

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH & GAME**

**Call to Order:** By CHAIRMAN JIM ELLIOTT, on February 19, 1991, at 2:30 p.m.

#### **ROLL CALL**

##### **Members Present:**

Jim Elliott, Chairman (D)  
John Johnson, Vice-Chairman (D)  
Beverly Barnhart (D)  
Fred "Fritz" Daily (D)  
Roger DeBruycker (R)  
Orval Ellison (R)  
Gary Forrester (D)  
Bob Gilbert (R)  
Marian Hanson (R)  
Vernon Keller (R)  
Bea McCarthy (D)  
Bruce Measure (D)  
John Phillips (R)  
Ted Schye (D)  
John Scott (D)  
Wilbur Spring (R)  
Bill Strizich (D)

**Staff Present:** Doug Sternberg, Legislative Council  
Ginger Puntenney, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

#### **EXECUTIVE ACTION ON HOUSE BILL 611**

**Motion:** REP. SCHYE MOVED HB 611 DO PASS.

**Discussion:** REP. SCHYE said this bill only deals with nonresident licenses. REP. KELLER asked if it would affect outfitters in eastern Montana. REP. SCHYE said it would be minimal. REP. PHILLIPS said he opposes this bill because outfitters lease land and then lock the gates. REP. ELLISON said it is against the law for an outfitter to do that. He could lose his lease. REP. DAILY said he is opposed to this bill. Sportsmen in Montana are not supportive of outfitters.

**Motion/Vote:** REP. DAILY MADE A SUBSTITUTE MOTION THAT HB 611 BE TABLED. Motion carried 12 - 4 with Reps. Schye, Hansen, Keller, and Measure voting no.

### EXECUTIVE ACTION ON HOUSE BILL 623

#### Discussion:

CHAIRMAN ELLIOTT said the fee system has only been in place for two years and this is not ample time to judge the program. Park revenue has doubled due to the fee system. REP. ELLISON said there is always opposition to raising fees, but parks need fees in order to upgrade their facilities. REP. FORRESTER said he is opposed to the bill because ample time has not been given for the fee system to work. REP. KELLER said he is opposed to this bill because this is a long-range problem. Volunteers are needed to upgrade parks and some parks do need to be closed. REP. PHILLIPS said that earned revenue is not worth the harassment given to park users. More dollars are being spent to implement these fees than dollars earned. Attendance has declined. Revenue figures need to be scrutinized. REP. MEASURE said there needs to be some type of park fees. He is in favor of this bill because the Department of Fish, Wildlife, and Parks (FWP) will have to implement a plan with public input. The department will have the burden of how to manage these parks. REP. ELLIOTT said park employees that do nothing and collection of park fees are two separate issues. If you are dissatisfied with the performance of park employees, you should notify FWP. The fee system is part of a broad-based measure which helps pay for parks. REP. SCOTT said some parks do not get any tourist use and so fees are paid only by Montanans. REP. MEASURE said the fee system is not bringing in enough money to cover salaries of the employees needed to collect fees. According to FWP, a reduction in fee collectors is not possible.

**Motion/Vote:** REP. FORRESTER MOVED HB 623 BE TABLED. Motion carried 9 - 8. EXHIBIT 1

### HEARING ON HOUSE BILL 833

#### Presentation and Opening Statement by Sponsor:

REP. LEE, House District 49, Bigfork, said this bill revises the laws relating to watercraft, marine noise, safety, and sewage requirements. It limits who may operate a watercraft. It authorizes the Department of Health and Environmental Sciences to adopt rules on vessel pumpout stations. Amendments were submitted and reviewed. EXHIBIT 2

#### Proponents' Testimony:

Bonnie Ellis, Flathead Lakers, supports HB 833. EXHIBIT 3

Jim Jensen, MEIC, supports this bill.

Don Johnson, Canyon Ferry Recreation Association, supports this bill.

Ken Reick, Echo Lake Association, supports this bill. EXHIBIT 4

Don Mizner supports this bill due to noise limitations and rules of safety.

Dick Wollin, Flathead Lakers, supports this bill.

Eva Chilcoat supports this bill due to pollution control. Pumpout stations should be put at the larger marinas where they will get the most use.

Donna Oertli supports this bill. There are ways to control sewage problems such as checking boats, education, pumpout stations and punishment.

REP. DAVE WANZENRIED submitted amendments to HB 833. EXHIBIT 5  
He supports this bill because it provides revenue for parks.

Dave Seyfert, Montana Boating Association, supports this bill and submitted amendments. EXHIBIT 6

Jack Stanford supports this bill without the proposed amendments.

Stan Bradshaw, Montana Trout Unlimited, said this is a good bill.

Bill Leary, Canyon Ferry Recreation Association, supports this bill. The section on noise abatement should become effective upon passage of the bill.

Pat Graham, FWP, supports this bill. EXHIBIT 7

Abe Horpestar, Department of Health, supports this bill.  
EXHIBIT 8

Steven Felt supports all aspects of the bill in order to maintain the pristine beauty and safety of Montana's lakes.

Pat McLaughlin, Gates of the Mountain Boat Club, supports this bill. Funding of the pumpout stations should not be the responsibility of the marinas.

Bruce Young, Flathead Lake Protection Association, supports this bill. EXHIBIT 9

Opponents' Testimony: None

Questions From Committee Members:

REP. FORRESTER asked how many boats do not meet the decimal limit. How does a person know if his boat meets these limits? Is a grandfather clause needed? Ms. Ellis said most boats can meet decimal limits by lowering speed and regulating their distance from the shoreline. An average boat meets noise regulations if 100' from the shoreline. All boats manufactured now and 90% of older boats will meet the requirements. REP. SCOTT asked the cost and man-hours involved to enforce noise equivalent regulations. Mr. Graham said more time would be involved. REP. SCHYE asked if this would affect float planes. REP. LEE said no. REP. SCHYE said the safety flag provision in the bill for water skiers should not be enforced on small lakes. REP. LEE said that area of the bill could be changed. REP. DEBRUYCKER asked how many pumpout facilities there are now. REP. LEE said one at Polson on Flathead Lake and it is not always available. CHAIRMAN ELLIOTT asked REP. LEE if he approved of REP. WANZENRIED'S amendments. REP. LEE said he is opposed to all amendments except changing the safety flag provision for water skiers.

Closing by Sponsor:

REP. LEE said the reduction in noise limits is an important part of this bill and urged passage.

HEARING ON HOUSE BILL 556

Presentation and Opening Statement by Sponsor:

REP. BOB REAM, House District 54, Missoula, said the game farm business has mushroomed. It is a good industry that needs support. This bill will help stop illegal trade of wildlife and transmission of diseases. Introduction of exotic species sometimes causes disease spread. Individual identification needs to be retained. Game farmers are concerned regarding the taxation portion of this bill. FWP and the Department of Livestock need to get a better handle on this industry. REP. REAM explained Amendment A (exotic species), B (penalties), and C (animal identification). (EXHIBIT 10) He is opposed to Amendment C. Informational material was distributed to the committee members.

Proponents' Testimony:

Les Graham, Department of Livestock, supports this bill as amended.

Pat Graham, FWP, supports this bill as amended. EXHIBIT 11

Ward Swansen supports this bill, except Amendment A, because it supports and amplifies what is already law. FWP and the Department of Livestock can implement rules to control exotic species.

Charles Brooks, Montana Chapter of North American Elk, said game farms are a good industry but need to be regulated. He supports this bill as amended, except Amendment A.

Robert Spoklie, Spoklie Farms, supports this bill as amended, except Amendment A. Health management and identification are necessary. Identification should be done on a herd basis. There could be a problem with the taxation procedure because animal prices fluctuate. EXHIBIT 12

Steve Musick, Judith River Ranch, supports this bill as amended, except Amendment A. EXHIBIT 13

Janet Ellis, Montana Audubon Legislative Fund, supports this bill, including Amendment A. There is no control of animals coming into game farms. Exotic species need to be studied and added by rule. Their membership supports animal identification, Amendment C.

Don Weppeler supports this bill as amended, except Amendment A. EXHIBIT 14

Scott Snelson, Montana Wildlife Federation, supports this bill as amended, except Amendment C.

Ellen Squires supports this bill, including Amendment B.

Jerry Christison, Montana Elk Breeders Association, supports this bill.

Constance Poten submitted written testimony in support of HB 556. EXHIBIT 15

#### Opponents' Testimony:

Garth Isbell, Alpine Ranch, said this bill is not needed because it parallels current laws.

#### Questions From Committee Members:

REP. FORRESTER asked Dr. Ferlicka if there is a problem at Gardiner with diseased elk. Dr. Ferlicka said yes. This legislation will help so game farms can be monitored for diseases. Herd identification will help trace and monitor animals. REP. SCOTT said the bill addresses big game animals, but does it protect in-state bird producers from out-of-state bird producers that may not comply with Montana laws? Mr. Graham said there is no protection. Mr. Sternberg said the bill deals with game farm animals but does not include birds. REP. REAM

said it is important to retain the exotic species provision of the bill. REP. ELLISON asked if there are any exotic species on game farms and the importance of this amendment to the department. Mr. Bird said there are approximately 12 exotic big game farms. Mr. Graham said the department feels Amendment A (exotic species) is important, whether by statute or by rulemaking. CHAIRMAN ELLIOTT asked Mr. Bird about the importance of animals being individually marked, and is it for protection purposes? Mr. Bird said it is highly desirable, but the logistics will be hard to administer. Mr. Les Graham said the technology for individual identification is not ready for wildlife use yet. Herd identification is desirable in order to control disease spread.

Closing by Sponsor:

REP. REAM said he supports Amendments A and B. He does not support Amendment C until identification technology is improved. Disease spread is an increasing problem. He stressed the importance of this bill and urged passage.

HEARING ON HOUSE BILL 576

Presentation and Opening Statement by Sponsor:

REP. HAL HARPER, House District 44, Helena, said this bill is to control importation for introduction and transplantation or introduction of fish. Except as otherwise provided, the importation for introduction or the transplantation or introduction of any wildlife is prohibited unless the commission determines, based upon scientific investigation and after public hearing, that a species of wildlife poses no threat of harm to native wildlife and plants or to agricultural production and that the transplantation or introduction of a species has significant public benefits. There is a need to get tough before we lose native species and habitat.

Proponents' Testimony:

George Harper said some people move to Montana to fish, and this bill will protect fish species.

Ron Shields supports this bill.

Pat Graham, FWP, supports this bill with submitted amendments.  
EXHIBIT 16

Mike McNeilly supports this bill.

Tony Schoonen, Anaconda Sportsmen, supports this bill.

Bill Holdorf, Skyline Sportsmen, supports this bill.

Janet Ellis, Montana Audubon Legislative Fund, said an amendment should be made regarding penalties. On line 9 in the title of the bill, and on page 2, line 19, strike "fish" and insert "wildlife". Wildlife under this section of the law includes fish and should have the same penalties.

Andy Poole supports this bill.

Joe Murphy supports this bill due to trout preservation.

John Wilson supports this bill because it is an insurance policy against loss of valuable resources. This bill protects the fishing industry, which then protects jobs.

Stan Bradshaw, Montana Trout Unlimited, said this bill is needed and approves of all the amendments.

Jim Jensen, MEIC, said FWP is not doing a good job in complying with the Montana Environmental Assessment Policy Act. The department's amendments are appropriate. He also supports increasing penalties.

Opponents' Testimony: None

Questions From Committee Members:

REP. KELLER asked what kokanee have done to the brown trout population. REP. HARPER said they ruin spawning areas and carry a fungus that kills brown trout. REP. SCHYE asked if this bill would affect trout in the Missouri River. REP. HARPER said it should not. REP. JOHNSON said that in eastern Montana they are considering aquaculture or fish farming, which means that you need to introduce a species that is not native to the state. Does this bill cover that or is it covered in some other area of the law? Mr. Graham said it is covered by this bill. REP. MEASURE said there should be increased penalties. REP. DEBRUYCKER asked if FWP can be prevented from introducing illegal fish species. REP. HARPER said yes. This bill applies to FWP; they will be required to do an environmental impact study.

Closing by Sponsor:

REP. HARPER said he would accept FWP's amendments and the Audubon Society's amendments. The fiscal note is high. FWP should manage the species that are already in Montana and when introducing native species should do the proper studies. These decisions should not be made through the public hearing process.

HEARING ON HOUSE BILL 808

Presentation and Opening Statement by Sponsor:

REP. ELLIOTT, House District 51, Trout Creek, said this bill is to increase the number of members on the Fish and Game Commission from five to seven. This would provide better representation and enable the Commission to be more responsive to public needs. Commissioner's areas can be expanded to be contiguous with the department's administrative regions. EXHIBIT 17

Proponents' Testimony: none

Opponents' Testimony:

Pat Graham, FWP, is opposed to this bill. EXHIBIT 18

Tony Schoonen, Anaconda Sportsmen, spoke in opposition of this bill because there are already enough problems with only five members. Input from smaller sportsmen's clubs are not heard anyway.

Bill Holdorf, Skyline Sportsmen Association, said additional revenue would be needed and there would not be any better representation.

Questions From Committee Members:

REP. MCCARTHY asked REP. ELLIOTT if the fiscal note is accurate. REP. ELLIOTT said yes.

EXECUTIVE ACTION ON HOUSE BILL 808

Motion: REP. MEASURE MOVED HB 808 DO PASS.

Motion/Vote: REP. MEASURE moved to adopt an amendment that HB 808 become an election bill. Motion failed 7 - 10.

Motion/Vote: REP. FORRESTER MADE A SUBSTITUTE MOTION TO TABLE HB 808. Motion carried 13 -3 with Reps. Measure, Elliott, and Scott voting no.

EXECUTIVE ACTION ON HOUSE BILL 495

Motion: REP. MCCARTHY MOVED TO RECONSIDER ACTION ON HB 495 AND TAKE FROM THE TABLE.

Discussion:

Mr. Sternberg explained the changes in the "Gray Bill" to include fishing access sites. EXHIBIT 19



REP. JOHNSON asked if the public hearing process is already in FWP's rules and regulations. REP. ELLISON said there is no policy that requires them to have public hearings. REP. MCCARTHY said at the present time they don't have to have public hearings regarding state parks and fishing access sites.

Vote: HB 495 TAKE FROM THE TABLE. Motion carried 10 - 6.  
EXHIBIT 20

Motion: REP. STRIZICH MOVED HB 495 DO PASS.

Motion/Vote: REP. STRIZICH moved to adopt amendments to HB 495. Motion carried 11 - 5 with Rep. Debruycker, Keller, Hansen, Ellison, and Phillips voting no.

Motion/Vote: REP. STRIZICH MOVED HB 495 DO PASS AS AMENDED. Motion carried 11-5 with Reps. Debruycker, Keller, Hansen, Ellison, and Phillips voting no.

#### EXECUTIVE ACTION ON HOUSE BILL 576

Motion: REP. DEBRUYCKER MOVED HB 576 DO PASS.

Motion: REP. MEASURE moved to adopt amendments to HB 576.

Motion: REP. DEBRUYCKER MADE A SUBSTITUTE MOTION TO CONSIDER AMENDMENTS 1 AND 2 SEPARATELY.

Discussion: Mr. Sternberg explained Amendment No. 1. EXHIBIT 21

Motion/Vote: REP. DEBRUYCKER moved to adopt Amendment No. 1. Motion carried unanimously.

Discussion:

Mr. Sternberg said Amendment No. 2, on line 9 in the title of the bill and on page 2, line 19, strikes "fish" and inserts "wildlife".

Motion: REP. STRIZICH moved to adopt Amendment No. 2.

Discussion:

REP. KELLER said the consequences of the amendment are not fully understood. REP. DAILY said he is opposed to this amendment.

Vote: Motion failed unanimously.

Motion/Vote: REP. DAILY MOVED HB 576 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 556

Motion: REP. DEBRUYCKER MOVED HB 556 DO PASS.

Motion: REP. ELLISON moved to adopt amendments to HB 556.

Discussion:

Mr. Sternberg said there are three sets of amendments to the bill, which Rep. Ream labeled Amendment A (exotic species), Amendment B (penalties), and Amendment C (animal identification).  
EXHIBIT 10

CHAIRMAN ELLIOTT asked Mr. Cool how the department feels about Amendment A. Mr. Cool said the department supports the amendment. REP. ELLISON said this amendment is the most important part of the bill. REP. MCCARTHY said it states in the title of the bill that the importation of these species is prohibited.

Vote: Adopt Amendment A. Motion carried 16 - 1 with Rep. Debruycker voting no.

Motion: REP. STRIZICH moved to adopt Amendment B.

Discussion:

Mr. Sternberg explained Amendment B.

REP. SPRING said penalties should be increased. REP. MEASURE said changes in Amendment B would be on page 5, line 7. It should read, "in addition to the revocation of a license allowed by this section, a licensee who violates this part or a rule adopted under this part is subject to a fine of not more than \$5,000 or imprisonment in the county jail for not more than 1 year, or both".

Motion/Vote: REP. MEASURE made a substitute motion to adopt Amendment B as amended. Motion carried unanimously.

Discussion:

Mr. Sternberg explained Amendment C.

Motion: REP. PHILLIPS moved Amendment C be struck.

Discussion:

REP. KELLER said he is opposed to the motion. REP. HANSEN said there were objections to the second part of the amendment, but not the first. Should we separate or strike the second part? Mr. Sternberg explained that the amendment should not be separated.

REP. PHILLIPS withdrew his motion.

Motion: REP. HANSEN moved to adopt Amendment C.

Discussion:

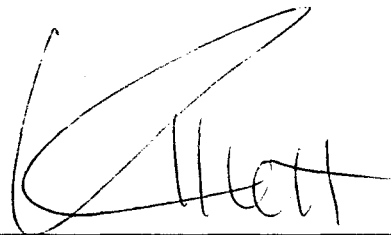
REP. MEASURE was against this amendment. REP. ELLISON said identification technology is not ready for wildlife use yet. REP. KELLER said there would be problems with individual identification.

Vote: Adopt Amendment C. Motion carried 9 - 8. EXHIBIT 22

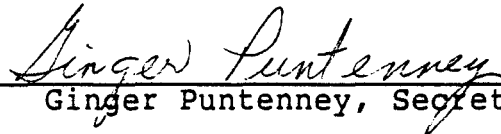
Motion/Vote: REP. STRIZICH MOVED HB 556 DO PASS AS AMENDED.  
Motion carried unanimously.

ADJOURNMENT

Adjournment: 6:30 p.m.



Jim Elliott, Chair



Ginger Punttenney, Secretary

JE/gp

# HOUSE OF REPRESENTATIVES

## FISH AND GAME COMMITTEE

ROLL CALL

DATE 2-19-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN	✓		
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER	✓		
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH	✓		
REP. JIM ELLIOTT, CHAIRMAN	✓		

# HOUSE OF REPRESENTATIVES

## FISH AND GAME COMMITTEE

ROLL CALL

DATE 2-19-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN	✓		
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER	✓		
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH	✓		
REP. JIM ELLIOTT, CHAIRMAN	✓		

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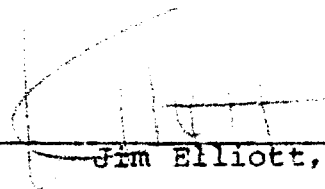
HOUSE STANDING COMMITTEE REPORT

1:20  
2-20-91  
7DB

February 20, 1991

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Mr. Speaker: We, the committee on Fish and Game report that House Bill 495 (first reading copy -- white) do pass as amended.

Signed:   
Jim Elliott, Chairman

And, that such amendments read:

1. Title, line 5.  
Strike: "MANAGEMENT SYSTEM"  
Insert: "POLICY"
2. Title, line 6.  
Following: "PARKS"  
Insert: "AND FISHING ACCESS SITES"
3. Title, line 7.  
Strike: "SYSTEM"  
Insert: "POLICY"
4. Page 1, line 10.  
Following: "parks"  
Strike: "system"  
Insert: "and fishing access site systems"
5. Page 1, line 12.  
Following: "parks"  
Insert: "and fishing access sites"
6. Page 1, line 18.  
Following: "parks"  
Insert: "and fishing access sites"
7. Page 1, line 19.  
Following: "park"  
Insert: "and fishing access site"
8. Page 1, line 20.  
Following: "park"  
Insert: "or fishing access site"

February 20, 1991  
Page 2 of 3

9. Page 1, line 25.  
Following: "park"  
Insert: "and fishing access site"
10. Page 2, line 5.  
Following: "park"  
Insert: "or fishing access site"  
Following: "required"  
Strike: "hearing"  
Insert: "public involvement"
11. Page 2, line 6.  
Strike: "system"  
Insert: "policy"
12. Page 2, line 8.  
Following: "park"  
Insert: "or fishing access site"  
Following: "that"  
Strike: "exceeds a cost of \$25,000"  
Insert: "significantly changes park or fishing access site  
features or use patterns"
13. Page 2, lines 8 and 9.  
Following: "to" on line 8  
Strike: "public" through "input" on line 9  
Insert: "notice of proposed modifications, both statewide and  
locally, and to opportunity for a public meeting and public  
comment"
14. Page 2, lines 15 and 16.  
Following: "expressed" on line 15  
Strike: remainder of line 15 through "hearing" on line 16  
Insert: "to the department"
15. Page 2, line 17.  
Following: "park"  
Insert: "or fishing access site"
16. Page 2, line 22.  
Following: "park"  
Insert: "or fishing access site"  
Following: "features;"  
Strike: "and"
17. Page 2, line 23.  
Following: "tourism"  
Insert: "; and"

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2-2-91  
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(g) site-specific modifications as they relate to the park or fishing access site system as a whole"



HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that  
House Bill 576 (first reading copy -- white) do pas\*.

Signed: \_\_\_\_\_

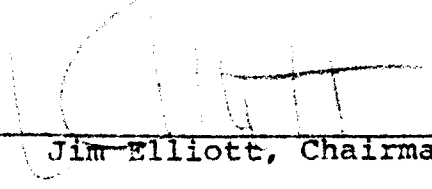
Jim Elliott, Chairman

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Fish and Game report that  
House Bill 556 (first reading copy -- white) do pass as amended

Signed:   
Jim Elliott, Chairman

And, that such amendments read:

1. Title, line 9.

Following: "ANIMALS;"

Insert: "RESTRICTING THE IMPORTATION OF CERTAIN SPECIES FOR GAME  
FARM PURPOSES;"

2. Page 2, line 8.

Strike: "individual"

Insert: "ownership"

3. Page 2, line 23.

Following: "animal"

Insert: "or animals"

4. Page 3, line 1.

Strike: "and"

Insert: "or"

5. Page 3, line 2.

Strike: "individual"

Insert: "age, sex, and class of"

6. Page 3, line 4.

Strike: "the"

Insert: "any"

Strike: "certificate"

Insert: "certifications"

7. Page 3, line 7.

Strike: "30"

Insert: "10"

Strike: "disposition"

Insert: "movement or sale"

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February 20, 1991  
Page 2 of 2

8. Page 5, line 8.

Strike: "licensee"

Insert: "person"

9. Page 5, line 9.

Strike: "less"

Insert: "more"

10. Page 5, line 10.

Strike: "state prison"

Insert: "county jail"

Strike: "less"

Insert: "more"

11. Page 6, line 12.

Following: line 11

Insert: "NEW SECTION. Section 8. Importation of certain species prohibited. (1) The following species or subspecies and their hybrids with native species are restricted from importation for purposes of game farming:

(a) all Eurasian subspecies of red deer unless surgically sterilized or neutered;

(b) all Eurasian sheep and goats in the subfamily Caprinae of the Caprini tribe unless surgically neutered; and

(c) white-tailed deer from east of the 100th meridian in North America.

(2) The department or the department of livestock may add other species that are determined through scientific investigation to pose a threat to native wildlife or livestock through nonspecific genetic dilution, parasites, or disease.

NEW SECTION. Section 9. Codification instruction. [Section 8] is intended to be codified as an integral part of Title 87, chapter 4, part 4, and the provisions of Title 87, chapter 4, part 4, apply to [section 8]."

EXHIBIT 1  
DATE 2-19-91  
HB 623

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 2-19-91 BILL NO. HB 623 NUMBER \_\_\_\_\_

MOTION: Be Table - HB 623 (Perk Lee)  
passed

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN	✓	
REP. BEVERLY BARNHART		✓
REP. FRED "FRITZ" DAILY		✓
REP. ROGER DEBRUYCKER		✓
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER	✓	
REP. BOB GILBERT	✓	
REP. MARIAN HANSON	✓	
REP. VERNON KELLER	✓	
REP. BEA MCCARTHY	✓	
REP. BRUCE MEASURE		✓
REP. JOHN PHILLIPS		✓
REP. TED SCHYE		✓
REP. JOHN SCOTT		✓
REP. WILBUR SPRING	✓	
REP. BILL STRIZICH		✓
REP. JIM ELLIOTT, CHAIRMAN	✓	
TOTAL	9	8

Amendments to House Bill No. 833  
First Reading Copy

Requested by Representative Lee  
For the Committee on Fish and Game

Prepared by Paul Verdon  
February 18, 1991

1. Title, line 6.  
Following: "REQUIREMENTS;"  
Insert: "INCREASING THE FEE FOR A CERTIFICATE OF NUMBER;  
PROVIDING AN APPROPRIATION;"
2. Title, line 9.  
Following: "STATIONS;"  
Strike: "AND"  
Following: "23-2-502,"  
Insert: "23-2-512,"
3. Title, line 10.  
Following: "MCA"  
Insert: "; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE;"
4. Page 16, line 24.  
Following: line 23  
Insert: "Section 10. Section 23-2-512, MCA, is amended to read:  
"23-2-512. Identification number. (1) The owner of  
each motorboat, sailboat, or personal watercraft requiring  
numbering by this state shall file an application for number  
in the office of the county treasurer where the motorboat,  
sailboat, or personal watercraft is owned, on forms prepared  
and furnished by the department of justice. The application  
must be signed by the owner of the motorboat, sailboat, or  
personal watercraft and be accompanied by a fee of \$2 \$2.50.  
Any alteration, change, or false statement contained in the  
application will render the certificate of number void. Upon  
receipt of the application in approved form, the county  
treasurer shall issue to the applicant a certificate of  
number prepared and furnished by the department of justice,  
stating the number assigned to the motorboat, sailboat, or  
personal watercraft and the name and address of the owner.  
(2) The applicant, upon the filing of the application,  
shall pay to the county treasurer the fee in lieu of tax  
required for a motorboat 10 feet in length or longer, a  
sailboat 12 feet in length or longer, or a personal  
watercraft for the current year of certification before the  
application for certification or recertification may be  
accepted by the county treasurer.  
(3) Should the ownership of a motorboat, sailboat, or  
personal watercraft change, a new application form with the  
certification fee must be filed within a reasonable time  
with the county treasurer and a new certificate of number  
assigned in the same manner as provided for in an original  
assignment of number.

(4) If an agency of the United States government has in force a comprehensive system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this part by the department of justice must be in conformity.

(5) Every certificate of number and the license decals assigned under this part continues in effect for a period not to exceed 1 year unless terminated or discontinued in accordance with the provisions of this part. Certificates of number and license decals must show the date of expiration and may be renewed by the owner in the same manner provided for in the initial securing of the certificate.

(6) Certificates of number expire on December 31 of each year and may not be in effect unless renewed under this part.

(7) In event of transfer of ownership, the purchaser shall furnish the county treasurer notice within a reasonable time of the acquisition of all or any part of his interest, other than the creation of a security interest, in a motorboat, sailboat, or personal watercraft numbered in this state or of the loss, theft, destruction, or abandonment of the motorboat, sailboat, or personal watercraft. The transfer, loss, theft, destruction, or abandonment terminates the certificate of number for the motorboat, sailboat, or personal watercraft. Recovery from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat, sailboat, or personal watercraft does not terminate the certificate of number.

(8) A holder of a certificate of number shall notify the county treasurer within reasonable time if his address no longer conforms to the address appearing on the certificate and furnish the county treasurer with his new address. The department of justice may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

(9) (a) The number assigned must be painted on or attached to each outboard side of the forward half of the motorboat, sailboat, or personal watercraft or, if there are no such sides, at a corresponding location on both outboard sides of the foredeck of the motorboat, sailboat, or personal watercraft. The number assigned must read from left to right in Arabic numerals and block characters of good proportion at least 3 inches tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as to be clearly visible and legible. The number may not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. No numerals, letters, or devices other than those used in connection with the identifying number issued may be placed in the proximity of the identifying number. No numerals, letters, or devices that might interfere with the ready identification of the motorboat,

sailboat, or personal watercraft by its identifying number may be carried as to interfere with the motorboat's, sailboat's, or personal watercraft's identification. No number other than the number and license decal assigned to a motorboat, sailboat, or personal watercraft or granted reciprocity under this part may be painted, attached, or otherwise displayed on either side of the forward half of the motorboat, sailboat, or personal watercraft.

(b) The certificate of number shall be pocket size and available to federal, state, or local law enforcement officers at all reasonable times for inspection on the motorboat, sailboat, or personal watercraft whenever the motorboat, sailboat, or personal watercraft is on waters of this state.

(c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat, or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats, or personal watercraft in place of the certificate of number.

(10) Fees (a) Except as provided in subsection (10)(b), fees, other than the fee in lieu of tax, collected under this section shall be transmitted to the state treasurer, who shall deposit the fees in the motorboat or sailboat certificate identification account of the state special revenue fund. These fees shall be used only for the administration and enforcement of this part, as amended.

(b) Of the fee collected under the provisions of subsection (1), 20% must be deposited by the state treasurer in an account in the state special revenue fund to the credit of the department to be used to acquire decibel meters, as required to enforce the provisions of 23-2-523(9) and 23-2-526(3), and portable marine sewage pumpout equipment.

(11) An owner of a motorboat, sailboat, or personal watercraft must within a reasonable time notify the department of justice, giving the motorboat's, sailboat's, or personal watercraft's identifying number and the owner's name when the motorboat, sailboat, or personal watercraft is transferred, lost, destroyed, abandoned, or frauded or within 60 days after change of state of principal use or if a motorboat becomes documented as a vessel of the United States."

NEW SECTION. Section 11. Appropriation. All the money in the account established in 23-2-512(10)(b) is appropriated to the department of fish, wildlife, and parks for use during the biennium ending June 30, 1993, to acquire decibel meters to enforce the provisions of 23-2-523(9) and 23-2-526(3) and portable marine sewage pumpout equipment."

Renumber: subsequent sections

5. Page 17, line 4.

Following: line 3

Insert: "NEW SECTION. Section 13. Termination date. The

amendments to section 23-2-512 provided in [section 10]  
terminate on July 1, 1993.

NEW SECTION. **Section 14. Effective dates.** (1) [Sections 1  
through 9 and 11 through 13 and this section] are effective on  
passage and approval.

(2) [Section 11] is effective July 1, 1991."



My name is Bonnie Ellis and I am a boater, shoreline user and property owner on Flathead Lake. I support HB 833 because it clarifies and improves the statutes pertaining to operation of water craft in Montana.

I chaired a Surface Water Regulation Review Committee for the Flathead Lakers. During the last year and a half, my committee reviewed all of the current state and federal legislation concerning use of surface waters in Montana and other states. We developed recommendations for improvement of existing statutes and asked for legislation. Most of our recommendations were incorporated into House Bill 833.

The provisions of HB 833 are not trivial or special interest oriented. Many residents of this state perceive a very real need for dealing effectively with sewage generated on board boats, excessive noise from boats, education of proper boating safety and reasonable and effective "rules of the water" that respect the rights of all users of our beautiful lakes and streams.

That we should have the local option of disposing of sewage when boating on pristine waters, like Flathead, should require little discussion. We recognize that it is currently against Montana law to discharge untreated human wastes into our waters. But, when no disposal facilities are available, dilution of pollution is too often the solution. Our research showed that as many as 50 boats with onboard, sewage holding tanks may be present on Flathead Lake during a summer weekend. These boats need pump out facilities. Other lakes and reservoirs in the state have similar problems. The model rule and local option will prioritize where facilities should be placed thereby reducing the impact on MDFWP to provide many of these facilities immediately. By presenting the model rule as a local option, those areas which have a demand for such facilities could enact the model rule to protect area waters.

Noise regulations are needed to protect the rights of shoreline property owners, sailboaters and others interested in enjoying a reasonable level of quite without unduly compromising motor vessel operations by others. The Society of Automotive Engineers has recommended that the old procedure they developed for determining boat noise (which we are currently using) be replaced by the two new measurement procedures Rep. Lee described. The method currently in use was designed by industry (SAE) for use in evaluating the effect of engine/boat design configurations on maximum noise and was not intended for use as a procedure for enforcement of boat noise. Several government and industry agencies were involved in establishing the criteria for the new laws. Ken Reick, who will soon be testifying, will describe the problems associated with the current law and the advantages and logic evident in the new procedures and the extensive research on which the new procedures are based. These industry guidelines were adopted in Maryland 2 years ago and the superintendent of the Natural Resources Police, Lt. Wood, said they had noticed a significant reduction in complaints since its enactment. Keep in mind that you cannot carry on a conversation when boat noise exceeds 75 dB at the shoreline and 86dB can cause hearing loss. Even industry recognizes and openly states that those boats which exceed the 90 dB muffler limit are considered to be excessively noisy due to ineffective exhaust muffling. Nothing can spoil a day on the lake quicker than an excessively noisy boat either as a result of modified or missing mufflers, loud near shore operations or reckless driving!

Meetings with area citizens, boating groups and FWP officials indicate the need to gradually implement mandatory education of our young boat handlers, resulting in the eventual education of most future boat handlers. A very good home study booklet for watercraft safety has already been developed by FWP and requires only minor improvement and distribution via mail. We have also found very broad support for raising the age limit to operate a boat. Kawasaki and the Personal Watercraft Industry Association recommend that any personal watercraft operator have a valid motor vehicle operator's license, as an indicator of maturity, judgment and responsibility. We agree with this logic and have recommended a minimum age of 15. After discussions with FWP it was agreed that 12 years with a safety course certificate was a good compromise. Keep in mind that current legislation allows children of any age, without supervision, to operate a boat of any size.

Law enforcement officials have indicated that the problems associated with personal watercraft or jet skis could be reduced by specifically defining reckless activity of personal watercraft. This legislation was patterned after Florida Senate bill 52 and has the backing of the Personal Watercraft Industry Association.

HB 833 provides industry approved criteria for sensible boating. Law enforcement personnel need these criteria in order to keep the peace because conflicts over noisy boats or jet skis operated in an unsafe manner are becoming common place in Montana.

All of the proposed changes are identical to or are based on statutes that have been successfully implemented in other states. They are the standards of the boating industry. Nothing more, in spite of the fact that many people asked us to recommend stricter controls. HB833 is reasonable and does not prohibit full enjoyment of boating by anyone.

I reiterate that boating is not a right, it is a privilege and the rights of others, particularly shoreline property owners and other shoreline users must not be ignored.

Please help keep the peace on our lakes and streams; vote a strong do pass for HB833.

KEY PROVISIONS OF HB 833

1.) The Montana Department of Health and Environmental Sciences will provide a model rule establishing guidelines for construction, operation and maintenance of sewage pumpout facilities to serve boats at docks, parks or marinas. The model rule will be implemented by county option, so that the state's more sensitive lakes with very high quality waters, like Flathead, Whitefish, Echo and Seely, can be specifically protected.

These changes are needed to prevent human wastes from being directly discharged from boats into our lakes and rivers simply because no pumpout facilities are available.

2.) Two new criteria for boat noise will be implemented:

a) not to exceed 90 decibels when recorded at a distance of 1 meter from the exhaust port while the vessel is operated at idle speed; and,

b) not to exceed 75 decibels when recorded on any shoreline of the surface waters.

These standards were developed by the Society of Automotive Engineers for boats and are endorsed by the boat manufacturing industry (Personal Watercraft Industry; National Marine Manufacturers Assoc.) and the National Association of State Boating Law Administrators. All new (1990) boats meet these criteria, unless they lack a muffler or the muffler has been modified. Older boats that do not meet these criteria (most older boats are also in compliance) can be retrofitted easily and inexpensively. These standards are also much easier for wardens, and other law enforcement personnel to enforce and prosecute.

3.) HB833 establishes that vessels including jet skis will not be operated in a manner that unreasonably or unnecessarily endangers life.

The wording is in accordance with the recommendations of the Personal Watercraft Industry and provides clear understanding to law enforcement personnel as to what constitutes reckless vessel operation.

4.) HB833 revises the boating statutes to provide for more meaningful education of boating safety by requiring that beginning in 1994 persons between the ages of 12 and 15 complete a home study watercraft operators safety course offered by MDFWP and that children operating boats greater than 10 horsepower be at least 12 years of age. An allowance is made for children less than 12 years of age, if accompanied and supervised by an adult.

Currently education is not mandatory and a child of any age may operate any vessels unsupervised and no education requirements exist.

5.) Boat operators towing skiers or surfboarders will be required to have an observer display a fluorescent flag during the time fallen skiers or others are in the water.

This is a simple safety precaution endorsed by skiers and is an effective law in several states.

6.) Water-skiing will be prohibited from sunset to sunrise.

This statute is needed as a safety precaution and to limit noise in twilight and at night.

ex 3  
2-19-91

Gonnie Ellis  
Proprietor HIB 833  
pg 4 of 11

What evidence do you have that pumpout facilities are needed on these lakes?

Although the Montana Water Quality Act prohibits the discharge of sewage into any waters in the state, adequate facilities do not exist for proper disposal of vessel sewage. Letters and calls from several boaters on Flathead Lake indicate that as many as 50 boats with contained sewage can be found on the lake during a summer weekend, but no facilities exist for the safe removal of that sewage. The result is that much of it finds its way into Flathead Lake. We have on file very detailed descriptions of such violations. The Dept. of Health and Environmental Sciences is the logical agency to prepare a model rule establishing guidelines. By presenting the model rule as a local option, those areas which have a demand for such facilities could enact the model rule to protect area waters.

What is the existing noise statute and why is it inadequate?

Our current method requires that boats not exceed 86 dB when operated at full speed 50 feet from the warden (usually the warden stands on shore or a dock while the operator pilots the boat by at an estimated 50 feet from shore at whatever the operator deems is full throttle). This procedure is often inaccurate, cannot effectively deal with operator control on noise levels and has substantial liability implications.

Complaints about boat noise originate as a result of boat operation where 1) the boat does not have an effective muffler, or 2) where the boat is operated too close to shore. Those boats which exceed the 90 dB muffler noise limit are considered by INDUSTRY to be excessively noisy due to ineffective exhaust muffling. The new stationary muffler test was developed at the request of law enforcement officials who needed an exhaust noise sound level measurement procedure which was accurate, safe and did not require a special course. The request also stemmed from the need to define the performance of the muffler because of problems experienced in court in legally defining the presence or absence of a muffler. In regard to operator control of boat noise, the new shoreline procedure allows noise levels to be easily and inconspicuously measured at the shoreline where the complaints originate. The new procedure was not designed to determine how much noise a boat is capable of making, but more importantly, to establish how much noise is reaching the shoreline. Under the new law, it would be the responsibility of the operator to maintain a distance or speed such that boat noise is within the 75 dB limit when measured at the shoreline. *These recommended procedures are endorsed by the SAE, NMMA & NASBLA (of which our current State administrator is a member).* *The 75 dB level limit was not an arbitrary but in fact is a recommended level.*

Extensive independent research by the SAE Marine Sound Level Subcommittee, the EPA and European governmental agencies on hundreds of lakes of varying surrounding topography and background noise levels indicate that when boat noise exceeds 75 dB, complaints from shoreline users increase substantially. The average boat operated at full throttle would be within the noise limit 100 feet from the shoreline (i.e. a safe operating distance). Industry actually recommends no open throttle within 200 ft of the shoreline. Very large boats would have to increase the distance from the shoreline (220 ft.) or reduce speed when nearing the shoreline.

EXHIBIT 3 pg 5 of 11  
DATE 2-19-91  
HB 823

Is there a need for additional boating education?

One of the major findings of our committee research was the that citizens perceived a very real need for improved boating education. A very good home study booklet for watercraft safety has already been developed by FWP and requires only minor improvement and wider distribution. Meetings with area citizens, boating groups and FWP officials indicate the need to gradually implement mandatory education of our young boat handlers, resulting in the eventual education of most future boat handlers. The new law would result in all new operators 15 years of age and younger to obtain a watercraft safety certificate after Jan. 1994. A home study safety course via mail could be implemented with minor modification to the booklets. We have also found very broad support for raising the age limit to operate a boat. Kawasaki and the Personal Watercraft Industry Association recommend that any personal watercraft operator have a valid motor vehicle operator's license, as an indicator of maturity, judgment and responsibility. We agree with this logic and have recommended a minimum age of 15. After discussions with FWP it was agreed that 12 years with a safety course certificate was a good compromise. Keep in mind that current legislation allows children of any age, without supervision, to operate a boat of any size.

43  
2-19-91  
Donna Ellis  
Proponent  
HB833  
Pg 6 of 11

# Flathead Lakers, Inc.

- A Non-Profit Corporation of Flathead Lake Residents -  
P.O. Box 290 - Polson, Montana 59860

February 13, 1991

Dear Montana Boat Dealer:

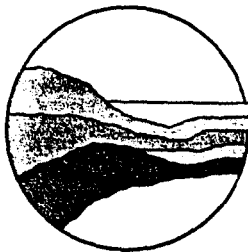
I am writing to you on behalf of the Flathead Lakers. The Flathead Lakers is a large (i.e. membership of almost 1000 area property owners) conservation organization which was established in 1958 to protect and enhance water quality in Flathead Lake and to support programs and policies which would improve the aesthetic quality of the lake. I have been chairing the Surface Water Regulation Review Committee of the Flathead Lakers for about a year and a half. The review committee was formed in response to numerous complaints received from local landowners and visiting recreationists concerning conflicting multiple use activities on Flathead Lake. Concerns were expressed at the meeting about the safety of all users and the continued interest of the Lakers in maintaining the pristine attributes of Flathead Lake. The Surface Water Regulation Review Committee was assigned the task of reviewing all of the current state and federal legislation concerning use of surface waters in Montana and to develop recommendations for improvement of existing laws. The Lakers membership was polled to determine the extent of support for the committee's proposed amendments to the current Montana statutes and the five major proposals received 90-95% approval.

Because many of the Flathead Lakers are boaters, we wanted to insure that the regulations we proposed would address their concerns about safety, noise and disposal of sewage from marine sanitation devices. I would be happy to send you a copy of the proposed amendments, if you are interested. To summarize briefly, some of the changes concerning safety include:

1) A person must be 12 years of age or older in order to operate a vessel powered by a motor over 10 hp unless accompanied by a person of 18 years or older, 2) A home study watercraft safety course to be implemented in 1994 for all persons born after January 1, 1979, 3) A change in the hours of water skiing to sunrise/sunset, 4) The use of a fluorescent flag to warn other boaters that a skier is in the water, and 5) Personal watercraft definition, safety provisions, and a description of maneuvers which would unreasonably endanger life, limb or property. We feel that education is the key to safety and that this primary goal can best be met by the implementation of a home study water safety course for all future boat handlers.

The majority of complaints about noise levels from boats in Flathead Lake appear to be related to the operation of boats too near the shoreline or improperly muffled exhaust. The method currently in use for noise level measurements was originally developed by the Society of Automotive Engineers (SAE) for use by industry in evaluating the effect of engine/boat design configurations on maximum noise and was not intended for use as a procedure for enforcement of boat noise. The new procedures (SAEJ1970 & SAEJ2005) were designed by the same organization to improve safety during the measurement and to provide enforcement officials with a sound level measurement procedure by which shoreline and exhaust noise levels could be accurately measured.

The new shoreline procedure allows noise levels to be measured at the shoreline where the complaints originate rather than requiring the boat operator to maintain full throttle operation 50 feet from the warden. By eliminating the distance requirement, boat operators simply must maintain sufficient distance from the shoreline or reduced speed near the shoreline to



2-19-91  
Proponent HB 833  
Pg 8 of 11

**Maryland Department of Natural Resources**

**Natural Resources Police**  
Tawes State Office Building  
Annapolis, Maryland 21401  
(301) 974-2248 - (301) 974-3170

William Donald Schaefer  
Governor

Torrey C. Brown, M.D.  
Secretary

Col. Jack T. Taylor  
Superintendent

Deputy Superintendent

December 13, 1990

Ms. Bonnie K. Ellis  
311 Bio Station Lane  
Polson, Montana 59860

Dear Ms. Ellis:

I have been asked to respond to your letter of December 10, 1990 addressed to Cpl. Parker of the Maryland Natural Resources Police in reference to vessel noise laws.

We, in Maryland, have had problems with noisy vessels for some time. Initially, we established a regulation that set decibel limits for vessels measured at a distance of no less than 50 feet. The decibel limits established began at 88 dBA for vessels manufactured prior to 1976. The limits were reduced each successive year until the limits reached 82 dBA.

Unfortunately, enforcement of those regulations was difficult. In an effort to get accurate measurements of the noise at distances of 50 feet, officers had to place themselves too close to the suspects boat. The suspect would naturally avoid any police boat and alter their operations making it almost impossible to get an accurate measurement.

In 1989, a new regulation was enacted rescinding the old regulation. The new regulation (copy attached) establishes a limit of 75 dBA measured from shore regardless of distance. We opted for these provisions for several reasons. First, it would allow our officers to measure noise from shore at a point where the complaints originate. As you will also note, there is no distance requirement, except for initial start up and leaving a pier or shore. This requires the operator of a noisy vessel to alter his operation and reduce speed and acceleration when operating close to shore. Most complaints originate from shore. Secondly, by requiring shore line measurements, our officers can monitor noise from locations that would allow them to go undetected.

To date, we have made only a few cases for violation of the new regulation. However, we have noticed a significant reduction in complaints since its enactment.

In regard to courtesy checks of vessels for noise, very few people have participated. Subsequently, there has been little impact on funds or additional time. Mr. Lanpheer's statement about the average boat being 100 feet from shore to stay within 75 dBA is misleading. Noise levels in vessels vary depending on power, exhaust systems and RPMs at the time the measurement is taken. The noise emission of a vessel is in direct relation to the manner of operation. For example:

While my vessel may exceed 75 dBA at 100 feet from shore when operating at 4,000 RPMs, it may not exceed 75 dBA if I were to operate the vessel at 2,000 RPMs at the same distance.

This is why I feel our new regulation is much better than the old regulation that set distance requirements for noise measurement. The new regulation puts the responsibility on the operator when operating close to shore to ensure that his manner of operation would conform to the law.

In closing, I hope this information has been helpful. If you have any questions, please feel free to call me. Remember the time zone when calling.

Sincerely,



Lt. Col. Franklin I. Wood  
Deputy Superintendent

FIW:ljy  
attachment



DATE 2-19-81  
HB 833

**BRUNSWICK**  
**MARINE POWER**

**ACOUSTICAL**  
**ENGINEERING**

November 19, 1990

Dr. Bonnie Ellis  
311 Bio Station Lane  
Polson, MT 59860

Dear Dr. Ellis,

Regarding our recent conversation on the subject of boat noise enforcement procedures, perhaps I can help to resolve some of the confusion over the "new" procedures which NMMA is recommending, and how they differ from the "old" procedures. Before getting into that perhaps I should give you a little background including my personal involvement with boat noise so you know where I am coming from on this subject.

Today there are 19 states with legislation which sets maximum boat noise limits, 17 of which are based on SAE J34, the Exterior Sound Level Measurement Procedure for Pleasure Motorboats. SAE J34 was conceived and developed by the SAE Marine Sound Level Committee in the early '70's by marine engineers for the purpose of evaluating the effect of boat/motor designs on boat noise. I have been a member of this committee since the beginning, and have served as Chairman for the past 15 years, so I am very familiar with this activity. Professionally, I am Manager of Acoustical Engineering for Brunswick (Mercury) Marine.

Recently, the National Marine Manufacturers Association (NMMA) has taken an active role in the boat noise issue and we have put together the NMMA Boat Sound Level Task Force. As Chairman of the task force, I can tell you that we have done extensive research into the boat noise problem, our approach being to work with law enforcement people around the country and to coordinate our activities with SAE and NASBLA (National Ass'n of State Boating Law Administrators). As a result of this research and the joint action of these three agencies we have developed new noise measurement procedures, established maximum noise limits based on these procedures and have developed a Model Noise Act in both NMMA and NASBLA.

Our research indicates that virtually all complaints about boat noise originate as a result of boat operation either 1) where the boat does not have an effective muffler, (example - "muscle boats") or 2) where the boat is operated too close to shore (example- water skiing or personal water craft). To control the noise limits in the first situation we found that SAE J34 is dangerous to perform on "muscleboats" (test requires full speed operation 50 ft. from shore with substantial liability implications), so we developed a stationary test at the request of NASBLA which can be performed on the spot without a special course and without endangering lives. In situations where boats are operated too close to shore, again SAE J34 is lacking since it is done at a fixed distance and assumes that boats will be operated further away from shore.

Dr. Bonnie Ellis

pg 11 of 11  
November 19, 1990

The new noise measurement procedures being developed for boat noise are SAE J2005, the Stationary Sound Level Measurement Procedure for Pleasure Motorboats and SAE J1970, the Shoreline Sound Level Measurement Procedure. The former procedure has been adopted by both NMMA and NASBLA in their Model Acts, and NASBLA has set maximum noise limits of 90 dB(A) effective immediately and 88 dB(A) effective January 1, 1993. The latter procedure for shoreline noise has been adopted by NMMA with a maximum shoreline sound level limit of 75 dB(A), and this procedure is currently under active consideration by NASBLA. Both procedures are intended for law enforcement purposes, unlike SAE J34 which was intended as an engineering test only.

One of the problems with this "new" approach is that enforcement officers may be hesitant to change from the old, trusted ways. In this case, SAE J34 is the "old, trusted way", but I think you will find that only one or two states in the U.S. actually enforce noise limits based on full throttle testing, and those states are now anxious to change to the more recently developed test methods. On the other side of the coin there may be a few boaters who resist new legislation which may require them to install mufflers on their boats, since they enjoy making as much noise as possible without regard to others who are trying to relax during their leisure time. To those boaters I would simply say that boating is a privilege, and the rights of others, particularly property owners, eventually prevail, since they have local "clout" as taxpayers. This lesson has been learned by boaters in the northeastern part of the country (and now in the Midwest) where property owners exert their rights in ways which are repugnant to all boaters - - - speed limits, horsepower limits, Sunday boating bans, etc.

In conclusion, I am happy that the boating industry has chosen to take a long term view of the boat noise situation to do whatever is necessary to preserve the sport of boating. As a boater and a member of the boating industry, I sincerely hope that all boaters will develop an awareness of their responsibilities so that they will continue to be welcome whenever and wherever they choose to go boating.

Sincerely,

  
Richard A. Lanpheer, Chairman

cc: L. Toriello, J. Dane - NMMA

**ECHO LAKE ASSOCIATION, Inc.**  
(A nonprofit Corporation)

PO Box 1501  
Bigfork, MT 59911

To: Members of the House of Representatives Fish and Game Committee

Regarding: HB 833, February 19, 1991

The Echo Lake Association and Foy's Lake Protection Association of Flathead County strongly support HB 833. This legislation provides:

- noise limitations on motorboats operating on Montana waters addressing the serious problem of noise pollution in and around peoples' homes
- rules for the safe operation of jet skis
- age limitations (12 years) for persons operating motorized vessels
- for the Department of Health and Environmental Sciences to adopt rules for vessel pumpout facilities addressing the problem of sewage being dumped into the water

The noise standards have been formulated and adopted by the National Association of State Boating Law Administrators, National Marine Maritime Association and Society of Automotive Engineers. They are effective and reasonable. They have been adopted by nineteen states and are becoming national standards.

Kenneth G. Reick  
President ELA



Amendments to House Bill No. 833  
Introduced (White) Reading Copy

Requested by Rep. Wanzenried  
For the Committee on F&G

Prepared by Doug Sternberg  
February 15, 1991

1. Title, line 6.  
Strike: "NOISE,"  
Following: "SAFETY"  
Strike: ", "

2. Title, line 9.  
Following: "STATIONS;"  
Insert: "CREATING AN ANNUAL FEE ON WATER VESSELS NOT OTHERWISE  
SUBJECT TO FEE OR FEE IN LIEU OF TAX;"  
Following: "23-2-502,"  
Strike: "23-2-521,"

3. Title, line 10.  
Strike: "23-2-526,"

4. Page 3, line 21.  
Following: "watercraft,"  
Insert: "specialty prop-craft"

5. Page 5, line 5.  
Strike: "outboard motor or an"

6. Page 5, line 8.  
Following: "on"  
Strike: "or being towed behind"  
Following: "vessel"  
Insert: "rather than by the conventional method of sitting or  
standing in the vessel"

7. Page 5, line 13.  
Following: line 12  
Insert: "(18) 'Specialty prop-craft' means a vessel that is  
similar in appearance and operation to a personal watercraft  
but that is powered by an outboard or propeller-driven  
motor."

Renumber: subsequent subsections

8. Page 6, line 1 through page 9, line 16.  
Strike: section 2 in its entirety  
Renumber: subsequent sections

9. Page 9, line 20.  
Following: "motorboat"  
Strike: "or"  
Insert: ", "

Following: "vessel"  
Insert: ", or specialty prop-craft"

10. Page 9, line 23.

Following: "by"

Strike: ":"

11. Page 9, line 24.

Strike: "(a)"

12. Page 10, line 5.

Following: "collision,"

Insert: "following directly behind a water skier, speeding in  
confined or restricted areas, and buzzing or wetting down  
others,"

13. Page 10, lines 6 through 9.

Following: "vessel" on line 6

Strike: "remainder of line 6 through "vessel" on line 9

14. Page 10, line 11.

Strike: "propelled by a motor of any kind"

15. Page 12, lines 7 through 11.

Strike: subsection (9) in its entirety

Renumber: subsequent subsections

16. Page 12, line 14.

Following: "motorboat"

Strike: "or a"

Insert: ", "

Following: "watercraft"

Insert: ", or specialty prop-craft"

17. Page 12, line 17.

Following: "vessel"

Strike: "or"

Insert: ", "

Following: "watercraft"

Insert: ", or specialty prop-craft"

18. Page 12, lines 22 and 24.

Following: "motorboat"

Strike: "or"

Insert: ", "

Following: "watercraft"

Insert: ", or specialty prop-craft"

19. Page 13, line 8.

Following: "motorboat"

Strike: "or"

Insert: ", "

20. Page 13, line 8.

Following: "watercraft"

Insert: ", or specialty prop-craft"

21. Page 13, line 10 through page 14, line 5.  
Strike: section 4 in its entirety  
Renummer: subsequent sections

22. Page 14, line 21.  
Following: "motorboat"  
Strike: "or"  
Insert: ", "  
Following: "vessel"  
Insert: ", or specialty prop-craft"

23. Page 15, line 13.  
Following: "watercraft"  
Insert: "or specialty prop-craft"

24. Page 15, line 24 through page 16, line 4.  
Strike: section 8 in its entirety  
Insert: " **NEW SECTION. Section 6. Annual fee on water vessels.**  
(1) There is a fee on all water vessels not otherwise subject to a fee in lieu of tax under 23-2-516 or a fee under 23-2-517. The fee is \$5 for each vessel and is payable annually.  
(2) The fee must be collected by the department of fish, wildlife, and parks at the regional offices. Upon payment of the fee, the department shall issue to the vessel owner a decal, which must be of a distinctive color and numbered consecutively.  
(3) Fees collected pursuant to this section must be distributed in the following manner:  
(a) 50% to the department for funding the statewide boat safety education program; and  
(b) 50% to the department to fund enforcement of the provisions of this part.  
(4) As used in this section, water vessel includes a float tube used for fishing purposes."

Renummer: subsequent sections

25. Page 16, line 25.  
Strike: "7, 8, and 9"  
Insert: "5 and 6"

26. Page 17, line 3.  
Strike: " 7, 8, and 9"  
Insert: "5 and 6"

DATE 2-19-91HB 833

pg 1 of 4

2307 HIGHWAY 93 SOUTH  
KALISPELL, MONTANA 59901  
PHONE 755-8767

Mr. Chairman and Committee Members

My name is Dave Seyfert and I represent the Montana Boating Association.

This Association represents the 40,000 boaters of Montana. We have followed the proposed bill for several months. We approve of most of the changes in the current proposal, but, have one major objection. The new suggested sound regulations. The amendments have been handed out and I would like to explain our reasoning behind them. (Page 5 line 3)

1. Def. of personal water - ours is by the Personal Watercraft Ind. Association. This is the people that make the units and are using these nationwide. There is a difference and it will become apparent in the future.
2. Page 7 line 12  
Noise is a problem for everyone from the neighbor mowing his lawn or cutting fire wood with a chain saw to teenagers playing music too loud, or a big truck going by. We do have a few boats that also make a little too much noise. But how do we quiet them and not curtail the activities of the other boaters? The proposal before sounds great, but is it? Will it work? Who can really enforce it?

When I first saw this proposal in October I was skeptical because of all the variables involved in measuring sound. I have phoned most of the major manufacturers of boat engines and the people that you have written letters in this matter which you have copies of. When pressed for measurements of SBA ratings none of the manufacturers would release or state any. I did get copies of two reports, one from a Sheriff's office on personal watercraft and one that a Richard Lanpheer of Mercury had done on personal watercraft and three motorboats. The results were not as interesting as the foot note, which stated: It should be noted that the above results are questionable due to the following conditions - a high, rocky embankment (reflective surface) directly behind the sound level meter - rough water conditions resulting in bow slaps - waves breaking on rocks where the sound level was placed - extensive small aircraft noise - shouting or talking during

# MONTANA BOATING ASSOCIATION



2307 HIGHWAY 93 SOUTH  
KALISPELL, MONTANA 59901  
PHONE 755-8767

2-19-91  
HB 833

pg 206 7

measurements. All of these are conditions we have here in Montana that effect measuring sound. Changing 86DEA @ 50' is about the same as 90 DBA @ 1 meter - no change. The bad part is the next section 75 DBA at shoreline, you as a boat operator have to know how much noise your boat is making at the shore. Remember all of the conditions above reflective surfaces - rock cliffs, buildings, the wind noise, wave actions, also the sound that other people are making. How can any boat operator know this? A boat towed on a 500' rope with no engine at 50 MPH was measured 80 DBA at 50 ft. The average conversation will measure between 77 to 82 DBA. 75 DBA rating will certainly quiet it down at the shoreline on Flathead Lake but what will it do to our small lakes? Echo Lake near Bigfork, Foys Lake near Kalispell, Lake Blaine NE of Kalispell which are the most popular lakes for water skiing would be closed down or concentrate the skiers in the middle creating a huge safety problem. Gates of the Mountains would have a big problem. For most boats at wide open or 3/4 throttle you would have to be 300' from shore to be safe. What about the river boats with outboard jet pumps? Most of our rivers are not over 600 ft. wide. You would have to throttle back creating a dangerous situation in fast water. The manufacturers are building quieter engines all the time and we are seeing fewer of the noisy boats every year. Manufacturers are working on better mufflers but say they need about two more years. National Marine Retailers Association of America has recommended waiting, NASELA, National Association of State Boating Law Administrators, of which Elmer Davis of the enforcement division is a member, recommends waiting two years. I also recommend that we wait two years to see if we can come up with a law that will eliminate the few boats but be fair to everybody. The cost to enforce this would be very great at \$10,000. per meter and they need 12 or 13 of them. Please note handout regarding how to take measurements in J1970.

3. page 8 line 7

Regarding the exemption of government officials and research people, I do not feel that they should be above the general public. I am against this.

4. page 10 line 6





DATE 2-19-91  
NR 833

2307 HIGHWAY 93 SOUTH  
KALISPELL, MONTANA 59901  
PHONE 755-8767

for more defination or examples ofrecklessoperations,  
eliminate sub (B) 100 yards is hard to define or  
judge and we don't care if it is 100' or 400',  
reckless is reckless.

5. page 15 section 8  
eliminate because we do not have anyone manufacturing  
engines in Montana. Dealers and Owners would have to  
have the Department verify that the boats would meet  
these restrictions. How can you certify how someone  
is going to operate a boat.

Thank you for your time and I am willing to answer any  
questions.

Sincerely,

*Dave Seyfert*  
Dave Seyfert

DATE 2-19-91  
HB 833  
pg 4 of 4

**SHORELINE SOUND LEVEL MEASUREMENT PROCEDURE**  
**SAE J1970 DRAFT**

10/18/90

**1. Scope** - This SAE Recommended Practice establishes the procedure for measuring the sound level of pleasure motorboats at a position on the shore under conditions other than stationary mode operation. It is intended as a guide toward standard practice and is subject to change to keep pace with experience and technical advances.

**2. Instrumentation** - The following instrumentation shall be used for the measurement required:

2.1. A sound level meter which meets ANSI Standard S1.4-1983 Type 1 or Type 2 Specification for Sound Level Meters.

2.2 A microphone windscreen that does not affect the overall reading by more than  $\pm 0.5$  dB(A).

2.3 A sound level calibrator. (See paragraph 4.3)

**3. Procedure**

**3.1 Measurement Site** -- A suitable site is the shore of a body of water, or a dock projecting out from the shore into the body of water, or a raft, or a boat moored to a dock or anchored so that the sound level meter or microphone is not more than 6 m (20 ft) from shore. If the measurement is made from a dock, the dock shall be of open construction so that it presents a minimum of reflecting surfaces. The area around the microphone and boat being measured shall be free of large obstructions or reflective surfaces, such as buildings, high embankments, sea walls, hills, large piers or breakwaters, etc. for a minimum distance of 30 m (100 ft).

**3.2 Boat operation**

3.2.1 The applicable reading does not require that the boat be at any specific distance from the shoreline or microphone with the exceptions of start-up and leaving the shoreline area.

3.2.2. This measurement procedure shall not be used during the 30 second time period when the boat is leaving or returning to shoreline areas.

**3.3 Measurements**

3.3.1 The microphone shall be placed 1.2 - 1.5 m (4 - 5 ft) above the water, and no less than 0.6 m (2 ft) above the surface of the shore, dock or platform. If on a dock or platform the microphone shall be placed near or beyond the end of the dock or platform. If the measurement is made from a boat, the microphone shall be held at a height of not less than 0.6 m (2 ft) above the surface of the water. A suitable boat for this purpose is of open hull construction.

3.3.2 The meter shall be set for slow response and the A-weighting network.

3.3.3 The observer reading the meter shall not be closer than arm's length from the microphone. Only one other person may be within 15 m (50 ft) of the microphone when measuring from the dock or shoreline, and that person shall be directly behind the observer reading the meter.

3.3.4 The applicable reading shall be the highest sound level measured during a period when the background sound level is at least 10 dB lower than the maximum allowable sound level. Background sound level includes wind effects, noise from boats other than the one being measured, wave action, boat wakes and other extraneous noises. Readings due to hull slaps which create intermittent sound levels shall be disregarded.

3.3.5 The observer shall record the applicable reading and the background sound levels taken immediately before and immediately after the applicable reading.

3.3.6 When sound level readings are taken from inside a boat, 3 dB shall be subtracted from the reading to better correlate with shoreline readings.

**4. General Requirements**

4.1 The measurements shall be conducted only by persons qualified by training to perform these measurements.

4.2 Proper use of all test instrumentation is essential to obtain valid measurements. Operating manuals or other literature furnished by the instrument manufacturer should be consulted for both recommended operation of the instrument, and precautions to be observed.

4.3 Proper acoustical calibration of the complete measurement system shall be performed immediately before and after each field use. Field calibration, which may be accomplished by either external or internal calibration means, shall be made immediately before and after each measurement sequence, provided that system acoustical calibration is performed immediately before and after field use.

4.4 A measurement shall be invalid if changes in the background sound level affect the applicable reading.

4.5. The use of the word "shall" in the procedure is to be understood to be mandatory. The use of the word "should" is to be understood as advisory. The use of the word "may" is to be understood as permissive.

**5. References** -- Suggested reference material is as follows:

5.1 ANSI S1.1-1960(1976) Acoustical Terminology

5.2 ANSI S1.13-1971(R1986) Methods for the Measurement of Sound Pressure Levels

5.3 ANSI S1.4-1983 and S1.4A-1985 Specifications for Sound Level Meters

ANSI documents available from American National Standards Institute, Inc. 1430 Broadway, New York N.Y. 10018

**APPENDIX**

This procedure may be used for the measurement of sound emitted by pleasure motorboats in use on waterways where sound level restrictions apply. Sound level is a function of the exhaust system, the boat hull, the manner of boat operation, e.g., distance from shore, engine speed & trim angle, and other factors. Background information is included in the SAE J1970 Rationale Statement.

HB 833  
February 19, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks

Each year the Department of Fish, Wildlife & Parks answers numerous noise and safety complaints from the people who utilize Montana's lakes, rivers and reservoirs for water-based recreation. This bill attempts to address many of these concerns.

Although we encourage diverse water-based recreation, we are concerned when one type of active recreation excludes another more passive use of our waters due to excessive equipment noise, or reckless and inconsiderate behavior.

HB 833 increases noise restrictions on water-based recreation which will increase the time commitment for our enforcement officers and park rangers in some areas. More sophisticated noise enforcement equipment will also be needed. The noise restrictions create a type of zoning of certain recreational uses which will be difficult to enforce because the watercraft are moving around a lake.

We generally endorse the concepts embodied in HB 833 and support its passage.

KEY PROVISIONS OF HB 833

1.) The Montana Department of Health and Environmental Sciences will provide a model rule establishing guidelines for construction, operation and maintenance of sewage pumpout facilities to serve boats at docks, parks or marinas. The model rule will be implemented by county option, so that the state's more sensitive lakes with very high quality waters, like Flathead, Whitefish, Echo and Seely, can be specifically protected.

These changes are needed to prevent human wastes from being directly discharged from boats into our lakes and rivers simply because no pumpout facilities are available.

2.) Two new criteria for boat noise will be implemented:

- a) not to exceed 90 decibels when recorded at a distance of 1 meter from the exhaust port while the vessel is operated at idle speed; and,
- b) not to exceed 75 decibels when recorded on any shoreline of the surface waters.

These standards were developed by the Society of Automotive Engineers for boats and are endorsed by the boat manufacturing industry (Personal Watercraft Industry; National Marine Manufacturers Assoc.) and the National Association of State Boating Law Administrators. All new (1990) boats meet these criteria, unless they lack a muffler or the muffler has been modified. Older boats that do not meet these criteria (most older boats are also in compliance) can be retrofitted easily and inexpensively. These standards are also much easier for wardens, and other law enforcement personnel to enforce and prosecute.

3.) HB833 establishes that vessels including jet skis will not be operated in a manner that unreasonably or unnecessarily endangers life.

The wording is in accordance with the recommendations of the Personal Watercraft Industry and provides clear understanding to law enforcement personnel as to what constitutes reckless vessel operation.

4.) HB833 revises the boating statutes to provide for more meaningful education of boating safety by requiring that beginning in 1994 persons between the ages of 12 and 15 complete a home study watercraft operators safety course offered by MDFWP and that children operating boats greater than 10 horsepower be at least 12 years of age. An allowance is made for children less than 12 years of age, if accompanied and supervised by an adult.

Currently education is not mandatory and a child of any age may operate any vessels unsupervised and no education requirements exist.

5.) Boat operators towing skiers or surfboarders will be required to have an observer display a fluorescent flag during the time fallen skiers or others are in the water.

This is a simple safety precaution endorsed by skiers and is an effective law in several states.

6.) Water-skiing will be prohibited from sunset to sunrise.

This statute is needed as a safety precaution and to limit noise in twilight and at night.

EXHIBIT 9  
DATE 2-19-91  
H.C. 833

# Flathead Lake Protection Association

A Non-profit Corporation  
P.O. Box 679, Lakeside, Montana 59922

February 18, 1991

State Legislature  
Fish & Game Committee

Re: Hearing Room 312-3

TO THE COMMITTEE:

As a resident of Flathead Lake, whose family owned and operated marinas for approximately 50 years, I strongly support House Bill 833.

I would recommend in the interest of public safety, for the benefit of all Montanans, that you endorse this bill.

Thank you for your considerations.

Bruce A. Young  
President  
Flathead Lake Protection Association

Amendments to House Bill No. 556  
Introduced (White) Reading Copy

Requested by FWP  
For the Committee on F&G

Prepared by Doug Sternberg  
February 19, 1991

1. Title, line 9.

Following: "ANIMALS;"

Insert: "RESTRICTING THE IMPORTATION OF CERTAIN SPECIES FOR GAME  
FARM PURPOSES;"

2. Page 6, line 12.

Following: line 11

Insert: "NEW SECTION. Section 8. Importation of certain species prohibited. (1) The following species or subspecies and their hybrids with native species are restricted from importation for purposes of game farming:  
(a) all Eurasian subspecies of red deer unless surgically sterilized or neutered;  
(b) all Eurasian sheep and goats in the subfamily Caprinae of the Caprini tribe unless surgically neutered; and  
(c) white-tailed deer from east of the 100th meridian in North America.  
(2) The department or the department of livestock may add other species that are determined through scientific investigation to pose a threat to native wildlife or livestock through nonspecific genetic dilution, parasites, or disease.

NEW SECTION. Section 9. Codification instruction. [Section 8] is intended to be codified as an integral part of Title 87, chapter 4, part 4, and the provisions of Title 87, chapter 4, part 4, apply to [section 8]."

Amendments to House Bill No. 556  
Introduced (White) Reading Copy

Requested by Rep. Ream  
For the Committee on F&G

Prepared by Doug Sternberg  
February 15, 1991

1. Page 2, line 23.  
Following: "animal"  
Insert: "or animals"

2. Page 3, line 1.  
Strike: "and"  
Insert: "or"

3. Page 3, line 4.  
Strike: "the"  
Insert: "any"  
Strike: "certificate"  
Insert: "certifications"

4. Page 3, line 7.  
Strike: "30"  
Insert: "10"  
Strike: "disposition"  
Insert: "movement or sale"

5. Page 5, line 8.  
Strike: "licensee"  
Insert: "person"

6. Page 5, line 9.  
Strike: "less"  
Insert: "more"

7. Page 5, line 10.  
~~Strike: "\$5,000"~~  
~~Insert: "\$500"~~  
Strike: "state prison"  
Insert: "county jail"  
Strike: "less"  
Insert: "more"

8. Page 5, line 11.  
Strike: "1 year"  
Insert: "6 months"

Amendments to House Bill No. 556  
Introduced (White) Reading Copy

Requested by Rep. Ream  
For the Committee on F&G

Prepared by Doug Sternberg  
February 15, 1991

1. Page 2, line 8.  
Strike: "individual"  
Insert: "ownership"

2. Page 3, line 2.  
Strike: "individual"  
Insert: "age, sex, and class of"

~~DNP~~ DP



HB 556  
February 19, 1991

**Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks  
to House Fish and Game Committee**

This legislation would require that game farms comply with rules administered by the Department of Livestock relating to marking, inspection, transportation and health of game farm animals. In addition, the bill clarifies and strengthens penalties for violation of the rules.

There is a growing interest in game farming in Montana, as well as other western states and provinces. This interest extends beyond traditional game species to include exotic species from Europe, Asia and Africa. As a result, we believe the existing game farm statutes are inadequate.

Our primary concerns are to protect native wildlife from exposure to disease, being taken illegally and interbreeding with exotic species. The provisions of HB 556 provide significant improvements to safeguard Montana's native wildlife.

Individual identification of game farm animals is important in case wild animals mix with game farm animals. This may occur inadvertently or through illegal capture. Another problem has been people killing native elk and attaching a game farm tag. If individual visual identification is not acceptable, a brand such as a lip tattoo should be required.

The Department of Livestock could enact health rules covering diseases and parasites that are specific to wildlife.

The bill also provides for quarantining game farm animals that may be infected with a disease.

The current game farm statute provides for revocation of a license for failing to operate a game farm according to law. The proposed bill clarifies that criminal and civil statutes may be assessed in addition, or instead of revoking a license. This has been a problem in the prosecution of some violations.

It is difficult to underscore the significance of outbreaks of disease in Montana's wild elk, deer, sheep or other wildlife. Breeding with exotic wildlife could have irreversible effects on our native wildlife. The high value of wildlife like elk encourages the illegal capture, transportation, breeding and sale of wild animals.

We would also support the sponsor's amendment to prohibit the importation of certain exotic wildlife into Montana. Not only do these species pose a threat through interbreeding, but they can compete for limited wildlife habitat.

We urge your support of this bill as amended.

EXHIBIT 12

DATE 2-19-91

HB 556

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Robert Spoklic BILL NO. 556  
ADDRESS Antelope Mont. DATE \_\_\_\_\_  
WHOM DO YOU REPRESENT? Montana Chapter of Youth Hemming  
ELK Growers  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_  
COMMENTS: With Amendments

Rough Elk rain

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME STEVE MUSICK BILL NO. H556  
ADDRESS Hilger Montana DATE 2/19/91  
WHOM DO YOU REPRESENT? Judith River Ranch  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS: MR Chairman, Members of Committee  
I am a Game Farm Operator who has been  
in business since 1978. I am also on the  
executive board of directors of North American  
Elk Breeders Ass. I am here in support of House  
Bill 556 with the exception of <sup>Exhibit</sup> ~~part~~ A  
which address the exotic animals and the  
individual

DATE 2-19-91  
HB 556

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME DAN WEPPLER BILL NO. 556

ADDRESS Rt. 1 Ryegate MT DATE 2-19-91

WHOM DO YOU REPRESENT? \_\_\_\_\_

SUPPORT X OPPOSE \_\_\_\_\_ AMEND X

COMMENTS: MR. Chairman, I support this  
bill & encourage a "do pass" with an  
exception of the exotic amendment.

I feel that both the Depart of Fish  
Wildlife & Parks & the department of  
Livestock have at the present time - under  
rule making authority granted to them -  
rather, than at this time to place a  
total embargo on this part of this  
industry. Herd ID is import - individual  
I.D. should be optional -

The necessary Powers to enforce & address this issue -

~~With this bill amended to~~

With this in mind I would support HB556

DATE 2-19-91  
HB 556

February 14, 1990

Jim Elliott, Chairman  
House Fish and Game Committee  
State Capitol  
Helena, MT 59620

RE: HOUSE BILL 556

Dear Chairman Elliott:

For the past two years, I have worked on an article and four films for National Geographic on the illegal trade of wildlife in America. In the course of my travel and research, it's become clear that the elk farm industry is by far the most lucrative of businesses that exploit wildlife parts, and that a significant reason for the tremendous profit margin is the illegal capture and transport of wild elk.

From New Mexico to Alberta, Canada, and east to Illinois and beyond, the smuggling of wild-captured elk continues with few apprehensions. Also, in transport, it is estimated that thirty percent of the elk die from the stress of being handled and moved.

The industry began in earnest when Canada encouraged the change-over from cattle to elk because cattle prices were so low and the improved Asian economy broadened their antler market to America. Canadians began to buy elk from the U.S., particularly from "Sonny" Welch Brogan in Corwin Springs, Montana. Known as the 'father of elk ranching,' Brogan shipped two 747 plane loads of live elk to Korea in the early 1980s. His ranch, situated in the path of a major elk migratory route, has often been found to contain many more elk than his records cover. For the most part, Brogan has escaped serious charges because as soon as fish and game wardens contact him about the numbers problem, he shoos out the wild elk and claims the hay leading to his gate is simply set out to lure back domestic escapees. No one

knows how many of his elk shipped to other game farms are illegally captured because the records are so easily doctored. A common practice is to exaggerate the actual number of elk a ranch has, so that when wild elk are trapped, they will be covered by papers. And no wonder. When a legal, domestic elk costs \$7,000 a head, the temptation to acquire free elk is hard to ignore, especially when penalties are minimal. Generally, in the illegal wildlife trade the penalty costs are built into the overhead as a matter of course. In other words, crime pays.

A complicating factor in Brogan's open gate policy is that his herd has been infected with tuberculosis for two years. During that time, he is known to have trapped over eighty wild elk which mingled with the diseased elk. Warned by game wardens, Brogan turned the illegal elk back to the wild. It will take years to tell how far the disease will spread.

The cost of strict enforcement of the law in regard to controlling illegal capture on game ranches has been prohibitive. To build a decent case on a game ranch means expensive undercover work, lasting several years, because the law requires that the rancher be caught in the act of capture.

In New Mexico, game wardens did conduct an undercover operation at the Chama Land and Cattle Company. They sprinkled fluorescent dust on hay being used to bait in wild elk. Ultra-violet photographs of elk stomachs and scat substantiated allegations that one million dollars' worth of live elk were captured and illegally transported by Chama.

However, more than two years later, the state of New Mexico is bogged down in a complicated series of court cases that have all but buried the original felonies. The owners of Chama are wealthy Texans who have launched many countersuits in an effort to outspend the state and force a settlement to their advantage. Currently, nine lawsuits are associated with the criminal investigation. The cost to New Mexico is tremendously high. Many people now hope that the state's legislature will find the financial burden reason to enact a sunset law that will retire the industry from the state. Because game farms are so entrenched, the proposal is to liquidate game ranches upon the death of the current owner, so as not to interfere

with that person's livelihood, but also forestall the perpetuation of the business through inheritance.

The complications arising from the Chama case have stymied wildlife officials whose job it is to enforce hunting laws. A maze of companies, all owned by the Chama owners, can still apply for and use hunting permits on the Chama ranch, so trophy hunting business there is being conducted as usual. This sends a message about how hard it is to stop the activities of those under criminal investigation once the game ranch is in operation.

After conducting a nationwide study, the state of Wyoming's Fish and Game Department recently concluded that game farms are detrimental to wild herds and that illegal activity is uncontrollable. A facet of game ranching that bothered Wyoming was the introduction of exotic species. History has proven that exotics escape into the wild and impair the survival of native species. In New Mexico, escaped barbary sheep have multiplied so much that they outcompete native animals for food. Native species are on the decline, and barbary sheep on the rise. They've caused a serious problem and there's no getting rid of them now. So Wyoming turned down a request for an 8,000 acre game farm by the heir of Campbell's Soup, John Dorrance. Dorrance has retaliated by suing the state. The litigation promises to use taxpayers' money for many years.

Washington State, recognizing the inherent problems, has outlawed game farms. Colorado has severely restricted them, yet is embroiled in lawsuits over exotics. Montana has become the center of illegal activity, supplying elk to other states and Canada. Less than a month ago, an Alberta, Canada, rancher was apprehended in Idaho while smuggling illegal Montana elk through Idaho, bound for Alberta. Several of his truckload of 68 elk escaped into the wild. Tests later revealed that at least two of the remaining elk had tuberculosis.

Another problem with game ranches is the common practice of interbreeding elk with red deer from New Zealand. According to elk expert Valerius Geist (University of Calgary, Canada), the hybrid offspring inherit none of the strengths and all the weaknesses of both breeds. Game officials

insist that there are always escapees into the wild from elk ranches. The resulting interbreeding with wild elk seriously threatens the stamina and survival of wild herds. To the untrained eye, red deer and elk look the same, so the practice of introducing red deer is difficult to track.

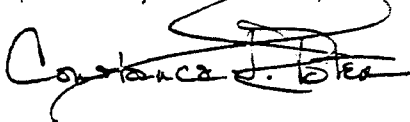
Confined game farm animals succumb to disease more frequently than those that live by natural migration. Vaccines and antibiotics stave off disease outbreaks, but escapees carry infections with them to wild herds.

In Canada, game ranchers want compensation for their diseased elk. In lieu of money, they'll take elk from national parks. Not only is this asking for sanctioned thievery from the public, but it is crafty because Asians pay higher prices for antlers from unpolluted national parks. Montana needs to consider carefully the potential of having to subsidize an industry based on high-risk ventures.

Finally, the profits from an industry that has so many potential impacts on wild herds--owned and supported by the public--don't really look like profits anymore. The odds against game farms make them look like a poor bet when the \$25 million dollar hunting industries of Wyoming, Idaho and Montana are threatened, as they are now by the tuberculosis scare, and the money spent for land to protect elk in the wild becomes money gambled away. With the stakes so high, Montana must consider the necessity of the natural resource it is exporting. The medicinal benefits for elk parts are based on myth, unsupported by research.

HB' 556 is a sound beginning for cutting the losses. I hope that you will support the bill with enthusiasm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Constance J. Poter", with a large, loopy flourish above the name.

Constance J. Poter  
3612 Rattlesnake Drive  
Missoula, MT 59802



HB 576  
February 19, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks  
to House Fish and Game Committee

Fisheries management in Montana frequently involves the transplant of fish species to waters where they have not previously existed. These introductions are usually common game fish which are introduced into small, isolated water bodies to produce a recreational fishery. In many of these instances the environmental assessment (EA), conducted according to the rules of the Montana Environmental Policy Act (MEPA), is sufficient to determine the significance of the action and provide appropriate public notice.

In other instances, fish transplants may have potential for significant environmental impacts in a watershed. For example, an EIS was conducted prior to the introduction of forage fish into Fort Peck Reservoir. This was necessary to evaluate how these species might affect other fish species and aquatic organisms in the reservoir and watershed.

The proposed legislation will require the department to follow the procedures of MEPA. We already have that obligation under current law. We conduct environmental reviews when we introduce species. However, we do not support a requirement to do an EIS in all cases. In many cases, an EA is all that is needed to fully comply with MEPA. This section should be amended to strike the requirement for an Impact Statement and insert the word "review."

A second amendment would provide definition for the phrase, "specific area within the state." We propose the wording be changed to "a specific water body within the state." We intend "specific water body" to include any isolated or distinct segment of a stream, lake, reservoir or watershed.

We support strengthening penalties for illegal introduction of fish species. These illegal introductions have been widespread in some parts of the state. Their impacts can be very detrimental and, in most cases, are very costly to eliminate, if not impossible. Education is likely the most effective deterrent. Unfortunately, one person with a bucket can determine the future of fish management for the entire state.

EX 16 pg 2 of 2  
2-19-91  
HB 576

HB 576

SPECIES

INTRODUCTION TO:

Environmental Assessments

Walleye  
Tilapia mossambica

Black Crappie

Burbot

Mosquito fish (Gambusia)

Spottail Shiner  
Crayfish (orconectes)

Walleye  
Spottail Shiner

Cooney Reservoir, Carbon County  
High County Rose Farm, Lewis &  
Clark County  
Tiber Reservoir - Toole &  
Liberty County  
Noxon Rapids Reservoir, Sanders  
County  
Lake Elwell, Lake Frances,  
Fresno & Nelson Reservoirs  
Fort Peck Reservoir  
Ponds in Yellowstone River  
drainage - prepared by BLM  
Dailey Lake - Park County  
Tongue River Reservoir, Big Horn  
County

Negative Declarations

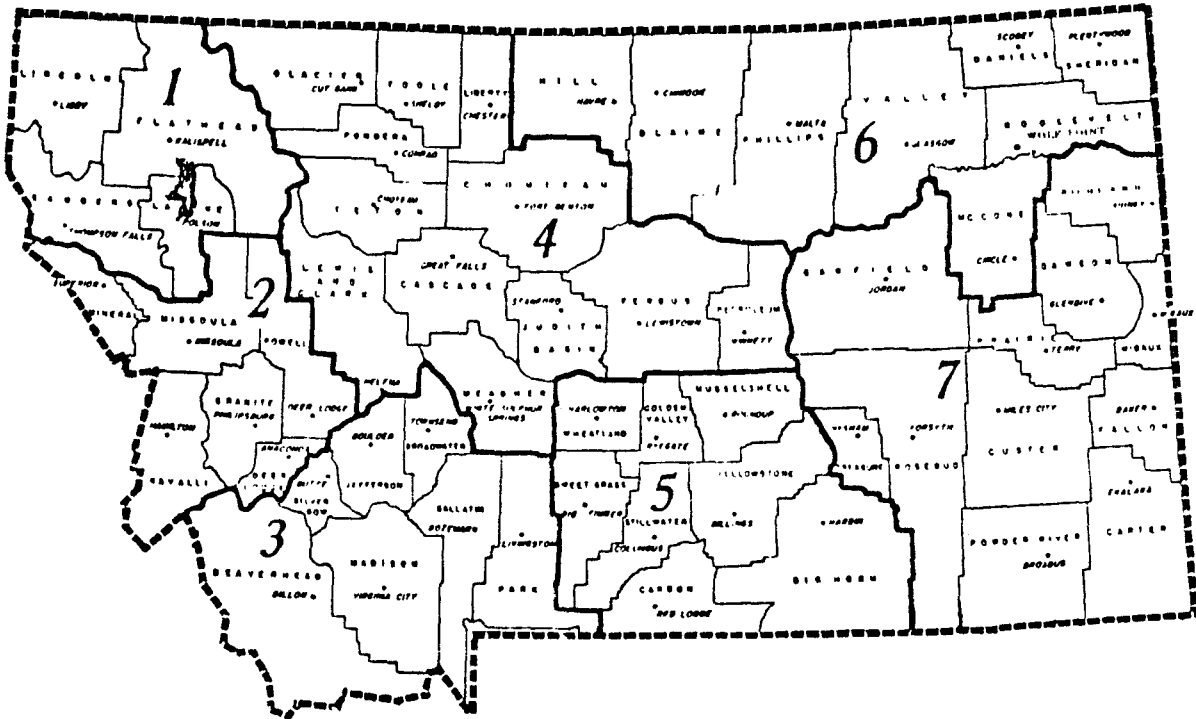
Smallmouth bass  
Burbot  
Northern pike  
Smallmouth bass  
White Sturgeon

Warm Springs Creek  
Petrolia Reservoir  
War Horse Lake  
Musselshell River below Lavina  
Extension of range above Libby  
Dam

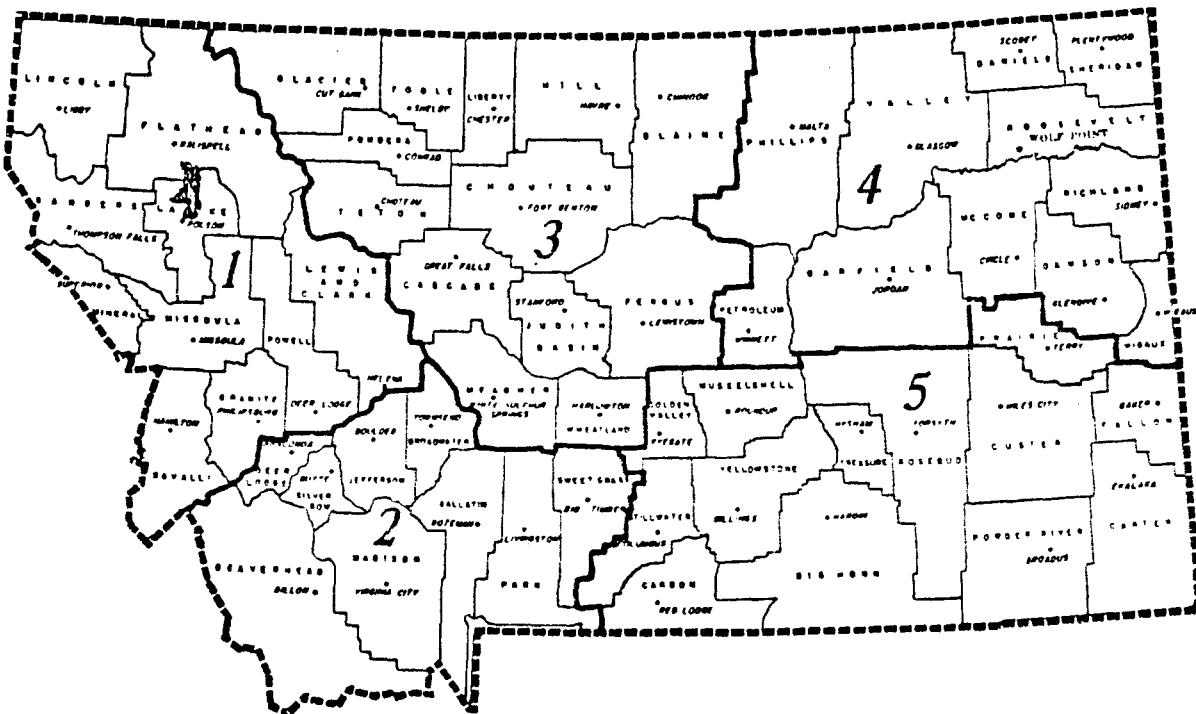
Environmental Impact Statements

Cisco & other forage fish

Fort Peck Reservoir



## Fish, Wildlife and Parks Administrative Regions



## Fish and Game Commission Districts

HB 808  
February 19, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks  
to the House Fish and Game Committee

The portion of HB 808 of concern to the Department of Fish, Wildlife & Parks is the provision to increase the number of Fish, Wildlife & Parks Commissioners from five to seven, and to have each appointed from our present administrative regions.

The department and the present commission prefer the present five member board because:

- Section 87-1-301, MCA, describes the powers of the commission and states that commissioners are expected to deal with policy and other matters on a statewide basis. Commission districts corresponding to department administrative districts would tend to create a regional focus that would be contrary to the commission's charter.
- The proposed seven commissioner districts would tend to create seven independent units within the agency. This would increase the potential for friction among commissioners and between the commission and the department administration. We consolidated seven fishing districts into three several years ago to encourage communication and standardization among our regions.
- It is likely that the public would focus on a region's commissioner for resolution of local issues. This could draw commissioners into matters that are not within their powers and duties. The potential for increased conflict among regionalized commissioners and department administrators would be increased.
- The present five person commission is efficient and less costly than a seven member commission would be. The cost of adding two more commissioners would increase administrative costs by a minimum of \$21,000 with no commensurate increase in commission efficiency.

The department and our commission do not support HB 808.

THIS IS A "GRAY BILL". IT HAS BEEN PREPARED FOR CONSIDERATION BY THE HOUSE FISH & GAME COMMITTEE AND IS NOT A FIRST, SECOND, OR THIRD READING COPY OR AN LC DRAFT. THE BILL INTEGRATES THE AMENDMENTS SUGGESTED BY THE SPONSOR AT THE HEARING ON 2/7/91. ADDED MATERIAL IS INDICATED BY UNDERLINED CAPITAL LETTERS.

HOUSE BILL NO. 495 INTRODUCED BY HARPER, ET AL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A POLICY FOR ADDRESSING IMPROVEMENTS IN STATE PARKS AND FISHING ACCESS SITES; AND REQUIRING THE FISH AND GAME COMMISSION TO ADOPT RULES TO IMPLEMENT THE POLICY."

WHEREAS, it is in the best interests of the State of Montana that the state parks AND FISHING ACCESS SITE SYSTEMS have an improvement and development policy that reflects the concerns of a majority of the users of Montana's state parks AND FISHING ACCESS SITES.

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] requires the fish and game commission to adopt rules establishing a policy for certain development of state parks AND FISHING ACCESS SITES. It is intended that the policy address, at a minimum:

- (1) the desires of park AND FISHING ACCESS SITE users and the public;
- (2) the capacity of the park OR FISHING ACCESS SITE for development;
- (3) environmental impacts associated with development;
- (4) the long-range ability of the state to maintain the improvements;
- (5) the protection of natural, cultural, and historical park AND FISHING ACCESS SITE features; and
- (6) potential impacts on tourism.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Improvement or development of state park OR FISHING ACCESS SITE -- required PUBLIC INVOLVEMENT -- rules. (1) The fish and game commission shall adopt rules establishing a POLICY whereby any proposed improvement or development of state park OR FISHING ACCESS SITE that SIGNIFICANTLY CHANGES PARK OR FISHING ACCESS SITE FEATURES OR USE PATTERNS is subject to NOTICE OF PROPOSED MODIFICATIONS, BOTH STATEWIDE AND LOCALLY, AND TO OPPORTUNITY FOR A PUBLIC MEETING AND PUBLIC COMMENT on the advisability and acceptability of the proposal.

(2) The department shall prepare a public report regarding any project that is subject to the provisions of subsection (1). The report must include conclusions relating to the following

aspects of the proposal:

- (a) the desires of the public as expressed TO THE DEPARTMENT;
- (b) the capacity of the park OR FISHING ACCESS SITE for development;
- (c) environmental impacts associated with the improvement or development;
- (d) the long-range maintenance of the improvements;
- (e) the protection of natural, cultural, and historical park OR FISHING ACCESS SITE features;
- (f) potential impacts on tourism; AND
- (G) SITE-SPECIFIC MODIFICATIONS AS THEY RELATE TO THE PARK OR FISHING ACCESS SITE SYSTEM AS A WHOLE.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 23, chapter 1, part 1, and the provisions of Title 23, chapter 1, part 1, apply to [section 1].

-End-

Amendments to House Bill No. 495  
Introduced (White) Reading Copy

Requested by Rep. Harper  
For the Committee on F&G

Prepared by Doug Sternberg  
February 13, 1991

1. Title, line 5.  
Strike: "MANAGEMENT SYSTEM"  
Insert: "POLICY"
2. Title, line 6.  
Following: "PARKS"  
Insert: "AND FISHING ACCESS SITES"
3. Title, line 7.  
Strike: "SYSTEM"  
Insert: "POLICY"
4. Page 1, line 10.  
Following: "parks"  
Strike: "system"  
Insert: "and fishing access site systems"
5. Page 1, line 12.  
Following: "parks"  
Insert: "and fishing access sites"
6. Page 1, line 18.  
Following: "parks"  
Insert: "and fishing access sites"
7. Page 1, line 19.  
Following: "park"  
Insert: "and fishing access site"
8. Page 1, line 20.  
Following: "park"  
Insert: "or fishing access site"
9. Page 1, line 25.  
Following: "park"  
Insert: "and fishing access site"
10. Page 2, line 5.  
Following: "park"  
Insert: "or fishing access site"  
Following: "required"  
Strike: "hearing"  
Insert: "public involvement"

11. Page 2, line 6.

Strike: "system"

Insert: "policy"

12. Page 2, line 8.

Following: "park"

Insert: "or fishing access site"

Following: "that"

Strike: "exceeds a cost of \$25,000"

Insert: "significantly changes park or fishing access site  
features or use patterns"

13. Page 2, lines 8 and 9.

Following: "to" on line 8

Strike: "public" through "input" on line 9

Insert: "notice of proposed modifications, both statewide and  
locally, and to opportunity for a public meeting and public  
comment"

14. Page 2, lines 15 and 16.

Following: "expressed" on line 15

Strike: remainder of line 15 through "hearing" on line 16

Insert: "to the department"

15. Page 2, line 17.

Following: "park"

Insert: "or fishing access site"

16. Page 2, line 22.

Following: "park"

Insert: "or fishing access site"

Following: "features;"

Strike: "and"

17. Page 2, line 23.

Following: "tourism"

Insert: "; and

(g) site-specific modifications as they relate to the  
park or fishing access site system as a whole"



DATE 2-19-91  
HB 495

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 2-19-91 BILL NO. HB 495 NUMBER \_\_\_\_\_

MOTION:

HB 495 - Take From the Table  
carried

NAME	AYE	NO
REP. JOHN JOHNSON, VICE-CHAIRMAN	✓	
REP. BEVERLY BARNHART	✓	
REP. FRED "FRITZ" DAILY	✓	
REP. ROGER DEBRUYCKER		✓
REP. ORVAL ELLISON		✓
REP. GARY FORRESTER	✓	
REP. BOB GILBERT		
REP. MARIAN HANSON		✓
REP. VERNON KELLER		✓
REP. BEA MCCARTHY	✓	
REP. BRUCE MEASURE	✓	
REP. JOHN PHILLIPS		✓
REP. TED SCHYE	✓	
REP. JOHN SCOTT	✓	
REP. WILBUR SPRING		✓
REP. BILL STRIZICH	✓	
REP. JIM ELLIOTT, CHAIRMAN	✓	
TOTAL	10	6

AMENDMENT TO HB 576  
INTRODUCED (WHITE) COPY

1. Title, line 6.

Following: "Environmental"  
Strike: "Impact Statement"  
Insert: "Review"

2. Page 2, line 1.

Following: "specific"  
Strike: "area"  
Insert: "water body"

3. Page 2, line 4.

Following: "Environmental"  
Strike: "Impact Statement"  
Insert: "Review"

EXHIBIT 22  
DATE 2-19-91  
HB 556

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 2-19-91 BILL NO. HB 556 NUMBER \_\_\_\_\_

MOTION:

Adopt Amendment C  
Carried

NAME	AYE	NO
REP. JOHN JOHNSON, VICE-CHAIRMAN	✓	
REP. BEVERLY BARNHART		✓
REP. FRED "FRITZ" DAILY		✓
REP. ROGER DEBRUYCKER	✓	
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER		✓
REP. BOB GILBERT	✓	
REP. MARIAN HANSON	✓	
REP. VERNON KELLER	✓	
REP. BEA MCCARTHY		✓
REP. BRUCE MEASURE		✓
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE	✓	
REP. JOHN SCOTT		✓
REP. WILBUR SPRING	✓	
REP. BILL STRIZICH		✓
REP. JIM ELLIOTT, CHAIRMAN		✓
TOTAL	9	8

**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

Fish and Game

COMMITTEE

BILL NO. HB 833

DATE 2-19-91

SPONSOR(S) Lee

PLEASE PRINT

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dick Wollin Flathead Lakers	Flathead Lakers	✓	
EVA CHILCOAT, MISSOULA	SELF	✓	
DANNA OERTLI, MISSOULA	SELF	✓	
Don Johnson, Helena	self, CFRA	✓	
GEORGE HELIKER, POLSON	SELF	✓	
Dan Meyner	Seeley Lake	✓	
Bill Peary	Canyon Ferry Self	✓	
Len Kuch	Bigfork	✓	
Barbara Meyner	Seeley Lake	✓	
STEPHEN FELT P.O. Box 9600 Bigfork 59911	SELF	✓	
RUTH MIZNER-WELCH 354 So. CLANCY 59634	SELF	✓	
JACIE STANFORD 311 Blo St. Lew. Polson	SELF	✓	
BONNIE ELLIS POLSON	FLATHEAD LAKERS	✓	
Thomas N. Lee	H.D. 49 Bigfork	✓	

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**

Pat Graham  
Wane Seyfert  
Lew. Fork

FWP  
Mt Boating Ass with amendments  
MT Audubon  
written & oral

**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

**BILL NO.**

DATE 2-11-71 SPONSOR(S)

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[illegible]

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**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

Fick and Sam COMMITTEE BILL NO. HB 576  
DATE 2-19-81 SPONSOR(S) Harper

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
George Harper	self - family <sup>testify</sup>	✓	
Pat Graham	FWP		
Ron Shields	Self - Family	✓	
MIKE McNEILLY	SELF - FAMILY	✓	
John Wilson	self	✓	
<del>Robert Allen</del>			
Stan Bredshaw	MTU	✓	
ANDY POOLE	SELF - FAMILY	✓	
Jim Jensen	MEIC	✓ w/Amendments	
Janet Ellis	MT Amendments	w/Amendments	
Jack Schoonen	Skyline	✓	
Tony Schoonen	Amendments	✓	
Bill Holdom	Skyline Battle	✓	

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HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Fish and Game

COMMITTEE

BILL NO. HB 805

DATE 2-19-91 SPONSOR(S) Menahan

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pat Graham	FWP		✓
Gatwick J M Sayle	States of the Mountains Ranch One way Main-Trail	✓	✗
Tony Schoonen	Aracunda Sportman	✓	✗
Jack Bohannon	Blue Line Sportman	✓	
Ellen <sup>San River mt. 59487</sup> Schubert	San River Game Park	✓	

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HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Fish and Game COMMITTEE BILL NO. HB 808  
DATE 2-19-91 SPONSOR(S) Elliott

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Marvin Barber	A P A HB Soc	L	
Dat Graham	FWP		L
Bill Holdorf	Skyline		✓
Tony Schoonen	Arizona Sports men		✓
Jack Bohannon	Skyline Sportsmen		✓

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**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

Fish and Game

COMMITTEE

BILL NO. HB 556

DATE 2-19-90

SPONSOR(S) Team

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jerry Christison Helena	Montana Elk Breeders Assoc	✓	
Marty Boehm Kalispell	Horns & Feathers Game Farm	✓	
STEVE MUSICK Hilgert	Judith River Ranch	✓	
Garth A Tshell	Alpine Ranch Livingston		✓
STEVE Killien	Bg Bull Hill Ranch	✓	
THOMAS JORDAN	M. C. D. I. A.	✓	
GEORGE CLOUTIER	ROCK CREEK DEER FARM	✓	
Margaret Cloutier	Rock Creek Deer Farm	✓	
MIKE MILLER	ELK VALLEY GAME RANCH	✓	
RAY B. SCHENCK	ELK CLEN BIG FORK	✓	
Ward Swanson	Swanson Game Farm V Roundup MT	✓	
Allen Carter	1738 Box 2084 Livingston		
Bob Spoklin	Spoklin Farms Inc. Antelope Mont.		
Dwaine & Mett Robison	RR Ranch Kalispell	✓	

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**

**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

Fish & Game COMMITTEE BILL NO. H.B. 556  
DATE 2-19-90 SPONSOR(S) Ream

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
David Fitchett Plains, MT	Ⓢ cattle company	✓	
Ron Cheweth Helena MT	Wapiti BASIN GAME FARM	✓	
DAVE KESLER	KESLER FARM	✓	
Uleki Carr	Gerald Argamuel	✓	
Murald Carr		✓	
Archie Hayden		✓	
DICK & Nancy Klick	CASTLE Reef Elk Augusta-Mt. 59410	✓	
Anne Lippett	East Lakeshore Bigfork mont		
Dan Wessler	Ryeget. Mt.	✓	
Alan Jacob	Salpelt MT	✓	
Charles R. Brooks	<del>MT</del> MT RETAIL ASSOC }	✓	
A. Jack Schrabatz	Sun River game Park	✓	
Scott Erickson	MT Wildlife Federation	✓	

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**