'	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.  
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.