

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Bob Williams, on February 19, 1991, at 3:00 P.M.

ROLL CALL

Members Present:

Bob Williams, Chairman (D)
Don Bianchi, Vice Chairman (D)
John Anderson Jr. (R)
Eve Franklin (D)
Lorents Grosfield (R)
Greg Jergeson (D)
Dick Pinsonneault (D)
David Rye (R)
Paul Svrcek (D)
Bernie Swift (R)

Members Excused:

None

Staff Present: Andrea Merrill (Legislative Council).

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

Announcements/Discussion:

Roll taken and noted.

HEARING ON HB 115

Presentation and Opening Statement by Sponsor:

Representative Johnson, House Dist. No. 23, explained that the context of HB 115 seeks to define the area from which paddlefish can be taken and the roe donated, revise the membership of the Paddlefish Advisory Committee, and establish a reserve fund to cover operating costs of the program.

Proponents' Testimony:

Michael Carlson, representing the Glendive Chamber of Commerce, has been involved in the program since its inception. Glendive Caviar is now sold in the U.S., Japan, served on cruise ships, and long distance airlines. The first year, 1990, was very

successful. The gross income of \$108,000 with a net income of approximately \$70,000 is divided 50-50 between the FWP and the Glendive Chamber of Commerce. The paddlefish committee is made up of five unpaid members and they have put in hundreds of hours to make this program a success. The Chamber is in the process of creating a United States Paddlefish Assn. in Glendive. Twelve seasonal jobs were created during the first year besides generating the additional revenue. See Exhibit No. 1.

Kathy Nedens, Executive Director of the Glendive Chamber of Commerce, urges support of HB 115. See Exhibit No. 2.

Robert Van DerVere, concerned citizen lobbyist, supports HB 115.

Susan Leonard, representing the Audubon Legislative Fund, supports HB 115.

K. L. Cool, Director of Fish, Wildlife and Parks, supports HB 115. See Exhibit No. 3.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Jergeson asked Representative Johnson the reason for the immediate effective date. Representative Johnson explained that the fishing season starts in the spring; therefore, it is necessary to get the new law implemented as soon as possible.

Senator Jergeson asked Representative Johnson if the bill was requesting a change of the termination date. Representative Johnson stated that the only change requested was for more fishing area.

Closing by Sponsor:

Representative Johnson explained that when a paddlefish is snagged, there is no way to identify the sex. A portion of this bill, which defines the area from which these fish can be taken, is about a 4-mile stretch of river and also includes the definition of how that fish must be brought in by the angler. The fish must be legally caught in that area and has to be legally tagged which signifies that the angler is entitled to that fish. The fish must be presented at the processing plant uncleaned. The eggs are strictly a donation to the organization as there is no money paid to the angler.

This is a very successful program and brings additional revenue to the Glendive area plus increases funds for FWP. He urges passage of HB 115.

EXECUTIVE ACTION ON HB 115

Motion:

Senator Swift made the motion to pass HB 115.

Recommendation and Vote:

House Bill 115 was concurred unanimously. Senator Weeding will carry the bill in the Senate.

HEARING ON SB 298

Presentation and Opening Statement by Sponsor:

Senator Yellowtail, Senate Dist. 50, explained that SB 298 clarifies and restricts the granting of resident licenses for hunting, fishing and trapping purposes. This bill will establish penalties for misrepresentation.

Proponents' Testimony:

K. L. Cool, Director of Fish, Wildlife and Parks, stated that there is no privilege that a Montanan receives that is so highly sought after than his ability to hunt, fish or participate in out-door recreation. See Exhibit No. 4.

Bob Winfield, Captain of the Fish, Wildlife and Parks, stated that our right and privilege as a resident of the State of Montana to hunt and fish are held dearly by many. Over the last five or six years, the FWP has experienced a definite increase in the numbers of nonresident individuals purchasing resident licenses. He urges support of SB 298.

Tony Schoonen, representing the Montana Wildlife Federation, supports SB 298.

Steve Vinnedge, representing the Montana Game Wardens Assn., commented that the wardens have found people carrying multiple driver licenses from different states, people who purchase and register vehicles in Montana and keep them on property that they have purchased in the State. However, the only time you see them in the State is when the hunting season arrives. The people the FWP are after are not concerned with the cost of a non-resident license. They are not trying to take lawful hunting rights away from people--the people they are after are the ones that can well afford to hire an outfitter and pay the non-resident license fees.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Svrcek asked Senator Yellowtail about language in the bill which suggest only male persons are addressed when he is aware of many female constituents who pay their money to hunt and fish. Senator Yellowtail stated that this is a conventional way of drafting. Senator Svrcek said there has been a move to draft legislation that is gender neutral.

Senator Franklin commended Senator Svrcek for such close scrutiny of the bill.

Ms. Merrill stated that "he" does speak for both he and she in the code; however, they have tried to work in gender neutral terms whenever possible.

Senator Swift asked if it would be required to have all five types of identification as stated in the bill or would only one of these be required. Bob Winfield stated that it would not be necessary to have all types and the list was one that the FWP has used through the years. Someone who is a bonafide resident of the State would have no problem presenting any one of these.

Senator Grosfield questioned whether a person serving their country overseas would lose their privilege. Bob Winfield explained that if they entered the armed forces in the State of Montana, they would be considered a resident regardless of where they were serving. An exception of when a person could carry two resident licenses is when the person in the armed forces is located in another state and after having met that state's residency requirement, would be issued a hunting or fishing license for that state.

Senator Grosfield questioned the language "active duty in Montana" and Director Cool responded that this would cover anyone assigned to Malmstrom Air Base. This regular air force assignment overrides all residency criteria. This is reciprocal in every other state.

Senator Jergeson expressed his concern about the person who had none of the identification required by FWP and was still legally a resident of the State. Senator Yellowtail stated that this person could get a Motor Driver Examiner's Identification Card.

Closing by Sponsor:

Senator Yellowtail felt that this bill was necessary legislation to control a problem that now exists for licensing at the FWP. He urges passage of SB 298.

EXECUTIVE ACTION ON SB 298

Amendments, Discussion, and Votes:

Senator Svrcek made the motion to amend the bill to be gender neutral.

The amendment was voted in with Senator Swift voting "No."

Recommendation and Vote:

Senator Rye made the motion to pass SB 298 as amended. SB 298 pass unanimously.

HEARING ON SB 291

Presentation and Opening Statement by Sponsor:

Senator Rye, Senate Dist. No. 47, stated this bill was requested by FWP. This bill would allow FWP wardens to arrest persons shooting at lifelike decoys and would also establish penalties for such poachers. There would be no impact on the FWP funds as these monies are already available. This law is enacted in other states and he would like Montana to follow suit.

Senator Rye presented a fish and game video showing potential poachers shooting at a lifelike decoy of a deer that had been planted in a wooded area.

Proponents' Testimony:

Susan Leonard, Montana Audubon Legislative Fund, supports SB 115. They feel that this bill will aid enforcement officials to more effectively regulate the illegal taking of wildlife.

K. L. Cool, Director of Fish, Wildlife and Parks, feels that this bill is necessary legislation because the present statues do not address shooting or attempting to shoot at simulated wildlife. See Exhibit No. 5.

Bob Winfield, Captain with FWP, stated that there are 38 states presently using this type of simulated wildlife program and have been using it for various reasons. The beauty of this program is that it places the game wardens in the same area where the violation may potentially occur. After working spotlights for many, many years and taking an average of 14-17 hour nights to catch one, this would be a great asset to FWP enforcement program.

Steve Vinnedge, representing Montana Game Warden Assn., urges support of SB 291. This is not an entrapment issue as many other police and sheriff's departments use decoys to catch lawbreakers.

Valarie Horton, representing Montana Wildlife Federation, urges support of SB 291.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Pinsoneault commented that he thought this legislation was in place a long time ago.

Senator Jergeson asked Bob Winfield what the "lifespan" of these decoys may be? Bob Winfield stated that they are constructed of styrofoam and are incredibly durable. You merely patch up the holes and get several years of use.

Chairman Williams commented if this legislation were to pass and then it was discovered that the FWP wardens were using this program for entrapment, there would be many very unhappy legislators. He asked Bob Winfield if safeguards were being built into this program? Bob assured the committee that safeguards were built into this program as the FWP was working on a policy. They intend to advertise that a decoy may be planted in an area and people will know in advance the possibility that a decoy animal will be out there. This program will be used in problem areas such as in the Sun River area which has had a chronic problem for years of people spotlighting whitetail deer and trophy bucks. The FWP has taken the best parts of other state's policies and will incorporate them into a usable policy for the FWP.

Chairman Williams asked Bob Winfield how many wardens would be at a decoy area. Bob stated there would be at least four, of which one would be a captain or a sergeant.

Chairman Williams asked Bob Winfield what the penalties would be for trying to poach a decoy. Bob replied that the penalty would be similar to shooting a live deer out of season, etc.

Closing by Sponsor:

Senator Rye feels that this would be a superb program for the FWP and would save an enormous amount of wildlife from poachers.

EXECUTIVE ACTION ON SB 291

Recommendation and Vote:

Motion made by Senator Rye to pass SB 291. Bill passed unanimously.

HEARING ON SB 219

Presentation and Opening Statement by Sponsor:

Senator Bianchi, Senate Dist. No. 39, explained that SB 219 would remove the 10-mile radius limitation on the location of shooting preserves. Individuals may buy a license to start a shooting preserve, stock the reserve with birds and charge hunters to hunt on his property. This does not involve the FWP resource in any way. The individual bears all the cost of this preserve.

This bill has been introduced by the request of a constituent as he wanted to establish a shooting preserve, and when applying for his license from the FWP he realized that there was a 10-mile radius law and the FWP could not legally give him a license to operate a shooting preserve on his own land. We are talking totally private land, talking raised birds and not talking any public resource. The bill will also increase the fee for these shooting preserves. The fee was increased to cover the cost of inspecting these preserves as the FWP must do once a year.

Proponents' Testimony:

Tim Crawford, rancher from Gallatin Valley, is the constituent that Senator Bianchi refers to in his opening remarks. He has a ranch in the Valley that he would like to operate as a shooting preserve. He was prevented from doing this because another individual already has a shooting preserve license within 10 miles of his property. Even though it is in an inactive status, the FWP denied his request. See Exhibit No. 6.

John "Skip" Tubbs, representing the Montana Falconers Assn., supports SB 219. See Exhibit No. 7.

Tony Schoonen, representing Montana Wildlife Federation, supports SB 219.

Opponents' Testimony:

K. L. Cool, Director of Fish, Wildlife and Parks, supports the license fee increase but does not support removing the 10-mile limit status. See Exhibit No. 8.

Loran Perry, Fort Benton, does not support SB 219. He has one of the 24 shooting preserves in the State. Of the other

individuals holding shooting preserve licenses, 13 would like to see an increase in the distance. See Exhibits No. 9-14.

Questions From Committee Members:

Senator Pinsonneault asked Director Cool about the type of control the FWP has on shooting preserves and if a preserve is inactive such as the preserve next to Tim Crawford's property, why couldn't the license be deactivated and given to Mr. Crawford for his use? Director Cool denied knowing of Mr. Crawford's problem in requesting a preserve license.

Senator Pinsonneault asked how long a period is a preserve permit issued? Bob Winfield, Captain for FWP, stated that it is a permit that is renewed annually. Shooting preserves are established with a minimum of 160 acres and a maximum of 1,280 acres. The person only needs to renew the permit for \$10.00 a year. If an individual maintains FWP requirements and is inactive, there are no present statutes governing deactivation.

Senator Pinsonneault asked Tim Crawford if he knew the identity of the individual who was holding the inactive license. Mr. Crawford identified him as Bolinger and he has had a pheasant farm there for quite a number of years.

Senator Bianchi stated that Mr. Crawford received a letter from the FWP council, Bob Lane, saying that he could not have a permit because he was within the 10-mile radius and suggested in the letter if he wanted relief, he would have to come to the legislature and change the law.

Senator Grosfield asked the FWP for clarification regarding the language "hunting areas available to the public as determined by the Department." No one from the FWP was able to respond to that question.

Senator Jergeson asked how a shootest can tell a tame pheasant from a wild pheasant and if a wild pheasant is shot, what does the shootest do with it? Bob Winfield stated that the individual's license will state the species of bird that is on his land. The FWP provides tags that are attached to the legs of these birds before release. If an individual states he will release 1,000 birds, he can only harvest 800. Anyone who is hunting birds must have a current bird license and if a wild bird is shot, he will be perfectly legal.

Senator Grosfield asked the average size of the 24 preserves? Mr. Perry stated that they have 960 acres and said that there are actually 25 shooting preserves as on file with the FWP. Eight different preserves didn't have any hunters at all in 1990; therefore, this is not as lucrative an enterprise as it appears.

Director Cool explained that the 10-mile limit is restrictive but was included in the original draft of the bill. Their purpose

was an attempt to regulate restricted public access that may occur in good pheasant areas. The FWP is not hung up on a 10-mile restriction.

Senator Svrcek asked Director Cool that if he wasn't hung up on the 10-mile limit why doesn't the FWP want it removed? Director Cool explained that the Department's view is the possibility of the linkage of acreage for prime pheasant habitat which would sustain a reduction of hunter access. Senator Svrcek suggested to Mr. Cool if the wording in the bill were to state "no two reserves are allowed to be contiguous" would that be acceptable to FWP? Mr. Cool stated that he was not aware that "10" was a problem and it is currently in the law.

Senator Franklin asked if the preserves are used on a management basis to control hunting in various areas? Mr. Cool responded that it would be an appropriate responsibility for the Fish, Wildlife and Parks Commission to issue permits on a case by case basis.

Senator Grosfield asked Director Cool the reasoning behind allowing only 80% harvesting of birds? Director Cool stated that it provides a contribution to the resource base. Most upland bird biologists believe that the genetic quality of those birds do not substantially enhance the wild population. The FWP would prefer to see the majority of those birds harvested.

Chairman Williams asked if he were to start a preserve, would he have to release a given number of birds every year? Bob Winfield stated there is no minimum nor maximum, but you can only harvest 80% of what you release.

Chairman Williams asked Mr. Perry what percent he harvests. He stated that he has had about a 60% as this is their first year.

Senator Svrcek asked if the 10-mile limit was removed and leave the rest of the bill as it is, does that automatically remand it to the Commission or will the Department be making the determination? Bob Lane stated that applicants that meet the requirements will be entitled to a license.

Senator Franklin was interested in Senator Bianchi's response to remanding the licensing authority to the commission. Senator Bianchi responded he would cover it in his closing remarks.

Closing by Sponsor:

Senator Bianchi stated that since the inception of the original bill only 25 preserves have been licensed which means that everyone is not running out to start a shooting preserve. He feels there should be no problem with the Commission handling this; however, he has full faith in the wardens from the FWP and feel they would be capable of monitoring these licenses.

EXECUTIVE ACTION ON SB 219

Amendments, Discussion, and Votes:

Senator Grosfield made the motion to amend SB 219 to say two reserves cannot be adjacent to one another.

Senator Rye asked Senator Bianchi if this amendment would be approved by him. Senator Bianchi stated he would approve of this amendment since this legislation refers to private land and the landowner should be able to do what he wants to with it as long as it is not detrimental to the public.

Senator Pinsoneault asked Senator Grosfield what he expected to accomplish with this amendment. Senator Grosfield stated he wanted to be sure that large blocks of hunting access were not blocked from public hunting.

After discussion among committee members, Senator Grosfield withdrew his amendments and moved the bill do pass.

Recommendation and Vote:

Senate Bill SB 219 passed unanimously.

HEARING ON SB 255

Presentation and Opening Statement by Sponsor:

Senator Eleanor Vaughn, Senate Dist. No. 1, gave an explanation of SB 255. This legislation will require that fish bait be sold in biodegradable containers. These are containers now available.

Proponents' Testimony:

Robert Van DerVere, concerned citizen lobbyist, feels this legislation is necessary.

Susan Leonard, Montana Audubon Legislative Fund, feels that SB 255 is an important step in an effort to reduce the amount of refuse that finds its way into our waterways and wet land areas.

Chris Kaufman, Montana Environmental Information Center, stand in support of SB 255.

Valarie Horton, Montana Wildlife Federation, supports SB 255 and suggests that all fishing supplies (hooks, leaders, etc.) be packaged in biodegradable containers.

K. L. Cool, Director of Fish, Wildlife and Parks, supports the basic concept of this bill. See Exhibit No. 15.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Grosfield asked Director Cool if bait is now available in biodegradable containers? Director Cool stated that such a container is available, but is unable to say how much they cost.

Senator Pinsonneault suggested extending the effective date of the bill in order to allow bait dealers time to deal with this new law.

Senator Bianchi commented he was sure that the bait dealers would pass any additional expense onto the customer.

Closing by Sponsor:

Senator Vaughn urged the committee's support of SB 255.

EXECUTIVE ACTION ON SB 255

Motion:

Senator Pinsonneault made the motion SB 255 do pass.

Amendments, Discussion, and Votes:

Senator Franklin suggested extending the effective date of this bill.

Senator Jergeson suggested letting the House change the effective date.

Senator Franklin withdrew her motion.

Recommendation and Vote:

Senate Bill 255 passed with Senator Grosfield voting "No."

EXECUTIVE ACTION ON SB 171

Amendments, Discussion, and Votes:

Senator Svrcek made the motion to approve amendments that would institute a phase-in of the fee increase as requested by several proponents and opponents during the hearing. These amendments are agreeable with the FWP. See Exhibit No. 16.

Senator Pinsoneault stood in support of SB 171, as an effort has been made by Senator Svrcek's amendments to phase in these fee increases as gently as possible.

Senator Anderson questioned why the increases requested by FWP are as high as they are? Senator Svrcek explained that there has not been an increase since 1983 and the Department has operated from '86 to '91 on \$500,000 with a significant increase in duties. If this fee increase is approved, Montana will still be the lowest state in regard to hunting license fees.

Senator Grosfield made the motion to approve amendments to SB 171. Amendments passed unanimously.

Recommendation and Vote:

Senator Svrcek made the motion to pass SB 171 as amended. Senate Bill 171 passed with Senators Swift and Grosfield voting "No."

Vice-Chairman Bianchi introduced the draft copy of the proposed committee bill requested by Senator Grosfield pertaining to enforcement of licensed outfitters by the Fish, Wildlife and Parks (FWP). See Exhibit No. 17.

Senator Jergeson commented that this legislation will reconfirm FWP authority to enforce outfitter and guide laws and regulations.

Senator Bianchi expressed concern for the necessary funding that the FWP will need to handle the additional responsibility if this legislation is passed. Ms. Merrill suggested there are some situations where "memorandums of understanding" have been negotiated between the Outfitters Board and FWP to fund some undercover work.

Senator Grosfield suggested that there is money available by the Board of Outfitters and an amendment will be presented to handle the funding question at the time of the bill hearing.

Director Cool commented that they currently contract with the Outfitters Board for the covert work they do and many of the undercover operations that have been run have involved outfitting violations. When talking with the Department of Commerce, he believes they will make funding available.

Senator Grosfield agreed to carry the committee bill.

ADJOURNMENT

Adjournment At: 5:13 P.M.

Bob Williams

BOB WILLIAMS, Chairman

Julia Levens

JULIA LEVENS, Secretary

BW/jl

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19th day of February, 1991.

Name: Michael G. Carlson

Address: 112 1st Street, Highland Park
Glendive, Mt. 59330

Telephone Number: 365-2174

Representing whom?

Glendive Chamber of Commerce & Ag.

Appearing on which proposal?

H.B. 115

Do you: Support? Amend? Oppose?

Comments:

We in Eastern Mt support the
changes to the Paddlefish Bill - H.B. - 115
this change defines the area from
which paddlefish roe can be legally
accepted. This definition was never
included in the original bill passed in 1989.
Because of the lack of this definition
we could only accept roe from fish
caught along 200' of bank. This
change in definition now matches up
to FWC's P regulations. Also ~~the~~ the
net income from this project ~~is~~ benefits
both the FWC's P & the Chamber of Commerce.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 2

DATE 2/19/91

BILL NO. HB115

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19 day of February, 1991.

Name: Kathy Nielsen

Address: Box 930 Mendocino, 111/ 59330

Telephone Number: 365-5601

Representing whom?

Mendocino Chamber of Commerce

Appearing on which proposal?

HB 115

Do you: Support? Amend? Oppose?

Comments:

supporting downstream issue, whereby the Chamber would be allowed to collect all sock from all legally tagged saddlefish from the Intake dam to Cottonwood Creek. Approximately a 204 mile area.

SENATE FISH AND GAME

EXHIBIT NO. 3

DATE 2/19/91

BILL NO. HB 115

HB 115
February 19, 1991

Testimony presented by K.L. Cool, Dept. of Fish, Wildlife & Parks
to the Senate Fish and Game Committee

The 1989 Legislature legalized the collection, processing and selling of paddlefish eggs through a narrowly defined pilot program at the Intake fishing access site. This legislation is scheduled to sunset on June 30, 1993.

We have worked closely with the Glendive Chamber of Commerce as they initiate the development and operation of this program.

The Glendive Chamber of Commerce has expressed a desire to extend the area from which paddlefish can be donated down the Yellowstone River about four miles from Intake. This bill has been amended to reduce the potential of people bringing illegal paddlefish roe or selectively fishing for female fish. We support the bill as amended.

SB 298
February 19, 1991

SENATE FISH AND GAME

EXHIBIT NO. 4

DATE 2/19/91

BILL NO. 56298

Testimony presented by K.L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

SB 298 consolidates and clarifies the elements necessary to determine legal residency for purposes of obtaining hunting, fishing and trapping licenses. The residency requirements, as presently written, are not specific enough to effectively support criminal prosecutions and, in fact, are sometimes confusing to sportsmen because the requirements are vague. County attorneys prosecuting residency cases and courts have frequently found the current residency statutes unworkable. Some county attorneys have told us they will no longer prosecute residency cases until Montana has a workable law. This bill will not change who qualifies as a resident, but will make specific and clarify the standards for determining residency.

Simply stated, the current statute defines a resident as a person who has moved to Montana and intends to make his or her home here. The only specific requirement is that a person must be a resident 6 months prior to being eligible to purchase a resident hunting, fishing or trapping license. With this vague and general definition, it is understandable that county attorneys have difficulty prosecuting an individual who owns property and lives part of the year in Montana, but earns his living and pays state income taxes in another state.

SB 298 defines a resident by requiring that he or she meet listed criteria. These are criteria that a bona fide resident will meet, such as registering vehicles, paying Montana state income taxes, registering to vote, and not using resident hunting or fishing privileges in another state. The 6-months residency wait is, of course, retained. The primary and most workable requirement proposed is, that to qualify as a Montana resident, a person must file Montana state income tax returns when required as a resident.

The other changes proposed in the bill:

1. Clarify military service for purposes of providing resident privileges by adding the word "regular" to differentiate full-time military personnel from National Guard or reserve members who come to Montana for short training exercises.
2. Provide that license applicants must provide documentation or proof of residency.
3. Provide that it is a misdemeanor to purposely or knowingly assist an unqualified person to purchase a resident license or

SB 291
February 19, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

This legislation would provide our department with an important conservation law enforcement tool which has proven to deter illegal hunting in chronic problem areas. SB 291 is necessary because present statutes do not address shooting or attempting to shoot at simulated wildlife.

Several other states are now using this technique and have found it to be an effective and legitimate modern-day wildlife law enforcement tool. If enacted, this bill would make it a violation for a person to discharge a firearm or other hunting implement at a simulated wildlife object placed in a location or at a time which would clearly make the attempt to take a live animal illegal.

The department would utilize reasonable likeness models of average size game animals in field situations. These decoys would be used in pre-determined sites where we are experiencing significant spotlighting violations or shooting from roads and/or illegal taking and trafficking in trophy animals or wildlife parts. The use of a decoy would allow officers to apprehend deliberate or intentional violators without an animal being killed illegally.

This technique is cost efficient because the warden is present when the violation occurs. It also reduces some of the danger associated with the apprehension of violators because the officer can control all facets of the operation to include optimum public safety circumstances.

The program would only be implemented after a comprehensive public education and awareness effort by the department that explains what we expect to accomplish. We intend to develop specific guidelines for the use of simulated wildlife, which would be approved by our commission.

As the public becomes aware of the use of simulated wildlife and the program's success, the deterrent value increases significantly. It is anticipated this will reduce violations, will provide a cost effective deterrent to illegal hunting activity, and prevent the illegal loss of wildlife.

EXHIBIT NO. 6
 DATE 2/19/91
 BILL NO. SB219
WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19 day of Feb., 1991.

Name: Thomas H. (Tim) Crawford

Address: 14600 Spanish Breaks Trail
Gallatin Gateway MS. 59730.

Telephone Number: HM. 7634220 office 585 9353

Representing whom?

Myself.

Appearing on which proposal?

S.B. 219

Do you: Support? Amend? Oppose?

Comments:

I Think The 10 mile limit on Shooting Preserves is an infringement on free enterprise. With farms and ranches in tough economic straits, Creative ventures in the agricultural field should be encouraged not penalized. A bird shooting preserve can be thought of as a poultry ranch with less traditional marketing and harvest.

I would also like to point out that I have opened my property to Big Brothers and Sisters in order that these often disadvantaged youths can have a place to hunt and fish. Shooting preserve income could help perpetuate this and per

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haps allow expansion of youth programs.

EXHIBIT NO. 1

DATE 2/19/91

BILL NO. SB219

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19 day of Feb, 1991.

Name: John T Skip Tubb

Address: 119 E Main

Telephone Number: 406-586-3626

Representing whom?
Self + Montana Falconers Assoc.

Appearing on which proposal?
SB-219

Do you: Support? Amend? Oppose?

Comments:
See att. State ment

SENATE FISH AND GAME
EXHIBIT NO. 8
DATE 2/19/91
BILL NO. SB 219

SB 219
February 19, 1991

Testimony presented by K.L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

This legislation revises the law governing shooting preserves by removing the 10-mile restriction on their location, and establishes a flat fee for shooting preserve licenses or permits.

The following information applies to this legislation:

1. Twenty-four shooting preserves are currently licensed in Montana.
2. Current law limits the size of shooting preserves to 1280 acres.
3. The \$250 flat fee is higher than the present maximum fee of \$190 for the largest shooting preserve in operation today.
4. There is no information that indicates the 10-mile limitation has been restrictive.
5. The 10-mile restriction was implemented to prevent large blocks of choice pheasant habitat from going into shooting preserves. Under such a circumstance, substantial numbers of wild (public) birds could be included in preserves. This could result in lost public recreational opportunity and some degree of privatization of wildlife.

The department supports the license fee proposed in this bill; however, our staff prefers to maintain the current 10-mile limitation.

EXHIBIT NO. 9

DATE 2/19/91

BILL NO. SB219

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19 day of February, 1991.

Name: LORAN A PERRY

Address: FORT BENTON, MT

Telephone Number: 632-5336

Representing whom? self

Appearing on which proposal? SB 219

Do you: Support? Amend? Oppose?

Comments: The distance should not be eliminated - it should be increased

EXHIBIT NO. 10

DATE 2/19/91

BILL NO. SB 219

Fish and Game Committee

I am opposed to SB 219 to remove ten mile limit on shooting preserves

Wale W. Smith 15 W. place, Local Business Man and Bird Hunter.
Helena, MT.

EXHIBIT NO. 11

DATE 2/19/91

BILL NO. SB 219

Fish and Game Committee

I am opposed to SB 219 to remove ten mile limit on shooting preserves

*Anna Mae Taylor . Fair Benton, Mt. 59442
Sec. State TAB*

SENATE FISH AND GAME

EXHIBIT NO. 12

DATE 2/19/91

BILL NO. SB 219

Fish and Game Committee

I am opposed to SB 219 to remove ten mile limit on shooting preserves

Kallen B. Perry
Physical Education Aide + Coach
(includes Trap shooting instruction)

SENATE FISH AND GAME

EXHIBIT NO. 13

DATE 2/19/91

BILL NO. SB 219

Fish and Game Committee

I am opposed to SB 219 to remove ten mile limit on shooting preserves

Scott A. Perry

Licensed Bird Farm Operator

SENATE FISH AND GAME

EXHIBIT NO. 11

DATE 2/19/21

BILL NO. SB 219

Fish and Game Committee

I am opposed to SB 219 to remove ten mile limit on shooting preserves

Reley H Taylor Box 1413 Fort Bert, Mt. BARRY

SENATE FISH AND GAME

EXHIBIT NO. 15

DATE 2/19/91

BILL NO. SB255

SB 255
February 19, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

The Department of Fish, Wildlife & Parks supports the basic concept of this bill, which is to reduce non-degradable litter on or near our waterways. This bill addresses a very small part of the overall littering problem.

In addition to bait containers, other non-degradable plastic and styrofoam containers are discarded along our waterways. These include coffee cups, ice coolers, food containers, plastic bags, and fishing tackle containers to name a few.

This bill is directed at the source of one part of this overall problem. SB 255 targets one user group - the bait angler - but it does not address the overall problem of non-degradable litter deposited by many other user groups such as boaters, campers, swimmers, etc.

We support the concept of the bill, but would encourage broadening the legislation to include the maximum use of biodegradable or refundable containers.

Amendments to Senate Bill No. 171
Introduced (White) Reading CopyRequested by Senator Svrcek
For the Committee on F&G
Prepared by Doug Sternberg
February 14, 1991

1. Page 3, line 9.
Following: "~~\$9-50~~"
Insert: "\$11 beginning March 1, 1992, and"
Following: "\$12"
Insert: "beginning March 1, 1994"
2. Page 4, line 8.
Following: "~~\$3~~"
Insert: "\$4 beginning March 1, 1992, and"
Following: "\$5"
Insert: "beginning March 1, 1994,"
3. Page 5, line 5.
Following: "~~\$3~~"
Insert: "\$4 beginning March 1, 1992, and"
Following: "\$5"
Insert: "beginning March 1, 1994,"
4. Page 6, line 23.
Following: "~~\$9~~"
Insert: "\$12 beginning March 1, 1992, and"
Following: "\$15"
Insert: "beginning March 1, 1994"
5. Page 6, line 24.
Following: "~~\$6~~"
Insert: "\$7 beginning March 1, 1992, and"
Following: "\$8"
Insert: "beginning March 1, 1994"
6. Page 6, line 25.
Following: "~~\$10~~"
Insert: "\$15 beginning March 1, 1992, and"
Following: "\$20"
Insert: "beginning March 1, 1994"
7. Page 7, line 1.
Following: "~~\$8~~"
Insert: "\$11 beginning March 1, 1992, and"
Following: "\$15"
Insert: "beginning March 1, 1994"
8. Page 7, line 2.
Following: "~~\$10~~"
Insert: "\$15 beginning March 1, 1992, and"
Following: "\$20"
Insert: "beginning March 1, 1994"

Draft Copy

Printed 12:31 pm on February 19, 1991

SENATE FISH AND GAME

EXHIBIT NO. 17

DATE 2/19/91

BILL NO. N/A

or the rules of the department;

(5) 'seize and hold, subject to law or the orders of the department, devices which have been used to unlawfully take game, fish, birds, or fur-bearing animals;

(6) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the department, violation of which is a misdemeanor;

(7) enforce the disorderly conduct and public nuisance laws (45-8-101 and 45-8-111) as they apply to the operation of motorboats on all waters of the state;

(8) as provided for in 37-47-345, investigate and make arrests for violations of the provisions of Title 37, chapter 47, and of any rules adopted pursuant to that chapter relating to the regulation of outfitters and guides in the state; and

~~(8)~~(9) exercise the other powers of peace officers in the enforcement of the fish and game laws, the rules of the department, and judgments obtained for 1violation of those laws or rules."

NEW SECTION. Section 2. {standard} Effective date. [This act] is effective on passage and approval.

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 20, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 298 (first reading copy -- white), respectfully report that Senate Bill No. 298 be amended and as so amended do pass:

1. Page 2, line 7.
Strike: "he"
Insert: "the person"
2. Page 2, line 9.
Strike: "he"
Insert: "the person"
3. Page 2, line 11.
Strike: "he"
Insert: "the person"
4. Page 2, line 13.
Strike: "he"
Insert: "the person"
5. Page 2, line 14.
Strike: "he"
Insert: "the person"
6. Page 2, line 15.
Strike: "he"
Insert: "the person"
7. Page 2, line 18.
Following: "if"
Strike: "he"
Insert: "the person"
Following: "vote,"
Strike: "he"
Insert: "the person"
8. Page 2, line 23.
Strike: "he"
Insert: "the person"
9. Page 3, line 21.
Strike: "his"
Insert: "the applicant's"

10. Page 4, line 6.
Strike: "his"
Insert: "the applicant's"

11. Page 6, line 15.
Strike: "he"
Insert: "the person"

12. Page 6, line 16.
Strike: "his"
Insert: "the person's"

13. Page 7, line 10.
Strike: "his"
Insert: "the applicant's"

Signed: Bob Williams
Bob Williams, Chairman

RB 2/20/91
Amd. Cbord.

SB 2/20 1:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 20, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 171 (first reading copy -- white), respectfully report that Senate Bill No. 171 be amended and as so amended do pass:

1. Page 3, line 9.
Following: "~~\$9.50~~"
Insert: "\$11 beginning March 1, 1992, and"
Following: "\$12"
Insert: "beginning March 1, 1994"
2. Page 4, line 8.
Following: "~~\$3~~"
Insert: "\$4 beginning March 1, 1992, and"
Following: "\$5"
Insert: "beginning March 1, 1994,"
3. Page 5, line 5.
Following: "~~\$3~~"
Insert: "\$4 beginning March 1, 1992, and"
Following: "\$5"
Insert: "beginning March 1, 1994,"
4. Page 6, line 23.
Following: "~~\$9~~"
Insert: "\$12 beginning March 1, 1992, and"
Following: "\$15"
Insert: "beginning March 1, 1994"
5. Page 6, line 24.
Following: "~~\$6~~"
Insert: "\$7 beginning March 1, 1992, and"
Following: "\$8"
Insert: "beginning March 1, 1994"
6. Page 6, line 25.
Following: "~~\$10~~"
Insert: "\$15 beginning March 1, 1992, and"
Following: "\$20"
Insert: "beginning March 1, 1994"
7. Page 7, line 1.
Following: "~~\$6~~"
Insert: "\$11 beginning March 1, 1992, and"
Following: "\$15"
Insert: "beginning March 1, 1994"

8. Page 7, line 2.

Following: "~~\$10~~"

Insert: "\$15 beginning March 1, 1992, and"

Following: "\$20"

Insert: "beginning March 1, 1994"

9. Page 9, line 23.

Following: "~~\$10~~"

Insert: "\$13 beginning March 1, 1992, and"

Following: "\$15"

Insert: "beginning March 1, 1994,"

10. Page 12, lines 5, 6, and 8.

Following: "~~\$50~~"

Insert: "\$60 beginning March 1, 1992, and"

Following: "\$75"

Insert: "beginning March 1, 1994"

11. Page 12, line 10.

Following: "~~\$6~~"

Insert: "\$9 beginning March 1, 1992, and"

Following: "\$12"

Insert: "beginning March 1, 1994"

12. Page 14, line 7.

Following: "is"

Insert: "\$2 beginning March 1, 1992, and"

Following: "\$3"

Insert: "beginning March 1, 1994"

13. Page 14, line 25.

Strike: "~~\$60~~"

Insert: "\$54 beginning March 1, 1992, and \$64 beginning March 1, 1994"

14. Page 15, line 11.

Strike: "~~\$53~~"

Insert: "\$64"

Signed: _____


Bob Williams, Chairman

 2-20-91
And. Coord.

JB 2-20 1:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 255 (first reading copy -- white), respectfully report that Senate Bill No. 255 do pass.

Signed: Bob Williams
Bob Williams, Chairman

KGA 2-20-91
Amd. Coord.

SB 2-20 @ 1:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 219 (first reading copy -- white), respectfully report that Senate Bill No. 219 do pass.

Signed: Bob Williams
Bob Williams, Chairman

Bob Williams
Amd. Coord.

SB 2/20 1:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 115 (third reading copy -- blue), respectfully report that House Bill No. 115 be concurred in.

Signed:


Bob Williams, Chairman

SB 2/20/91
Amd. Coord.

SB 2/20 1:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1991

MR. PRESIDENT: .

We, your committee on Fish and Game having had under consideration Senate Bill No. 291 (first reading copy -- white), respectfully report that Senate Bill No. 291 do pass.

Signed: 
Bob Williams, Chairman

MA 2-20-91
And. Coord.

SB 2/20 1:30
Sec. of Senate