

MINUTES

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

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN JIM ELLIOTT, on March 7, 1991, at
3:15 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)
Bruce Measure (D)
John Phillips (R)
Ted Schye (D)
John Scott (D)
Wilbur Spring (R)
Bill Strizich (D)

Members Excused: Bea McCarthy (D)

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

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

HEARING ON SENATE BILL 171 (CONTINUED FROM MARCH 5)

Proponents' Testimony:

REP. GRADY urged passage of SB 171. **EXHIBIT 1**

Bob Bugni, Prickly Pear Sportsmen's Association, supports this
bill. **EXHIBIT 2**

Bill Stratton, Fish, Wildlife, and Parks Commission, said the
people of Montana favor these fee increases. Surrounding states
have higher hunting and fishing fees. These increases are needed

to maintain FWP's high level of service. Block management is an important program that would be funded by this increase. People do not want FWP's services to be cut.

Errol Galt, Fish, Wildlife, and Parks Commission, said the public supports a license fee increase because they don't want cuts in department programs.

Jim Rector, Fish, Wildlife, and Parks Commission, said other alternatives are to raise the number of nonresident licenses issued or increase nonresident fees. Sportsmen are opposed to an increase in nonresident licenses. Hunting is a bargain in Montana and resident fees have not increased since 1983.

Jerry Taylor, Montana Bowhunters Association, supports this bill.

Greg Barkus said there have been no fee increases since 1983. Montana sportsmen do not want an increase in nonresident licenses. These are user fees, not taxes. Other states' hunting fees are higher.

Opponents' Testimony:

REP. ELLISON said another way is needed to provide additional funding for FWP. He has acquired over 2,000 signatures of sportsmen who did not attend FWP's public hearings but are opposed to increases in hunting license fees. EXHIBIT 3

REP. PHILLIPS said this is a tax on local people. The public hearings did not voice the majority of sportsmen's sentiments. Sportsmen are not in favor of this bill.

Thomas Oppel is opposed to SB 171.

Questions From Committee Members:

REP. MEASURE asked why some license categories such as moose, sheep, and goat, were not increased. Mr. Mott said the main source of earned revenue is in the sale of combination elk and combination deer licenses. The department sells very few of the other licenses mentioned. There would be little money gained if these licenses were increased. REP. SPRING asked how many additional employees will be hired. Mr. Cool said 8.75.

Closing by Sponsor:

REP. SVRCEK said sportsmen will be upset if we don't pass this bill because the department will soon be in shambles due to not enough dollars to run the department effectively. Sportsmen will be mad at the legislature for letting this happen. Do not kill this bill. Fee increases are needed for the department to continue its programs. Sportsmen want license fee increases. FWP has more direct contact with the people of Montana than any other agency and interact with them on a personal level virtually

every day. They are dealing with Montanan's leisure time and recreational activities, so close attention is paid to the department's budget. The public understands the need for license fee increases. Nonresident fees have been increased the last three sessions and these increases have been earmarked for specific programs. They are not available for administration of the department. The demand will drop off if we keep increasing out-of-state license fees. It will also give out-of-state hunters more control over FWP because the department will be dependent upon these fees. Even with an increase, the fees will still be the lowest in the region. No other state agency has gone ten years without an increase in revenue. To maintain the resources in Montana, he urged passage of SB 171.

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 13

Motion/Vote: REP. SPRING MOVED SJR 13 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 833

Motion/Vote: REP. DEBRUYCKER MOVED TO RECONSIDER ACTION ON HB 833 AND TAKE FROM THE TABLE. Motion carried 12 - 4 with Reps. Scott, Gilbert, Forrester, and Schye voting no.

Motion: REP. MEASURE MOVED HB 833 DO PASS.

Discussion:

REP. MEASURE said provisions are needed for smaller, less populated lakes. REP. MEASURE asked the cost of decimal meters and how many are needed. REP. LEE said \$2,000 each and five will be needed. REP. MEASURE asked what the 50 cent increase will generate. REP. LEE said \$37,000 to \$40,000 per year. Two pumpout stations will cost \$6,000 and there will be educational costs. The decimal meters will be in operation throughout the state. The pumpout stations will only be on Flathead Lake.

Mr. Sternberg explained Amendment No. 1 EXHIBIT 4

Motion/Vote: REP. HANSON moved to adopt Amendment No. 1. Motion carried 12 - 4 with Reps. Phillips, Debruycker, Scott, and Elliott voting no.

Discussion:

Mr. Sternberg explained Amendment No. 2. EXHIBIT 5

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

Discussion:

REP. SCHYE said he had problems with the age criteria in the amendment. REP. LEE said the intent of the amendment is if a person is 12 or younger, they need an observer in the boat that is 18 or older. REP. GILBERT asked how old the observer needs to be in the water skiing provision. Mr. Sternberg said with this amendment, 18. REP. GILBERT said the amendment needs to be changed because if a 16-year-old can drive a car, why do they need to be observed in a boat by an 18-year-old? REP. SCHYE said the only time you would need an 18-year-old is if you are 12 or younger. REP. MEASURE said the age situation can be resolved by using the same language on page 12, line 12, in the ski provision.

Motion/Vote: REP. MEASURE MADE A SUBSTITUTE MOTION TO AMEND AMENDMENT NO. 2. (EXHIBIT 6) Motion carried unanimously.

Discussion:

REP. SCHYE said water skier safety flags are not needed on all lakes. Mr. Cool said that could be remedied if they provide rule-making authority to the Fish and Game Commission. REP. ELLISON said the department should make these regulations. REP. SCOTT agreed that these regulations should be handled by the department on an individual basis. REP. MEASURE said an amendment should be added to give the Fish and Game Commission the authority to adopt rules regarding the proper observation and safe towing of persons on water skis or similar devices. REP. GILBERT said the rules should be based on density of use of a body of water.

Mr. Sternberg explained Amendment No. 3. EXHIBIT 6

Motion/Vote: REP. MEASURE moved to adopt Amendment No. 3. Motion carried unanimously.

Motion: REP. ELLISON moved to adopt an amendment that would give the department the authority to adopt rules governing the operation of motor boats in Montana, according to needs.

Mr. Sternberg said a new statute would be needed that would specifically grant the Fish and Game Commission the statutory authority to develop rules regarding marine noise, safety, sewage requirements and who can operate a water craft, etc.

REP. LEE said he resists the amendment. Arnie Olsen said that FWP is opposed to this amendment. CHAIRMAN ELLIOTT spoke against the motion. REP. MEASURE said he is opposed because it is the Legislature's responsibility to make these policies.

Vote: Motion failed 6 - 10 with Reps. Debruycker, Hansen, Scott, Forrester, Phillips, and Ellison voting aye.

Motion: REP. BARNHART MOVED HB 833 DO PASS AS AMENDED.

REP. BARNHART wanted to know if this bill will control the noise levels on all lakes. REP. LEE said this bill would affect noise levels on all waters in the state.

Vote: HB 833 DO PASS AS AMENDED. Motion carried 8 - 7.
EXHIBIT 7

EXECUTIVE ACTION ON SENATE BILL 97

Motion/Vote:

REP. DEBRUYCKER MOVED SB 97 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 171

Motion: REP. SCHYE MOVED SB 171 BE CONCURRED IN.

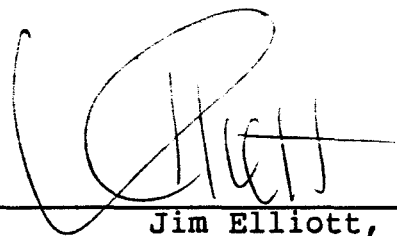
Discussion:

CHAIRMAN ELLIOTT said this bill and the other bills which increase out-of-state licenses in the state of Montana are entirely different issues which coincidentally both raise fees. He said these bills raise money for the state, so it is his intent not to put this bill into a subcommittee. The committee has heard two days of testimony on this bill and the bill has been through a full Senate hearing, so now is an appropriate time to take action. REPS. BARNHART, PHILLIPS, AND GILBERT said action should be delayed as more facts and figures are needed. CHAIRMAN ELLIOTT said it appears that the consensus of this committee is that they want more time to research this bill. This bill will be acted upon on Monday, March 11.

REP. SCHYE withdrew his motion.

ADJOURNMENT

Adjournment: 5:00 p.m.



Jim Elliott, Chair



Ginger Punttenney, Secretary

JE/gp

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL

DATE 3-7-91

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	✓		

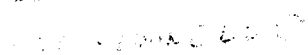
HOUSE STANDING COMMITTEE REPORT

March 8, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that Senate Joint Resolution 13 (third reading copy -- blue) be concurred in .

Signed: 
Jim Elliott, Chairman

Carried by: Rep. 

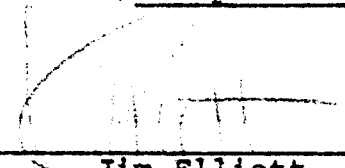
HOUSE STANDING COMMITTEE REPORT

3/8/91
3:20 PM
BH

March 8, 1991

Page 1 of 6

Mr. Speaker: We, the committee on Fish and Game report that House Bill 833 (first reading copy -- white) do pass as amended

Signed: 
Jim Elliott, Chairman

And, that such amendments read:

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"

Insert: "AUTHORIZING THE FISH AND GAME COMMISSION TO ADOPT RULES
ON THE PROPER OBSERVATION AND SAFE TOWING OF PERSONS ON
WATER SKIS OR SIMILAR DEVICES;"

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 1, line 13.

Following: line 12

Insert: "(1)"

5. Page 1, line 15.

Strike: "allowing counties"

6. Page 1, lines 24 and 25.

Strike: "The" on line 24 through vessel on line 25

7. Page 2.

Strike: lines 1 through 6 in their entirety

Insert: "(2) A statement of intent is further required because
23-2-529 requires the fish and game commission to adopt
rules regarding the proper observation and safe towing of
persons on water skis or similar devices. It is intended

that the commission's determination of the necessity for rules be based on the density of use of a body of water. Where applicable, the rules should address:

(a) the proper and continuous observation of the person being towed; and

(b) display of a flag when the person being towed falls into the water, including the size, color, condition, and mounting of the flag and the length of time the flag should be displayed."

8. 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"

9. Page 10, line 5.

Following: "collision,"

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

10. Page 12, lines 13 and 25.

Following: "person"

Strike: "under"

Following: "age"

Insert: "or younger"

11. Page 14, line 11.

Strike: "at least 12 years of age and there is"

Insert: "accompanied by an observer. If the operator is 12 years of age or younger, there must be"

12. Page 14, line 12.

Strike: "12"

Insert: "19"

13. Page 14, lines 13 through 20.

Strike: "The" on line 13 through "direction." on line 20

Insert: "The fish and game commission shall adopt rules regarding the proper observation and safe towing of persons on water skis or similar devices, based on density of use of a body of water."

14. Page 16, line 8.
Following: "to"
Strike: "enable counties to"

15. Page 16, line 24.
Following: line 23
Insert: "(4) Nothing in this section may be construed to require the department to install pumpout facilities without prior legislative approval and an appropriation.

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 provide necessary education for boat owners and acquire decibel meters, as required to implement the provisions of 23-2-523(9) and 23-2-526(3), and to acquire 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 provide necessary education for boat owners and acquire decibel meters, as required to implement the provisions of 23-2-523(9) and 23-2-526(3), and to acquire marine sewage pumpout equipment."

Renumber: subsequent sections

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16. 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 July 1, 1993.

NEW SECTION. Section 14. Effective dates. (1) [Sections 1 through 10, 12, 13, and this section] are effective on passage and approval.

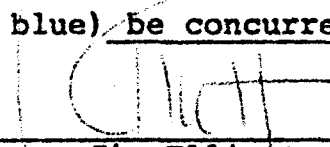
(2) [Section 11] is effective July 1, 1991."

HOUSE STANDING COMMITTEE REPORT

March 8, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
Senate Bill 97 (third reading copy -- blue) be concurred in.

Signed: 
Jim Elliott, Chairman

Carried by: Rep. MAC CAFFREE

**General License
Account Balances**

REPORT-BACK PROJECTS

The 1989 legislative session provided language in HB100 that required the department to report-back to the 1991 legislature the results of several programs. These projects totaled \$1.9 million and 11 FTE's over the two year period of FY92 and FY93. Approximately \$1.1 million of this was license dollars, and the remaining \$800,000 was federal matching funds. The Appropriation Sub-Committee on Natural Resources re-authorized all the programs.

Examples of the type of programs that were in the report-back category include:

- *Planting of fish in Flathead Lake
- *Warden Travel
- *Fish and Wildlife Habitat improvement projects
- *Survey and inventory of big game species to minimize game damage.
- *Block Management that provides access to hunters.
- *Predator control

NEW/EXPANDED PROGRAMS

Approximately \$1.6 million and 9 FTE's of new/expanded programs were added to the departments general license account over the two year period of FY 92 and FY93. These programs have been approved by the Appropriation Sub-Committee on Natural Resources, and include the following:

- *Block Management that provides access to hunters.
- *Funds to increase the fish production at the Anaconda and Mile City fish hatcheries.
- *Game Damage
- *Operations and maintenance on wildlife management areas and fishing access sites.
- *Hunter and Fisher education
- *Special (covert) Investigations

Capital Program

Before the Long Range Building Committee is a request to spend a total of \$827,000 in general license funds for major maintenance projects covering the two year period of FY92 and FY93. This is a 60% reduction from the current biennium due to the shortfall in the general license account. The request is a bare minimum for the next two years.

The \$827,000 of general license funds matches almost \$2 million dollars of federal funds. The type of programs in the request include:

24.1 7J-062
3-7-91
SB 171

- *Operations and maintenance of Motorboat and Fishing Access sites throughout the state
- *Removal of underground gasoline storage tanks (required by state law)
- *Fish Hatchery Maintenance
- *Minimum upkeep on buildings

GENERAL LICENSE ACCOUNT SUMMARY

	FY92	FY93	2 YEAR Total
Report-Back projects	\$550,000	\$550,000	\$1,100,000
New/expanded projects	800,000	800,000	1,600,000
Capital	<u>413,000</u>	<u>414,000</u>	<u>827,000</u>
Total	\$1,763,000	\$1,764,000	\$3,527,000

Conclusion

The department is projecting a \$1.6 million deficit in the general license account at 6/30/93. The deficit accelerates to \$10.2 at 6/30/95. It is critical that the revenue shortfall be addressed by the 1991 Legislature to avoid serious cutbacks the following legislative session.

Obviously the budget could be balanced by eliminating or reducing services to the public. The programs identified above may be targeted for elimination. These programs are important to both landowners and sportsman of Montana. Some of the department's most important services such as law enforcement, game damage, block management, fish planting, operations and maintenance of properties, etc. would all be impacted.

EXHIBIT 2
DATE 3-7-91
SB 171

TESTIMONY OF THE PRICKLY PEAR SPORTSMEN'S ASSOCIATION
REFERENCE SB 171
INCREASING FISH AND GAME LICENCE FEES

The Prickly Pear Sportsmen's Association strongly supports the revised phased in increase for resident fees and the proposed increase increases for non-resident fees. Additional fees are necessary to compensate for inflation since the last authorized increase (1983 for residents) and to support expansion of the Block Management Program and the Undercover Enforcement Program.

This bill has already been revised in the Senate in response to some of the resident sportsmen & women asking for a phased in schedule. Responses from a large number of Montana sportsmen clearly show that resident sportsmen do not want programs to be cut or eliminated nor do they want the number of non-resident licenses increased to generate the required revenue.

Any increase in the non-resident licenses will escalate the conflict between resident hunters and landowners who would have an additional incentive to close off private land and block access to public land.

FWP should be complimented for holding the line on fee increases since 1983 and for new programs that have been implemented. For example the Block Management Program has been a win win program for the sportsmen and for the landowners. This is one of the program the Department has targeted for expansion.

This bill deserves your support without additional amendments. Thank you.

Presented by Bob Bugni
Secretary
227-8749(H)

Exhibit 3 consists of 188 pages of signed petitions. Two pages are shown. The originals are available at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)

FEB. 1, 1991

ATTENTION SPORTSMEN!!!!

THE DEPARTMENT OF FISH, WILDLIFE AND PARK HAS INTRODUCED LEGISLATION TO INCREASE THE COST OF RESIDENT HUNTING AND FISHING LICENSES. LEGISLATORS NEED TO KNOW IF THIS IS SUPPORTED OR OPPOSED BY RESIDENT SPORTSMEN

PROPOSED INCREASES:

WILDLIFE CONSERVATION LICENSE \$2.00 TO \$4.00
 ELK \$10.00 TO \$20.00 DEER \$9.00 TO \$15.00
 DEER B \$6.00 TO \$8.00 FISHING LICENSES \$9.50 TO \$12.00
 TURKEY \$3.00 TO \$5.00 BEAR \$8.00 TO \$15.00
 MOOSE \$50.00 TO \$75.00 SHEEP \$50.00 TO \$75.00
 GOAT \$50.00 TO \$50.00 MT. LION \$10.00 TO \$15.00
 ANTELOPE \$6.00 TO \$12.00

TO GIVE YOUR INPUT CALL YOUR LEGISLATOR AT 444-4800 AND SIGN BELOW.

SENATE BILL #171

NAME	ADDRESS	SUPPORT	OPPOSE
Don Mansuet	P.O. Box 211	TF	X
Wanda Lepault	Box 486	TF	X
RONALD Lepault	"	"	X
Ralph Roberts	P.O. Box 1502	TF	X
Frank W. Boy	Box 1071	TF	X
Marjorie Boy	Box 1071 T. Falls, SCB		X
Lynnda S. Myhre	Box 1310 T.F. MT 59913		X
E. J. Myhre	Box 1310 T.F.		X
D.K. Guernsey	Box 1513 NOXON MT		X
Vivian Johnson	Box 383 T.F. MT		X
Michael J. Sam	131 Lower Lynch Co. Plains MT		X
Marv Mitchell	P.O. Box 164 T. Falls MT		X
Bryan Mitchell	3647 Hwy 200 TC MT		X
Frank Tabor	104 Phoebe T.F. MT		X
Russ Porter			X
Rick Williams	1457 Blue Slide Rd TF		X
JASON Micklen	1230 Blue Slide Rd T.F., MT		X
SILVIA PATON	11555 CREEK WAUC		X
Judy Williams	Box 502 Th. Falls		X
Sandy Watt	Box 794 Thompson Falls MT		X
Dwaine Watt	Box 794 Thompson Falls MT		X
Julia Nichols	Box 235 Thompson Falls MT		X
Carl Bryant	58 Eddy Rd. T.F.		X
Jim Anderson	Box 715 T.F. 59873		X
Kyle Suter	1091 Blue Slide T. Falls		X
Bob Smith			X
Scott Griffin	Box 311 T. FALLS		X
Debra Hallman	Box 982 T. Falls		X
Mike Johnson	Box 1164 T. FALLS MT		X
Marv Johnson	Box 12 T. Falls		X

Original
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217

EXHIBIT 3
DATE 3-7-91
FIB 171

DECEMBER 1990

Missoula, Friday, December 7, 1990

Game plan

FWP opts to cut costs, boost fees

By BOB ANEZ
Associated Press

HELENA — Increased hunting and fishing license fees, spending cuts and a raffle are part of a plan approved Wednesday by the state Fish and Game Commission to head off a deficit in the Department of Fish, Wildlife and Parks.

The proposals, which will be presented to the 1991 Legislature as provisions in the agency's budget, will restore financial stability to the department through 1997, Director K.L. Cool said.

In endorsing the budget-balancing plan, the commission rejected an increase in the number of hunting licenses for out-of-state residents. Commissioners also declined to alter distribution of money in a program designed to pay for new wildlife habitat.

The commission's actions are aimed at eliminating the threat of \$4.5 million budget shortfall expected by February 1992 and a \$15 million deficit three years later.

The proposed license-fee increases will affect 13 permits both for non-residents and Montana sportsmen. The increases would provide an additional \$3.8 million in each of the next six years, department officials estimated.

Spokesmen for several hunters' groups said they support the higher fees, and Cool said department officials found strong backing for the increases at a series of public meetings around the state this fall.

Fees for out-of-state licenses would increase an average of 27 percent, while the fees for residents would jump an average of 64 percent.

The undersigned Sportsmen, Sportswomen, and taxpayers of the Great State of Montana are opposed to the following proposals being made by the Montana Department of Fish, Wildlife and Parks.

1. Opposed to any increase in the license fees for resident fishing and hunting.
2. Opposed to any increase in the number of non resident hunting licenses or permits issued.
3. Opposed to the Montana Fish and Game Commission or Montana Department of Fish, Wildlife and Parks having authority to set resident or non resident hunting or fishing license fees.

*Proposed fee
increase for
Resident hunting
and fishing -
64 percent*

Amendments to House Bill No. 833
First Reading Copy

Requested by Representative Lee
For the Committee on Fish and Game

Prepared by Doug Sternberg
March 7, 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 provide necessary education for boat owners and acquire decibel meters, as required to implement the provisions of 23-2-523(9) and 23-2-526(3), and to acquire 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 provide necessary education for boat owners and acquire decibel meters, as required to implement the provisions of 23-2-523(9) and 23-2-526(3), and to acquire 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."

EXHIBIT 5
DATE 3-7-91
HB 833

Amendments to House Bill No. 833
First Reading Copy

Requested by Rep. Lee
For the Committee on Fish and Game

Prepared by Eddye McClure
March 7, 1991

1. 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"
2. 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,"
3. Page 12, lines 13 and 25.
Following: "person"
Strike: "under"
Following: "age"
Insert: "or younger"
4. Page 14, line 12.
Following: "least"
Strike: "12"
Insert: "18"
5. Page 16, line 8.
Following: "to"
Strike: "enable counties to"
6. Page 16, line 24.
Following: line 23
Insert: "(4) Nothing in this section may be construed to require the department to install pump-out facilities without prior legislative approval and an appropriation."

EXHIBIT 6
DATE 3-7-91
HB 833

Amendments to House Bill No. 833
First Reading Copy

Requested by Representative Lee
For the Committee on Fish and Game

Prepared by Doug Sternberg
March 7, 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"

Insert: "AUTHORIZING THE FISH AND GAME COMMISSION TO ADOPT RULES
ON THE PROPER OBSERVATION AND SAFE TOWING OF PERSONS ON
WATER SKIS OR SIMILAR DEVICES;"

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 1, line 13.

Following: line 12

Insert: "(1)"

5. Page 1, line 15.

Strike: "allowing counties"

6. Page 1, lines 24 and 25.

Strike: "The" on line 24 through vessel on line 25

7. Page 2. - Amendment 20-2

Strike: lines 1 through 6 in their entirety

Insert: "(2) A statement of intent is further required because
23-2-529 requires the fish and game commission to adopt
rules regarding the proper observation and safe towing of
persons on water skis or similar devices. It is intended
that the commission's determination of the necessity for
rules be based on the density of use of a body of water.
Where applicable, the rules should address:

(a) the proper and continuous observation of the person
being towed; and

(b) display of a flag when the person being towed falls
into the water, including the size, color, condition, and
mounting of the flag and the length of time the flag should
be displayed."

8. 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"

9. Page 10, line 5.

Following: "collision,"

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

10. Page 12, lines 13 and 25.

Following: "person"

Strike: "under"

Following: "age"

Insert: "or younger"

11. Page 14, line 11.

Strike: "at least 12 years of age and there is"

Insert: "accompanied by an observer. If the operator is 12 years of age or younger, there must be"

12. Page 14, line 12.

Strike: "12"

Insert: "18"

13. Page 14, lines 13 through 20.

Strike: "The" on line 13 through "direction." on line 20

Insert: "The fish and game commission shall adopt rules regarding the proper observation and safe towing of persons on water skis or similar devices, based on density of use of a body of water."

14. Page 16, line 8.

Following: "to"

Strike: "enable counties to"

15. Page 16, line 24.

Following: line 23

Insert: "(4) Nothing in this section may be construed to require the department to install pumpout facilities without prior legislative approval and an appropriation."

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.

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(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.

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(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.

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(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 provide necessary education for boat owners and acquire decibel meters, as required to implement the provisions of 23-2-523(9) and 23-2-526(3), and to acquire 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 provide necessary education for boat owners and acquire decibel meters, as required to implement the provisions of 23-2-523(9) and 23-2-526(3), and to acquire marine sewage pumpout equipment."

Renumber: subsequent sections

16. 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 July 1, 1993.

NEW SECTION. Section 14. Effective dates. (1) [Sections 1 through 10, 12, 13, and this section] are effective on passage and approval.

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

EXHIBIT 7
DATE 3-7-91
HB 833

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 3-7-91 BILL NO. HB 833 NUMBER

MOTION: No Pass As Amended

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	8	7

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Fish + Game

COMMITTEE

BILL NO. SB 171DATE 3-7-91SPONSOR(S) SURCK

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
2929 S. 3 rd W. Greg Houck messoula MT	Self	171		✓
Enrol Galt	MT Fish, Wildl, Parks Commis	171		✓
JERRY TAYLOR, BOZEMAN	MT - BOULDER INTERS AG	171		✓
Bill Stratton	Commissioner MT Fish Wild life & Parks	171		✓

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