

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Severson, on February 14, 1989,
at 1:00 p.m. in Room 402 at the State Capitol.

ROLL CALL

Members Present: Sen. Elmer Severson, Sen. Al Bishop, Sen.
Paul Rapp-Svrcek, Sen. Loren Jenkins, Sen. Bill
Yellowtail.

Members Excused: Sen. John Anderson, Jr., Sen. Judy
Jacobson.

Members Absent: Sen. John Anderson, Jr., Sen. Judy
Jacobson.

Staff Present: Doug Sternberg, Paralegal, Legislative
Council

Announcements/Discussion: None

HEARING ON SENATE BILL 250

Presentation and Opening Statement by Sponsor: Sen. Tom
Beck stated that this is a bill which allows the
involuntary transfer of ownership of motor vehicles to
include boats and snowmobiles. This method is needed
for which ownership of boats and snowmobiles can be
transferred in the event of the death of an owner.
This bill comes out of the Department of Motor Vehicles
in Deer Lodge and it is really needed.

List of Testifying Proponents and What Group they Represent:

Peter Funk, Asst. Atty. General, Dept. of Justice

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Peter Funk stated that this bill is at the request of the
Department of Justice. It was put forward by Senator
Beck at our request. I would like to explain to you

why the Dept. of Justice is appearing on this particular bill.

When titles were created for both snowmobiles and boats, boat titling was created by the 1987 Legislature. Snowmobile titling was created before that in the 1970's. That job was given to the registrar of motor vehicles because we were already the state government entity that was titling motor vehicles. Both of the statutes that deal with titles for boats and snowmobiles do not provide for what we call "involuntary transfers". That is any type of transfer where the seller of the article doesn't consent to a bank repossession (something seized, execution for sheriff sale, the death of one of the owners). What we are proposing here is that by reference those provisions of the motor vehicle code which detail how the registrar is to handle involuntary transfers simply be inserted into both the section dealing with the titling of boats and the titling of snowmobiles. That is the essence of the proposal.

The first change that we are proposing is on the bottom of page three and top of page four. Section (1) deals with boat titles. In sub-section (6) we are carrying forward a statutory presumption which exists in the motor vehicle code. That is when two individuals in an immediate family are both listed on the title to a boat, there will be a presumption that that ownership is joint ownership with a right of survivorship, rather than tenants in common. The legal effect is that when one of those two individuals who is named on the title dies the property, by operation of law, becomes the property of the other person listed on the title.

When you have tenants in common, each person owns a certain share of the property. Therefore, when one of the persons dies the property can't simply be transferred to the surviving person because it is a different legal concept.

In sub-section (7) it refers to the sections of the motor vehicles code dealing with involuntary transfers and says that those sections apply to transfer of a boat title. The exact same language is also included at the bottom of page six and top of page seven of the bill referring to snowmobiles.

For involuntary transfers the motor vehicle code requires that the person claiming ownership must file a sworn affidavit with the registrar of motor vehicles as to why they deserve title to the motor vehicle. As an

example, when the county sheriff sells some property on execution he will send to us an affidavit saying "I sheriff seize this property at this time pursuant to the following writ". The registrar determines if the affidavit has the information needed. Then the person whose interest is to be cut off receives a notice posted in the mail at Deer Lodge. Five days after that notice is posted, the registrar can go ahead and issue a new title to the person who is calling for it.

The same situation would occur if the bank repossessed either a snowmobile or a boat. The lender, the bank, would send us an affidavit stating the situation under which they took control of that property, why they feel it is necessary that they be issued title without the signature of the currently registered owner, the registrar views that information and then has to make a decision about whether to issue title or not. That is the kind of process outlined in Title 61 which we are asking to be placed in Title 23 in regard to both boats and snowmobiles.

We feel there was an omission in the original language of the statute and we are trying to insert language to make that match existing procedure.

Questions From Committee Members: None.

Closing by Sponsor: Sen. Beck thanked the committee for hearing this bill.

HEARING ON SENATE JOINT RESOLUTION 15

Presentation and Opening Statement by Sponsor: Sen. Severson introduced Mr. Gary Marbut who brought this bill to the committee.

Mr. Marbut stated that SJR 15 is a committee effort. It asks for the blessing of the Legislature to the concept of getting firearms safety training in the elementary schools. It does not ask for money, but asks for school districts to decide this on a district by district basis. It also invites them to rely on resources in the hunting and shooting community in their own locality. We are asking that children should not handle firearms without adult supervision. We believe this is a responsible effort. All the responsible sportsmen and gun owners I know in Montana are more than willing to cooperate with this and help get this message in the schools. We think that is

appropriate, especially in light of the fact that fire escape training and bicycle safety training are in the schools now.

I corresponded with Nancy Keenan last May (See Exhibit #1) and she likes the idea of firearm safety and supports the concept. There are curricula available from the N.R.A. to offer the elementary schools. But, they are not required to use this curricula.

List of Testifying Proponents and What Group they Represent:

Bill Bigelow, N.R.A. field Rep. for Montana
Bud Elwell, Montana Weapons Collectors

List of Testifying Opponents and What Group They Represent:

Tony Schoonen, Retired School Administrator
Robert Van Der Vere, Helena Citizen Lobbyist
Bill Holdorf, Skyline Sportsmen Association, Butte

Testimony:

Bill Bigelow stated that the N.R.A. has a teaching program available for kindergarten through third grade which is a coloring book. It is a generic instruction that states that firearms are something to be reckoned with but doesn't state that they are good or bad. There is a teaching guide and poster to go with that. We also have a program for grades three through six that is a little more advanced. This is a group of kids that we don't reach because hunter safety programs don't start until age 12. It is important that we educate the younger kids.

Bud Elwell stated that he has 15 years experience in firearms education, and safety is the most important point. I taught Montana hunters safety education as well as adult education of firearms. I believe that firearms safety cannot start too young. I started my own son at the age of two and feel confident that he is fully firearms conscious and can handle any situation that may arise. I believe that any child can be dealt with in the same manner. Contact with firearms in the state of Montana is virtually unavoidable. Most households have a firearm of some sort. When children come into contact with them they should know how to handle them responsibly. I will close my statement by saying there is no such thing as a firearms accident. There are only cause situations through lack of education. This is what we are trying to avoid through this resolution.

Tony Schoonen stated that his experience as a teacher and administrator of 28 years is that schools are over crowded and have trouble teaching the "3 R's". Before this type of program is put into effect, whether voluntary or mandatory, I think a questionnaire should be sent to the school boards and administrators to see what their comments are on it. I think this could be more controversial than sex education in the schools. When it comes to gun safety, there is no more solid advocate of gun safety and owning of firearms than myself. I feel that most responsible parents take care of gun safety in the home. I did with my four children and I think that most people who hunt and fish do the same. I oppose this kind of legislation because it is being pushed into an already over crowded classroom. The children have the opportunity already because they can start hunter safety at the age of 12.

Robert Van Der Vere stated that the kids would be pushed at a very young age. I believe that you are better off leaving them alone until they reach the age of 12.

Bill Holdorf stated that he has been a Montana hunters instructor for 20 years. I have instructed and certified more than 1,200 students in the state of Montana. I have traveled all over the state and worked with students from nine years to 19. When this program started we were having eight to 10 deaths per year in hunting accidents. Now it is down to about two and last year there weren't any. I feel that the school system is no place to start firearms training with young kids. Most teachers are not interested in firearms training. I have seen the N.R.A. coloring book and it is fine for families that hunt and fish. But if a child takes it home and the family doesn't hunt, the family will be concerned that they are pushing hunting in the schools.

Questions From Committee Members: Sen. Rapp-Svrcek stated to Bill Holdorf that he had seen the coloring book and it has nothing in it about hunting.

Answer: He stated that he didn't realize it had nothing about hunting. Mr. Bill Bigelow stated it was generic. (See Exhibit #2)

Question: Sen. Rapp-Svrcek asked Mr. Marbut if another organization other than the N.R.A. wrote curriculum regarding this legislation would the N.R.A. support those materials as well.

Answer: Yes. This is an in-state effort of the Montana Rifle and Pistol Association. The N.R.A. has been willing to fill in because they have the curricula. I'm certain that any school in Montana would welcome the cooperation of any hunting and sporting groups.

Closing by Sponsor: Sen. Severson stated that Don Walter, Superintendent of Hellgate High School in Missoula wanted me to state his support of this kind of program. This resolution isn't a mandate of any kind. It is an encouragement to have this type of program. This resolution is for the Montana Legislature to recruit schools to support firearms safety in the schools. I think this is a good program and I encourage passage of this resolution.

HEARING ON SENATE JOINT RESOLUTION 16

Presentation and Opening Statement by Sponsor: Sen. Severson stated that rimfire competition is another sport that we could have in some of our schools. He then introduced Mr. Gary Marbut to explain the resolution.

Mr. Marbut stated that this resolution is at the request of the Montana Rifle and Pistol Association and other sporting and shooting organizations in Montana. This resolution is just advisory, it is not binding. It simply encourages high schools in Montana to get involved in the sport of rimfire shooting competition.

All high school sports in Montana are currently being regulated by the Montana High School Association. They have a process for incorporating new sports into the Montana high school system and we are perfectly willing for this to go through the process. I spoke to the Montana High School Association about this. (See Exhibit #3) Mr. Dan Freund stated that they are in the process of considering it. We are expecting that schools involved will rely on the resources of their local community. We also expect the support of the shooting community in Montana and will rely heavily on these people who have experience in shooting sports who have been teachers and coaches.

I think this would be a very appropriate and accepted sport for the state of Montana. Montana produces quite a few olympic shooters and this is how you get olympic shooters, by starting them in high school. Shooting sports are the safest organized sport in Montana at

this time. There are always injuries in high school sports. In the last two years of shooting competition in Montana, there have been over 100 organized events with an average participation of 50 competitors, literally hundreds of thousands of rounds of ammunition fired and there has not been a single injury. It is a very safe sport.

List of Testifying Proponents and What Group they Represent:

Robert Van Der Vere, Helena Citizen Lobbyist
Bill Bigelow, Montana Field Rep. for N.R.A.
Bud Elwell, Montana Weapons Collectors
Tony Schoonen, Retired School Administrator
Bill Holdorf, Skyline Sportsman Association, Butte

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Mr. Robert Van Der Vere supports this resolution because it involves older children that will be more responsible.

Bill Bigelow stated that shooting sports are one of the very few genderless sports because girls and boys can compete on an equal basis in this sport. This sport can be engaged in simultaneously by both sexes. It isn't the kind of sport where you have to have an ambulance standing by. The Montana Rifle & Pistol Association has a very extensive shooting program for juniors. I urge passage of this resolution.

Bud Elwell stated that the Montana Weapons Collectors unanimously accepted this resolution. The safety and unisex aspect of this resolution have already been mentioned. The cost of this would be minimal. The cost would only be enough to send scores of the matches from district to district. Travel, hazardous roads and taxpayers cost is eliminated.

Another aspect of this resolution is the academic excellence that is required by shooters. You cannot be excellent on the range without being excellent in the classroom. I started training a young shooter three years ago in competitive shooting. When he started this program his grade average was 0.5. Now his grade average is 3.1. A good portion of his improvement is in his shooting experience. I urge a do pass.

Tony Schoonen supports this type of activity in the high schools. This would probably have to be treated as an extra curricular activity. I urge a do pass.

Bill Holdorf stated that he would be in favor of using pellets. There is a problem of lead poisoning. When you shoot 22 rifles there are a lot of particles of lead in the air. I urge a do pass.

Questions From Committee Members: None

Closing by Sponsor: Sen. Severson stated that we are encouraging the shooting community to help with this program and I encourage passage of this resolution.

HEARING ON SENATE BILL 260

Presentation and Opening Statement by Sponsor: Sen. Bob Brown stated that there is an increasing problem of disease among the fish in this state. Many of these problems are hatchery related. The Department of Fish, Wildlife and Parks has requested that this bill be introduced and they worked closely with the private hatchery industry to work out this legislation.

List of Testifying Proponents and What Group they Represent:

Ron Marcoux, Department of Fish, Wildlife & Parks
Pat Graham, Department of Fish, Wildlife & Parks
Janet Ellis, Montana Audubon Association
Robert Van Der Vere, Helena Citizen Lobbyist
Don Chance, Montana Wildlife Association
Tony Schoonen, Montana Wildlife Federation

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Mr. Marcoux left his testimony. See Exhibit #4.

Mr. Pat Graham stated that on page 2, line 21 they are adding to this bill the ability to develop a permit so that a commercial operator could bring in multiple shipments of eggs for the same source or if the permit covered more sources than that from all those sources without having to get approval from us for each individual shipment. The present situation requires each individual shipment to be approved. That was the

intent of the legislation. We think this amendment clarifies that intent.

The third amendment, page 3, line 5 clears up if fish can be taken off the site if they are diseased. We want written approval from the Department.

The fourth amendment, page 5, line 22 clarifies where the money from any fines that might be gathered by the Department for violations would be deposited.

Janet Ellis stated that the Audubon Legislative Fund has worked to protect native wildlife and plant species in the state and SB 260 carries on that effort. It allows the Department to have more control over what fish diseases, including parasites come into this state. It also expedites the process for exterminating and controlling transplanted or introduced wildlife that is posing some sort of threat. For this reason we urge your support. Stan Bradshaw of Trout Unlimited also asked me to express their support.

Robert Van Der Vere stated support for this bill and urged a do pass.

Don Chance stated that the Montana Wildlife Association wholeheartedly supports this bill and urges a do pass.

Tony Schoonen stated his support for this bill and urged a do pass.

Questions From Committee Members: Sen. Rapp-Svrcek asked Ron Marcoux about his testimony. At the bottom of the first page it states that they would stock a drainage where a particular disease already occurs. Why would you want to proliferate a disease in a drainage. Why not clear it up.

Answer: Mr. Marcoux stated that there are some diseases that would be prevalent in a hatchery situation and may jeopardize the hatchery. But, out in the wild it may exist out there and not threaten wild stock. Pat Graham stated that there are some diseases that do not exist in Montana at all. Some diseases exist naturally and as long as the fish are healthy those diseases would not jeopardize the fish.

Question: Sen. Rapp-Svrcek asked Mr. Graham to clarify his correlation of disease in the human population and disease in the fish population.

Answer: Mr. Graham stated that there will be some factors that put the fish under stress that make them susceptible to disease. The disease in itself isn't going to increase the probability. It is already out there. The stress could be because of water temperature or crowding.

Question: Sen. Jenkins asked Mr. Graham why written approval is necessary to remove diseased fish eggs.

Answer: Mr. Graham stated that the amendment states it is unlawful to move diseased eggs from one location to another. They can be disposed of but it may not be practical to dispose of them on the site. So you may request permission from the Department to dispose of them.

Question: Sen. Jenkins asked Mr. Graham if the ranchers and farmers who have private stock ponds have to ask permission from the Department in order to stock fish.

Answer: Mr. Graham explained that there are native cut throat populations in the rivers and people want to stock rainbows in ponds that drain into those cut throat waters. Because it is not clear whether we can adequately condition those ponds to prevent fish from escaping from those ponds, we denied putting rainbow in them. This provision would give us enough authority to condition the ponds to insure that there was enough species in those ponds that we could allow them to introduce rainbow in those waters where we would normally not allow that.

Closing by Sponsor: Sen. Brown thanked the committee for hearing the bill.

DISPOSITION OF SENATE BILL 260

Discussion: None

Amendments and Votes: Sen. Jenkins moved to pass the two sets of amendments. It passed on a voice vote. See Exhibit #5.

Recommendation and Vote: Sen. Jenkins moved to pass the bill as amended. It passed on a voice vote. DO PASS AS AMENDED.

DISPOSITION OF SENATE BILL 250

Discussion: It was requested by the Justice Department to include in the bill "By request of the Department of Justice". This was added. See Exhibit #7

Amendments and Votes: None.

Recommendation and Vote: Sen. Jenkins moved to pass the bill. It was passed on a voice vote. DO PASS.

DISPOSITION OF SENATE JOINT RESOLUTION 15

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Sen. Jenkins moved to pass the resolution. It passed on a voice vote. DO PASS.

DISPOSITION OF SENATE JOINT RESOLUTION 16

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Sen. Jenkins moved to pass the resolution. It passed on a voice vote. DO PASS.

DISPOSITION OF SENATE BILL 306

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Sen. Jenkins moved to table this bill. It passed on a voice vote. TABLED.

DISPOSITION OF SENATE BILL 236

Discussion: None

Amendments and Votes: Sen. Rapp-Svrcek moved for a "Sunset provision" to be able to look at it again in two years. It passed on a voice vote.

Amendments and Votes: Sen. Jenkins moved to pass the amendments. The amendments passed on a voice vote. See Exhibit #6.

Recommendation and Vote: Sen. Rapp-Svrcek moved the bill as amended. It passed on a voice vote. DO PASS AS AMENDED.

ADJOURNMENT

Adjournment At: 2:28 p.m.


ELMER D. SEVERSON, Chairman

LAB/FISMIN.214

FISMIN.214

SENATE STANDING COMMITTEE REPORT

February 15, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SB 250 (first reading copy -- white), respectfully report that SB 250 do pass.

DO PASS

Signed: 

Elmer D. Severson, Chairman

Handwritten:
J.C.
2/15/89
11:46
G.M.

SENATE STANDING COMMITTEE REPORT

February 15, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SJR 15 (first reading copy -- white), respectfully report that SJR 15 do pass.

DO PASS

Signed: 

Elmer D. Severson, Chairman

H.C.
2/15/89
1:03
P.M.

SCRSJ015.215

SENATE STANDING COMMITTEE REPORT

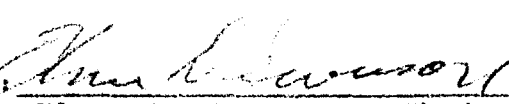
February 15, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SJR 16 (first reading copy -- white), respectfully report that SJR 16 do pass.

DO PASS

Signed:


Elmer D. Severson, Chairman

41. C.
2/15/89
1:03 p.m.
SCRSJ016.215

Gary S. Marbut

May 11, 1988

Nancy Keenan
1421 W. 3rd
Anaconda, Montana 59711

SENATE FISH AND GAME

EXHIBIT NO. 1

DATE February 14, 1989

BILL NO. SJR 15

Dear Mrs. Keenan,

I am writing on behalf of the Montana Rifle and Pistol Association, the Montana branch of the National Rifle Association. The NRA has about 22,000 members in Montana. For the MRPA, I am a Director, Vice President, and, important to this letter, I am the Chariman of the MRPA's Public Relations committee.

The MRPA would like to see the various shooting sports more widely established in the schools of Montana. Specifically, we would like to see a firearms safety program established in the elementary schools - basically how to avoid misadventure with firearms. We would like to see competitive shooting established in the high schools as an established sport, available to those students who would like to pursue inter-school competition. We imagine the various shooting disciplines that utilize small-bore, rimfire firearms as being sutiable for high school competition. For your information, the NRA has established curricula available for these endeavors.

The MRPA would like to hear your response, as a candidate for the office of Superintendent of Public Instruction, concerning the possibility of common access to the shooting sports in Montana schools. The MRPA will be evaluating the responses of the several SPI candidates on this issue, and will make its members aware of MRPA's evaluation.

Since time before the primary is brief, we hope that you can return your response as quickly as possible. Please return your response to the address on this letterhead.

Thank you for your participation.

Sincerely yours,

Gary S. Marbut, Chairman
MRPA Public Relations Committee

cc: All SPI candidates
MRPA Files

Nancy Keenan

State Superintendent of Public Instruction

Democrat

May 31, 1988

KEENAN CAMPAIGN
STEERING COMMITTEE

Ted Schye
Farmer, Glasgow

Donna Metcalf
Helena

Don Williamson
Businessman, Hamilton

Kathy Kelker
Chair, School Board, Billings

Kay Turman
Consultant, Helena

Dr. Richard Solberg
Retired UM Admin., Whitefish

Don Peoples
City-Co. Chief Exec., Butte

Pep Jewell
Principal, Havre

John Vincent
House Minority Leader, Bozeman

Gay Holliday
Rancher, Roundup

Dick Bennett
Businessman, Great Falls

Darrell Layman
Teacher, Glendive

Harriet Meloy
Former Board of Public Ed., Helena

Jerry Driscoll
Labor Leader, Billings

Sherlee Graybill
Demo. Nat'l Committee, Great Falls

Tom Thompson
Board of Public Ed., Heart Butte

Mary Moe
MT Teacher of the Yr., Columbia Falls

Paula Darko
Teacher/Legislator, Libby

Mr. Gary S. Marbut
P.O. Box 4924
Missoula, Montana 59806

Dear Mr. Marbut,

Thank you for your letter dated May 11 with regard to issues of concern of the Montana Rifle and Pistol Association.

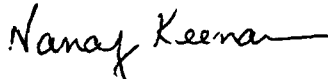
I share your concern about a firearm safety program in our elementary schools. Since safety issues are addressed through various programs, ie: American Heart Association/Lung Association on hazards of smoking; National Forest Service on playing with matches and fires; Local Police Department on dangers of drugs, as well as safety on bikes etc.; and Montana Power on safety/dangers of electricity. I believe your organization would be welcomed into schools to present firearm safety programs. Since I strongly believe in local control by school districts, I think a program such as yours should be handled the same as other safety programs within our districts. Usually those organizations contact local districts and request a time for their program's presentation.

With regard to your second question on establishing competitive shooting in our high schools, I would note that the Office of Public Instruction does not approve, fund, or regulate sanctioned competitive sports. As I am sure you are aware, the Montana High School Association since the 1930's has been responsible for competitive sports in our high schools. It is my understanding that they, and they alone, make recommendation and set guidelines for which sport will be sanctioned and recognized as a competitive sport in our schools. It is also my understanding that a proposal for a new sport must be submitted to all the members of the Montana High School Association. Following that initial application it takes a year of review and then is voted on at the next meeting. Again, the Office of Public Instruction does not financially support, regulate, or advise school districts with respect to competitive sports. Local

school districts are responsible for paying a fee to the Montana High School Association for participation in sanctioned sports and they are also responsible for funding those programs from the local level.

I appreciate the opportunity to address your questions. If you have additional questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Keenan". The signature is written in black ink and includes a horizontal line extending from the end of the name.

Nancy Keenan

MY GUN SAFETY BOOK

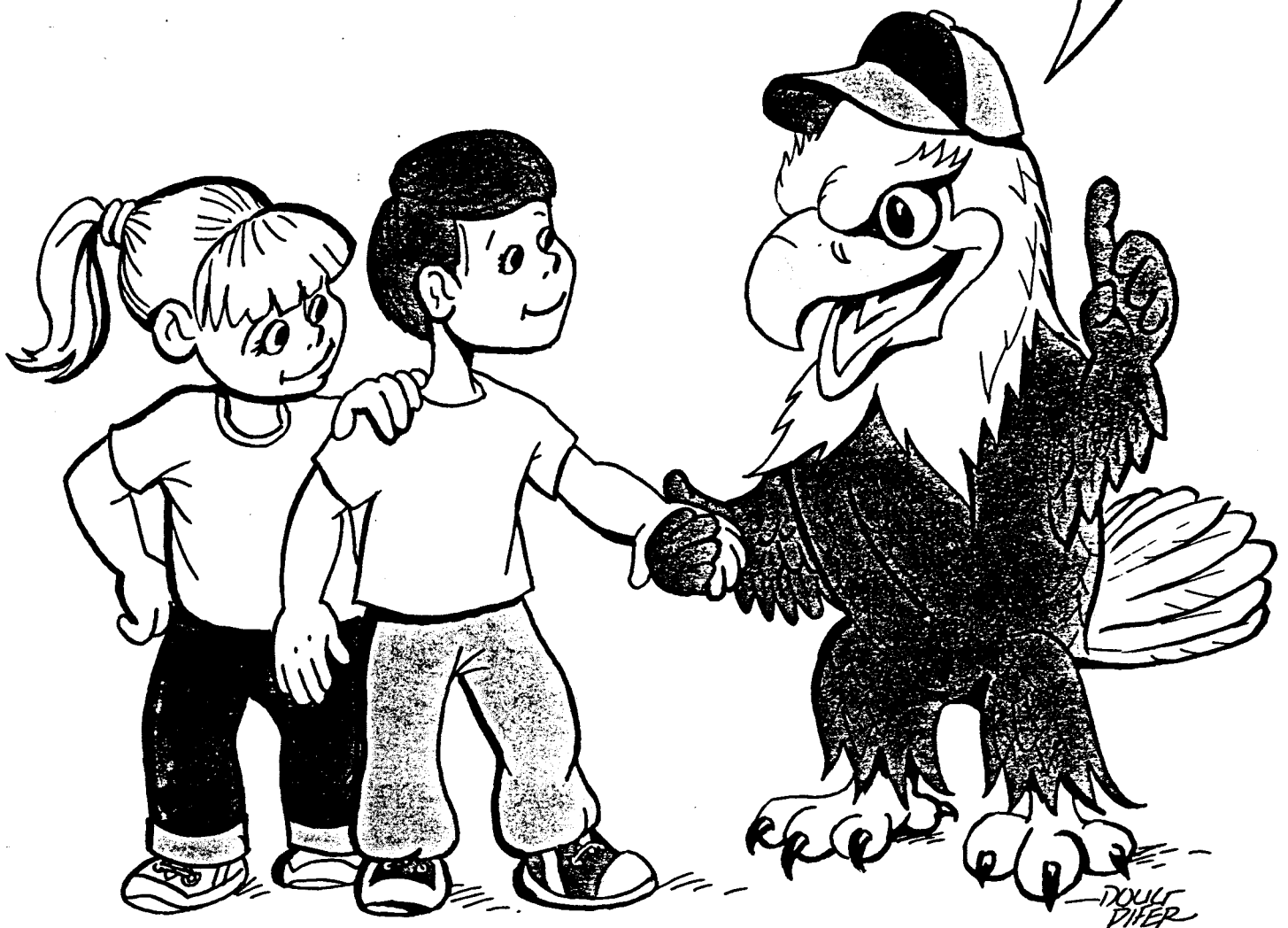
SENATE FISH AND GAME

EXHIBIT NO. 2

DATE February 14, 1989

BILL NO. SJR 13

**ALWAYS
BE
SAFE!**



NAME _____

A MESSAGE TO YOUR PARENTS

The purpose of this coloring book is to promote the protection and safety of children, not to teach whether guns are good or bad. You, as a parent, are responsible for teaching values and good judgement to your child.

Federal officials estimate there are guns in one half of the households in this country. If you own a gun it is your responsibility to keep the gun inaccessible to untrained and unauthorized persons. Even if no one in your family owns a gun, chances are that someone you know does. Your child could come in contact with a gun at a neighbor's house or when playing with friends.

Your child is being taught the steps to take when he or she sees a gun. It is important for you to reinforce these basic safety rules.

Your child is learning not to touch a gun unless you, the parent, are present and/or give your permission. The safety message is contained within this coloring book.

The message is simple. If your child finds a gun, he or she should follow these basic safety measures:

**STOP - DON'T TOUCH.
LEAVE THE AREA.
TELL AN ADULT.**

These are simple practices. Teaching your child to follow them could help prevent a potential accident.

FROM EDDIE



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Education & Training Division
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Washington, D.C. 20036.
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Illustrations by Doug Pifer

ES3N1108

Gary S. Marbet

December 16, 1988

SENATE FISH AND GAME

EXHIBIT NO. 3

DATE February 14, 1989

BILL NO. SJR 16

Mr. Dan Freund, Executive Director
Montana High School Association
1 South Dakota Street
Helena, Montana 59601

Dear Dan,

I appreciated the opportunity to talk with you on the phone this morning about the Montana Rifle and Pistol Association's interest in getting rimfire shooting competition into Montana high schools as an acceptable interscholastic sport. You may be aware that the MRPA is the in-state arm of the National Rifle Association of America. Your suggestion that I put this idea in writing for your consideration and distribution to your organization is appropriate and welcome.

As I mentioned on the phone this morning, the MRPA will seek a nonbinding, advisory resolution of the Legislature this session endorsing the concept of rimfire competition in Montana high schools. Our intent with this resolution is to offer a green light to Montana high schools and the MHSA for adoption of shooting sports. A copy of a draft of the proposed legislative resolution is enclosed for your review and consideration. When this resolution appears before the Legislature, we would like to be able to say that the measure has the tentative blessing of the MHSA.

Also mentioned on the phone this morning was our assumption that if shooting sports can be introduced into high schools, it would need to be done with heavy reliance on the private sector and Montana's community of competitive shooters and shooting organizations, as opposed to any reliance upon Montana's taxpayers or public funds. When individual high schools become involved in shooting sports, they will need to develop relationships with local organizations and local shooters who operate shooting ranges and who have expertise and equipment available.

You will be interested that the MRPA has a number of measures pending before the upcoming legislative session, including a bill that would allocate some funds derived from hunters' license fees to fund development of shooting ranges in Montana. The implementation of this measure should help insure adequate range facilities for schools getting involved in rimfire competition.

There are several other points about this concept that are worth noting. Historically, Montana has produced a number of Olympic shooters that is wholly disproportionate to the size of Montana's population. Montana is known for producing good shooters. Also, the shooting sports have an excellent safety record, perhaps the best safety record of any organized sport in Montana. For example, during the 1988 shooting season, there were approximately 100 organized shooting matches among the various shooting disciplines in Montana, with an average of perhaps 30 to 50 competitors per match. In that season (and the previous several seasons, to the best knowledge of the MRPA) there was not a single injury to any competitor, as far as the MRPA has knowledge.

We believe that the shooting sports are an area of competition where the smaller, sometimes rural, high schools can compete on an equal footing with the larger schools. This may provide a Montana sport that does not require classes for different sized schools. Also, the shooting sports do not require brawn or macho, but, rather, shooting ability requires intense personal discipline, so the shooting sports are one where gender is not nearly as important as in many other sports. For example, the 1987 Montana Champion in the shooting discipline of action pistol was a Judy Woolley, a housewife from Plains. The shooting sports also allow competition by some who have physical handicaps.

This constellation of advantages, together with Montana's long and honorable history of appropriate firearms' use, we believe, makes the shooting sports a very desirable potential addition to the array of sporting competition among Montana's high schools. We believe that Montana's community of sporting shooters would work energetically with high schools to get shooting programs going, and to maintain such programs. Every Montana community contains a reservoir of able people who have been involved in shooting competition, and who's resources, expertise and interest are waiting to be tapped.

We would be pleased to discuss this idea with the MHSA in greater depth as the concept matures. In the meantime, I hope you will expose this idea to your Board and your Interschool Activity Committee. I will include a list of MRPA officers, Directors and contacts throughout Montana, if any of your members wish to develop a local dialog about the feasibility of shooting competition in high schools.

Thank you for your interest and consideration.

Sincerely yours,

Gary S. Marbut, Vice President
Montana Rifle and Pistol Association

Enclosures, Draft Legislative Resolution
MRPA Contacts

cc: MRPA Files



Montana High School Association

1 South Dakota Avenue Helena, MT 59601 (406) 442-6010

EXECUTIVE STAFF

Dan L. Freund
Executive Director
James C. Haugen
Assistant Executive Director
Bill Sprinkle
Assistant to the
Executive Director

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Tammy Hall
Bozeman
(Mont. School Boards Assoc.)

February 3, 1989

Gary Marbut, Vice President
Montana Rifle and Pistol Association
PO Box 4924
Missoula, MT 59806

Dear Gary:

Please be advised that I made available the information given to me concerning the concept of rimfire competition in Montana high schools along with the joint resolution that is to be presented to the House of Representatives in the Montana Senate.

The MHSA Board of Control reviewed these as you had suggested. You may wish to discuss this further in depth as the concept develops somewhere down the road.

If you have any questions or concerns, please feel free to contact the MHSA office.

Sincerely,

MONTANA HIGH SCHOOL ASSOCIATION

Dan L. Freund
Executive Director

DLF/jls

AMENDMENT TO SB 260
INTRODUCED (WHITE) COPY

1. Page 2, line 17 and 18.

Following: "proposed"
Strike: "importation presents"
Insert: "importations present"

SENATE FISH AND GAME

EXHIBIT NO. 3a

DATE February 14, 1989

BILL NO. SB260

2. Page 2, line 21.

Following: "pathogens."
Insert: "Import permits apply to all importations from specified and certified species and sources by a permittee until January 31 of the year succeeding the year of issuance when the permit shall expire. However, a separate permit is required for importations by a permittee for species or from sources unspecified in his other permit or permits."

3. Page 3, line 5.

Following: "fisheries"
Insert: "without written department approval"

4. Page 5, line 22.

Following: "jurisdiction."
Insert: "All money collected by the department under this section must be deposited in the state special revenue fund as provided in 87-1-601(1)."

2/7/89

SB 260
February 14, 1989

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

This bill modifies existing statutes dealing with importation of cold and warm water fish species into Montana. It gives the department authority to deal with intrastate movement of diseased fish, modifies the private pond license requirements and clarifies the department's ability to control introduced species.

Montana has a good history of controlling diseases in state and federal hatcheries. The benefits of a clean health history for both state and commercial hatcheries include the ability to export fish. Serious disease problems have arisen in the past few years with lake trout in the Great Lakes, trout and salmon exposed to whirling disease in several western states, and private trout hatcheries in Idaho. Other states usually impose a moratorium on importing fish from these areas or states.

We support the amendments to the bill brought in by the sponsor. These amendments help clarify the intent of the bill.

Sections 1 through 8 of this bill will clarify, streamline, and strengthen our fish health laws. The bill would provide for the issuance of an import permit for prospective importers of fish and eggs to Montana destinations. This annual permit will eliminate the need to approve each individual shipment into the state, requiring less time to administer and providing better service to the private aquaculture industry.

The bill would also provide the department authority to control movement of diseased fish within the state and expands the disease laws to warmwater species. Increasingly we are seeing proposals to bring non-trout and salmon species into the state.

The proposed bill also grants the director authority to deal with emergency disease conditions. The need for this provision has been made evident by the recent spread of whirling disease in Idaho, Colorado and other western states due to fish importations to private fish hatcheries.

This bill also gives the director authority to order inspections of fish culture facilities when fish pathogens threatening wild fish stocks are suspected to be in a hatchery. The director would be given authority to dispose of diseased fish that present a direct threat to natural populations, if necessary. The department would not necessarily require disposal of fish. If fish could be treated or stocked in a drainage where a particular disease already occurs, that would be our preferred option.

We distributed copies of this legislation to commercial hatcheries across Montana over a month ago. Yesterday we received a comment regarding Section 6 (Subsection 2). The operator wanted the bill amended to require that at least two fish disease labs verified a disease before the department would order destruction of eggs or fish. He also wanted this subsection amended to allow the department to restock up to 50% of the loss from fish eggs in excess of the department's needs. We do not object to these amendments and have attached them to our testimony.

Under this bill, aquaculture facilities would be required to report fish disease conditions to the department. The bill also provides for the recovery of damages due to violation of this statute.

Sections 9 through 11 of this bill change commercial pond licenses to require annual reissuance of licenses to ensure they comply with reporting requirements. These sections also include provisions to revoke such licenses when the owner is found to be in violation of Montana fish health and other import laws. Additional provisions make private pond or commercial pond licenses nontransferable to ensure that we have on record a responsible party. Also, new licenses would be required should the licensee change to a species or location not specified in the current license. These changes clarify the intent of the existing statute.

Section 12 clarifies the department's authority under 87-5-715 to control introduced species with commission approval. It removes the requirement for scientific investigation and public hearing by the department. As worded, the present law makes it much more difficult to control undesirable species than it is to control species of more public interest. Periodically, populations of fish species like yellow perch or sunfish overpopulate and become stunted. Where biological control is not feasible, chemical or mechanical control may be necessary. The department does not participate in extermination or control projects without the benefit of scientific knowledge. Public input would be provided through commission decision making for each project.

We ask that this bill become effective on passage and approval.

AMENDMENT TO SB 260
INTRODUCED (WHITE) COPY

1. Page 5, line 6.

Following: "facility"

Insert: "An order for destruction of infected fish or
eggs will not be issued unless the infection is confirmed
by two laboratories."

2. Page 5, line 8.

Following: "eggs."

Insert: "When destruction of eggs is ordered at a
private facility and the department has surplus eggs
available the department may replace the destroyed eggs
without charge to the private facility."

SENATE STANDING COMMITTEE REPORT

February 15, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SB 260 (first reading copy -- white), respectfully report that SB 260 be amended and as so amended do pass:

1. Page 2, line 18.

Strike: "importation presents"

Insert: "importations present"

2. Page 2, line 21.

Following: "pathogens."

Insert: "Import permits apply to all importations from specified and certified species and sources by a permittee until January 31 of the year succeeding the year of issuance, when the permit expires. However, a separate permit is required for importations by a permittee for species or from sources unspecified in his other permit or permits."

3. Page 3, line 5.

Following: "fisheries"

Insert: "without written department approval"

4. Page 5, line 6.

Following: "facility."

Insert: "An order for destruction of infected fish or eggs may not be issued unless the infection is confirmed by two laboratories."

5. Page 5, line 8.

Following: "eggs."


Insert: "When destruction of eggs is ordered at a private facility and the department has surplus eggs available, the department may replace the destroyed eggs without charge to the private facility."

6. Page 5, line 22.

Following: "jurisdiction."

Insert: "All money collected by the department under this section must be deposited in the state special revenue fund as provided in 87-1-601(1)."

AND AS AMENDED DO PASS

Signed: 
Elmer D. Severson, Chairman

SENATE FISH AND GAME

EXHIBIT NO. 5

DATE February 14, 1989

BILL NO. SB 260

SCRSB260.215

2-15-89

SENATE STANDING COMMITTEE REPORT

page 1 of 2
February 15, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SB 236 (first reading copy -- white), respectfully report that SB 236 be amended and as so amended do pass:

1. Title, line 6.

Strike: "LICENSEES"

Insert: "A PERSON ISSUED A SPECIAL ELK PERMIT FOR AN AREA WITH NO GENERAL ELK HUNTING"

2. Title, line 9.

Strike: "LICENSE"

Insert: "SPECIAL ELK PERMIT"

3. Title, line 10.

Following: "DATE"

Insert: " AND A TERMINATION DATE"

4. Page 1, line 18.

Following: "hunts"

Insert: "in hunting districts where there is no general elk hunting"

5. Page 2, line 2.

Following: "every"

Insert: "special"

6. Page 2, line 3.

Strike: "license"

Insert: "permit for a hunting district where there is no general elk hunting"

7. Page 2, line 7.

Strike: "licensee"

Insert: "permittee"

8. Page 2, line 11.

Strike: "licensee"

Insert: "permittee"

9. Page 2, line 12.

Strike: "be issued a license"

Insert: "apply for a special elk permit"

SENATE FISH AND GAME

EXHIBIT NO. 6

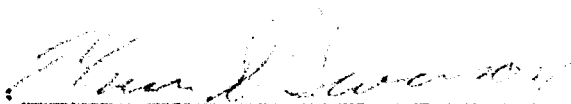
DATE February 14, 1989

BILL NO. SB236

10. Page 2, line 18.
Following: "date"
Insert: "-- termination"

11. Page 2, line 19.
Following: "approval"
Insert: "and terminates January 1, 1991"

AND AS AMENDED DO PASS

Signed: 
Elmer D. Severson, Chairman

CLERICAL

SB Bill No. 250

Date: 2/14/1989

Time: 3:00

S / H Standing Committee
by Andrew Merrill
Sen. Almer Severson
(Chairman)

S / H Committee of the Whole

(Legislative Council Staff)

(Sponsor)

In accordance with the Rules of the Montana Legislature, the following clerical errors may be corrected:

add: By Request of the Department of Justice

Almer Severson

SENATE FISH AND GAME

EXHIBIT NO. 7

DATE February 14, 1989

BILL NO. SB 250

Amendments to SB Bill No. 236
1st Reading Copy

Requested by Senate Fish and Game

Prepared by Andrea Merrill
February 13, 1989

1. Title, line 6.

Strike: "LICENSEES"

Insert: "A PERSON ISSUED A SPECIAL ELK PERMIT FOR AN AREA WITH NO
GENERAL ELK HUNTING"

2. Title, line 9.

Strike: "LICENSE"

Insert: "SPECIAL ELK PERMIT"

3. Page 1, line 18.

Following: "hunts"

Insert: "in hunting districts where there is no general elk
hunting"

4. Page 2, line 2.

Following: "every"

Insert: "special"

5. Page 2, line 3.

Strike: "license"

Insert: "permit for a hunting district where there is no general
elk hunting"

6. Page 2, line 7.

Strike: "licensee"

Insert: "permittee"

7. Page 2, line 11.

Strike: "licensee"

Insert: "permittee"

8. Page 2, line 12.

Strike: "be issued a license"

Insert: "apply for a special elk permit"

INTRODUCED BY *Sen. Bob Brown* BILL NO. *236*
Sen. Bob Brown *Sen. Dan Claitor*
Sen. Dan Claitor *Sen. Jeff Anderson*
Sen. Jeff Anderson *Sen. Don Mack*
Sen. Don Mack *Sen. Denny*

1 elk hunt required -- penalty. (1) In order to enhance *Special*
 2 recordkeeping, the department shall issue with every elk
 3 *permit for a hunter district where there is no general elk*
 4 *license a card to be returned to the department by the*
 5 *hunter*

6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR BETTER
 7 ELK MANAGEMENT BY THE DEPARTMENT OF FISH, WILDLIFE, AND
 8 PARKS BY REQUIRING THAT ~~PERSONS~~ *A PERSON ISSUED A SPECIAL ELK PERMIT FOR AN*
 9 *AREA WITHIN 10 DAYS OF A SUCCESSFUL ELK HUNT; PROVIDING FOR NO GENERAL*
 10 *ELK HUNTING*

11 WITHHOLDING OF ~~PERSONS~~ *SPECIAL ELK PERMIT* PRIVILEGE AS A PENALTY FOR FAILURE TO
 12 NOTIFY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

13 STATEMENT OF INTENT
 14 A statement of intent is required for this bill because
 15 [section 1] grants to the fish and game commission
 16 rulemaking authority to implement the provisions of this
 17 bill. At a minimum, the rules are intended to address:

- 18 (1) information considered necessary to monitor elk
 19 kills and unsuccessful elk hunts; *in hunting districts where there*
 20 *is no general elk hunting*
- 21 (2) the form of the notification card required by
 22 [section 1]; and
- 23 (3) enforcement of the penalty provisions of [section
 24 1(3)].

25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 26 NEW SECTION. Section 1. Notification of results of

27 elk hunt required -- penalty. (1) In order to enhance *Special*
 28 recordkeeping, the department shall issue with every elk
 29 *permit for a hunter district where there is no general elk*
 30 *license a card to be returned to the department by the*
 31 *hunter*

32 card must contain any information the commission by rule
 33 determines necessary to monitor elk kills during the season.
 34 (2) If a ~~licensee~~ *permittee* does not successfully kill an elk
 35 during the season, the card must be marked to indicate an
 36 unsuccessful hunt and returned to the department within 10
 37 days of the end of the season. *permittee*
 38 (3) A ~~licensee~~ *permittee* who fails to return the card as
 39 required by this section may not be ~~issued a license~~ *apply for a special elk*
 40 *permit* during the next regular hunting season.

