

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Bob Williams, on March 14, 1991, at 3:40 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 Pinsoneault (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.

EXECUTIVE ACTION ON HB 390

Amendments, Discussion, and Votes:

Chairman Williams presented amendments and asked Representative Ream, sponsor of HB 390, to explain them. The amendments will retain the buffalo as a game animal and would eliminate the buffalo hunt so that it will require an act of the legislature to reinstate the hunt.

Senator Jergeson supports the amendments presented. He was very disappointed that no animal rights representatives had the courage of their convictions to come before the committee at the hearing.

Senator Bianchi stated he also supported the amendments as far as they go; however, since we have not deleted the buffalo as a game animal, he does not agree with the concept that the bison should not be a hunted animal. The Yellowstone National Park Service, FWP and Forest Service is in the process of developing a long-range management plan which they anticipate to be completed by mid-1992. If that management involves harvesting animals by hunting, they will have to come back to the legislature before they can even implement that plan. If it doesn't involve hunting, then it seems more logical to return to the next legislative session and remove the buffalo from the game animal list. We are taking a lot of options away, not only from the FWP but also from sportsmen if the plan does include the opportunity to harvest animals in the hunting process. He would like to introduce an amendment to allow the buffalo to be continued to be hunted until the management plan is in affect.

Senator Svrcek spoke in favor of the amendments and because of the emotional level of this legislation and the great impact on hunting in the State of Montana, believes it appropriate for the legislature to decide the fate of this program at this time.

Senator Pinsoneault suggested that if the buffalo herd needed thinning, to sell chances, throw the tickets in a hat and if chosen, pick your buffalo, take him home and do whatever you wish with him. A draw situation will allow everyone the same chance of getting a buffalo, whether to feed their family or for the trophy, etc. He liked the bill as originally drafted but will support the amendments.

Senator Grosfield stated he would oppose Senator Bianchi's amendment, he liked the bill as it was but would support the amendments presented by Chairman Williams. He is very concerned about the outcome of this legislation as this concerns his district. The Wildlife Federation recommends that a large buffer zone be established outside the Park. There are many people from that area more than unhappy with this proposal. He feels that it is time to put this "spectacle" behind us. He has been working on amendments to address the buffer zone idea.

Senator Rye will support the amendments but feels the people on both sides have been questioning the motives of the other side; however, he feels that both sides are sincere. He feels that people on both sides are wrong in thinking that the other person has evil motives, because they don't. No matter what transpires in this committee, we must keep in mind that the other people mean well and are not trying to destroy someone else's way of life. He stated that the reason none of Marlenee's staff was present at the hearing is because federal people traditionally do not interfere in State business.

Senator Pinsoneault recommended that Senator Bianchi prepare an amendment for the floor provided HB 390 is concurred in committee.

Senator Swift expressed his concern in canceling the hunt. We have always been unable to get the National Park Service to cooperate in this program. That fact was mentioned in the hearing and has been the case all along. There is no reason why we can't leave the license in the statute with the qualification that it would not be implemented until the management plan agreed between both parties.

Senator Pinsoneault moved to approve the amendments. The amendments passed unanimously.

Recommendation and Vote:

Senator Svrcek made the motion to concur HB 390 as amended. The bill passed with Senators Swift and Bianchi voting no.

Senator Svrcek will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 107

Recommendation and Vote:

Senator Rye made the motion that HB 107 be concurred. The bill passed unanimously.

Senator Grosfield will carry the bill on the Senate floor.

HEARING ON HB 576

Presentation and Opening Statement by Sponsor:

Representative Harper, House Dist. No. 44, explained that HB 576 would revise the law regarding the transplanting or introduction of wildlife by requiring an environmental impact statement prior to introduction of a fish species in Montana and increasing the penalty for those caught introducing foreign species of fish to Montana waters.

If anyone is caught transplanting fish, the penalty would be to lose your license for a couple of years and be fined a misdemeanor fine. The FWP pointed out in their testimony that one person with a bucket can change the entire future of one of our most valuable resources. We have some of the best trout waters in the world. Fishing is a valuable resource to this State and we need to protect it.

Proponents' Testimony:

Stan Bradshaw, Montana Trout Unlimited, agrees that a thorough review should be made before any foreign fish or exotic plants are introduced to our State streams.

Bob Fitzgerald, Montana native and fisherman, supports HB 576.

Mike McNeilly, representing himself, feels that introducing species not native to our streams and rivers may have a detrimental affect and strongly urges passage of HB 576.

Dave Ames, representing himself, agrees that we have an incredible heritage of fishing in the State and should protect it at all costs.

John Wilson, representing himself, was tourism director for the State of Montana for eight years. During that tenure, one of the research projects that were undertaken, was to value the various tourism segments in Montana. In 1989, the direct expenditure by nonresident fisherman was \$77 million. Resident fishermen were not surveyed but it is reasonable to assume that it is at least equal or probably double. This bill is an insurance policy that assures that the fishing will remain excellent; people will not transplant fish that will be detrimental to the fisheries and will protect the jobs that depend this large segment of tourism.

Pat Graham, Deputy Director of Fish, Wildlife and Parks, supports HB 576 and the increased penalty for anyone caught transplanting fish in our State streams and rivers. See Exhibit No. 1.

Susan Leonard, Montana Audubon Legislative Fund, agrees with previous testimony and supports HB 576.

Jack Schoonen, representing Anaconda Skyline Sportsmen, strongly recommends that the committee pass HB 576.

Tony Schoonen, representing Montana Wildlife Federation, supports HB 576.

Questions From Committee Members:

Senator Svrcek asked Representative Harper if the misdemeanor penalty for transplanting fish, which could have an effect for centuries, is too light and wondered if a felony charge would not be more appropriate. Rep. Harper assured Senator Svrcek that he shared the same feeling. However, because of the immense dollar damage that could be done to our waterways with the introduction of a foreign fish, the convicted person would have to pay the cost to clean the stream or spend a certain number of years as the ward of the State.

Senator Pinsoneault wondered how the law enforcement could determine who was the guilty party when fish have been illegally

transplanted. Representative Harper explained that they would have to be caught with some residue of evidence.

Senator Swift commented that the possible damage could amount to millions of dollars. Pat Graham admitted that it could and compared it to people who start forest fires and are held liable whether you either collect the money or not.

Senator Svrcek expressed his concern regarding the person who has been convicted of destroying or altering a fishery would only lose his fishing license for only two years. He recommends that the person lose his license for the number of years with the amount of severity of damage he has caused to the fishery.

Chairman Williams commented that he has been working with the Sea Farms of Washington for three years. They intended to raise sturgeon in the Warm Spring Creek area and put in a packing plant which would have employed quite a few people. They worked with the FWP and things were coming to a final stage when they discovered a problem with their fish in California. They are still working with the FWP on the possibility of raising some type of fish for commercial use. He sent a copy of the bill to Sea Farms and he called to say he appreciates the things that are being done here to maintain what we have here even though he had to jump through a lot of hoops. Representative Harper stated that he has visited with one of the Fergus Co. Commissioners regarding Sea Farms, had seen a copy of the fax they had sent and felt that this bill would not lessen any of the requirements that Sea Farms would have met before establishing their operation.

Closing by Sponsor:

Representative Harper stressed the importance of this legislation to the whole State. Fish transplanting has become extremely easy and urges the committee to pass the bill. He recommended Senator Svrcek to carry the bill on the Senate floor.

HEARING ON HB 359

Presentation and Opening Statement by Sponsor:

Representative Harper explained HB 359 was introduced because of off-road vehicles being operated on stream banks and destroying them. This bill which set out to be just a stream bed and stream bank protection bill has undergone a transformation and is also an access guarantee. At the present time, under stream access laws that we have passed, it is currently illegal for you to trespass on any property which includes lands under Class 1 and 2 waters. When you drive your ATV across any one of those creeks you are violating the law because you have not received permission from the landowner or the State. This bill allows crossings where established trails and roads enter and exit the

stream. This bill will affect State policy on leased land as these lands at the present time are under the control of the lessee. This bill will now allow State and Federal managers to specify in accord with environmental regulations areas where streams can be ridden in.

Proponents' Testimony:

Linda Ellison, land use coordinator for Montana Trail Vehicle Riders Assn., supports HB 359. See Exhibit No. 2.

Tom Kilmer, Helena, supports HB 359. See Exhibit No. 3.

Susan Leonard, Montana Audubon Legislative Fund, supports HB 359.

Valarie Horton, Montana Wildlife Federation, gives her support for HB 359.

Tony Schoonen, Butte Skyline Sportsmens Club, supports this bill.

Bob Lane, Chief Legal Council for Fish, Wildlife and Parks, supports HB 359. See Exhibit No. 4.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Pinsoneault asked Rep. Harper why a person on an ATV would want to drive up and down a stream bed? Rep. Harper stated that the Suzuki advertisement demonstrates a man driving in a stream bed with water flying.

Senator Swift asked if legislation would require more work for the FWP? Rep. Harper explained that it would not and private landowners are in favor of this bill as people on ATVs can ride up the middle of a stream and be right in the middle of their land.

Closing by Sponsor:

Representative Harper urged the committee's support and a do pass.

HEARING ON HB 487

Presentation and Opening Statement by Sponsor:

Representative Wyatt, House Dist. No. 37, explained that HB 487 is a policy statement bill for pre-existing shooting ranges much like the exemption for an airport authority, meat packing plants,

or other facilities that exist within a city or a county limit. They should have the right to retain their facilities.

Proponents' Testimony:

Clyde Byerly, Vice President of the Montana Rifle and Pistol Assn., supports HB 487. See Exhibit No. 5.

Gary Marbut, Missoula, President of the Montana Shooting Sports Assn., supports HB 487. Ranges across the U.S. are being closed primarily because of population encroachments. This is a serious problem on a national scale and beginning to be a problem in Montana. We would like to proactively address the situation before it becomes a serious problem. When the bill was introduced into the House, it had a provision for local governments, that if they received too many complaints and didn't have any way to deal with the range, one thing they could do was to relocate the range. The local government would have had to pay the bill for relocating the range but it would have given them some flexibility. Amendments were made in the House to strike that provision for relocation of the range and those amendments were offered to the House by Commissioner Ray Harbin of Lake County. These are the amendments that you see in the bill now. We concur with those amendments with one condition. We are concerned about a local government being able to buy out a range as our intent of the bill is to keep shooting ranges open. Urges passage of this bill.

Ray Harbin, Commissioner of Lake County, is concerned about the ability of a local government to pay the appraisal value of land plus improvements which requires three independent appraisals to be made and the average cost be taken. He feels the bill is acceptable and urges the committee to pass.

Alfred Elwell, representing WCSM, supports HB 487. He questions why a person would build a home, which is a lasting investment, in an area which is known to have a shooting range and then complain because of the litter, presumed community decay and public nuisance.

Pat Graham, Deputy Director of Fish, Wildlife and Parks, has a shooting range development program and very highly supports this legislation as amended.

Opponents' Testimony:

Cheryl Patton, Assistant City Manager for the City of Great Falls, opposes HB 487. See Exhibit No. 6.

Robert Rasmussen, representing the Montana Assn. of Planners, opposes HB 487. They do support the goals and purpose of this bill as far as determining safe shooting areas.

Kathy Macefield, City Planning Director for the City of Helena, opposes HB 487. See Exhibit No. 7.

Questions From Committee Members:

Senator Svrcek asked Clyde Byerly whether the littering in shooting ranges that include trap and skeet would mean some shotgun shells. Mr. Byerly said that an exemption should be asked for that.

Senator Svrcek asked Commissioner Harbin if he has any objection to the eminent domain procedures wording in the bill? He stated that he didn't really care but felt the language was not necessary.

Senator Svrcek commented that Ms. Macefield raises a lot of concerns regarding the established hours of operation section. Mr. Byerly explained that there are some shooting ranges that have lighting which would allow shooting after dark. Most shooting activities are scheduled within the daylight hours. Gary Marbut interjected that 95% of the ranges in Montana must be used during daylight hours.

Senator Jergeson asked Cheryl Patton about the amendments she has suggested. Ms. Patton feels that this legislation left unamended would limit their (City of Great Falls) options for continued use of that land. They feel this bill doesn't even need to exist. Planning ordinances take care of this situation and State laws provide for eminent domain.

Closing by Sponsor:

Representative Wyatt urged committee support of HB 487. She recommended Senator Jacobson to carry on the Senate floor if this bill passes out of committee.

HEARING ON HB 563

Presentation and Opening Statement by Sponsor:

Representative Knox, House Dist. 29, explained HB 563 which addresses an inequity that now exists in the special elk permit for landowner preference. As the application now reads, the landowner must own his land in fee title before he qualifies for a special elk permit. The elk are expanding out of the CMR (Charlie Russell Game Range). In the past five years they have moved from the Robinson Bridge to up the Judith River. These elk are doing a great amount of damage to crops and those land purchasers should get to use their landowner preference.

Proponents' Testimony:

Pat Graham, Deputy Directory of Fish, Wildlife and Parks, supports HB 563. See Exhibit No. 8.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Jergeson asked Rep. Knox if he would support the idea to change the act to provide landowner preference to be given to those who keep their ranches open for public hunting and deny this preference to those who close their land for fee hunting only. Rep. Knox realizes there is no perfect solution to this question and the fee hunting he is aware of doesn't come close to paying for the damage the elk do to crop land.

Closing by Sponsor:

Representative Knox urges committee support of this legislation.

ADJOURNMENT

Adjournment At: 5:30 P.M.



BOB WILLIAMS, Chairman



JULIA LEVENS, Secretary

BW/jl

SENATE FISH AND GAME

EXHIBIT NO. 1

DATE 3/14/91

BILL NO. HB 576

HB 576

March 14, 1991

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

Fisheries management in Montana frequently involves transplanting fish species to waters where they have not previously existed. These introductions are usually common game fish which are introduced into small, isolated water bodies to produce a recreational fishery.

In many of these instances the environmental assessment (EA), conducted according to the rules of the Montana Environmental Policy Act (MEPA), is sufficient to determine the significance of the action and provide appropriate public notice.

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

The proposed legislation will require the department to follow the procedures of MEPA. We already have that obligation under current law. We conduct environmental reviews when we introduce species. However, we did not support the original requirement to do an EIS in all cases. In many cases, an EA is all that is needed to fully comply with MEPA.

We support strengthening penalties for illegal introduction of fish species. These illegal introductions have been widespread in some parts of the state. Their impacts can be very detrimental and, in most cases, are very costly to eliminate, if not impossible. Education can be an effective approach; however, it is important to have a meaningful penalty to help deter violators.

Montana Trail Vehicle Riders Assn.
Linda Ellison, Land Use Coordinator
3301 West Babcock, Bozeman, MT 59715
March 14, 1991

SENATE FISH AND GAME
EXHIBIT NO. 2
DATE 3/14/91
BILL NO. HB 359

In Support of HB 359

Off-highway vehicle (OHV) recreation is a back-country sport in which approximately 11% of Montana's population participates. The primary focus of the sport is trail riding, for the enjoyment of the ride and/or as a means of transportation to other back-country activities. 98% of OHV recreation in Montana occurs on public lands, either Forest Service or BLM.

Program management depends on access to public lands, via trails and activity areas, and the responsible use of these by OHV enthusiasts.

Our ability to locate trails to best accomodate our needs and protect the land resource so vital to our sport, necessitates an inherent flexibility to make decisions on case by case basis.

We would appreciate your keeping that in mind as you consider this bill.

SENATE FISH AND GAME

EXHIBIT NO. 3
DATE 3/14/91
BILL NO. HB 359

Senate Hearing :Bill 359
Testimony in favor of Bill 359

Chairman and Committee members:

Montana's many beautiful rivers and streams are a source of pride for the majority of Montana residents. We spend many recreation hours and many recreation dollars enjoying our flowing waters.

Boating, fishing, swimming, wading, bird watching, and hunting are some of the traditional recreational activities that take place in and along this states rivers and streams. These recreational activities do not harm our waters nor do they harm the riparian vegetation and the stream and river banks.

There is however a new form of motorized "recreation" now in Montana which does do great damage to rivers and streams and their adjacent banks. I refer to the use of All Terrain Vehicles. All terrain vehicle users frequently use drive their machines along river and stream banks and even in the water itself. This environmentally insensitive use of all terrain vehicles erodes stream banks, especially at points of entry and exit, branches riparian vegetation, disturbs wildlife habitat, muddies streams, kills fish, and allows motor oil to leak into the water.

Users of All Terrain Vehicles will tell you that this law is unnecessary. They will tell you that what is needed is education and legislation. I do not believe so. If you would, please take the time to look over the information I have given you. Even the slightest problem can become a major one if we do not act now to protect Montana's beautiful waters.

Thank you very much for your time and attention to this important environmental issue.

Tom Kilmer
481 2nd Street
Helena, Montana

HB 359
March 14, 1991

Testimony presented by Bob Lane, Dept. of Fish, Wildlife & Parks

HB 359 would prohibit vehicle use below the ordinary high-water mark of all streams and rivers flowing over state or federal lands unless the state or federal land manager authorized vehicle use. The bill would also prohibit vehicle use on navigable rivers flowing through private lands in the stream bed that is covered by water. The stream access law presently forbids the use of all-terrain vehicles or other motorized vehicles within the ordinary-high water marks where the land is posted against trespass unless the landowner has given permission. However, his bill would not require posting to make use of vehicles illegal on streambeds owned by the state or a federal agency. The use would be a misdemeanor unless the state or federal agency specifically designated a streambed for vehicle use or gave written authorization, or unless the use was at an established road or trail crossing. There is also a specific exemption for nonambulatory persons.

The state could authorize the use only where the environmental impact was minimal.

Based on the department's analysis of this legislation, we wish to provide the committee with the following information:

1. Vehicles can do considerable damage to streambed ecology by disturbing the streambanks and the gravel covering the streambed. Nature lays down streambeds in a pattern that is naturally resistant to erosion. Vehicles can break through and destroy this pattern, leaving the disturbed streambed exposed to accelerated and inevitable erosion that reduces stream channel stability. In severe cases, this erosion can significantly harm the fish and wildlife ecology of a stream or river.

2. Shallow riffles and gravel bars are sensitive areas of streams, important for fish spawning and as food producing areas.

3. Wildlife under natural conditions concentrate along stream and river corridors. Concentrated use threatens wildlife in these areas through harassment and physical deterioration of part of their habitat.

4. Uses that disturb streambeds are closely regulated under present statutes. Activities of the private sector, such as installing headgates, constructing bridges, or rip-rapping banks, are regulated by Conservation Districts under the Streambed and Land Preservation Act with projects approved, modified or denied, to protect the streambed. These are necessary activities that by their nature must be done within the streambed. State and local governments are similarly regulated under current law.

5. Use of vehicles for rallies, pleasure riding, or establishing trails in streambeds can also be done on much less sensitive land.

We therefore support this legislation.

EXHIBIT NO. 5DATE 3/14/91BILL NO. HB 487

14 March 1991

Testimony of Clyde G. Byerly

Subject: House Bill 487, Shooting Range Protection Bill.

I wish to express support for the bill. I represent the Montana Rifle and Pistol Association, a large membership organization of shooting sports enthusiasts and hunters in the state. We are the umbrella organization for many organized local shooting clubs throughout the State.

This bill will benefit the general public as well as sport shooters in that there will be shooting ranges near our cities for the foreseeable future. In many cities, these existing ranges are used for training of law enforcement personnel and other private agencies personnel that must be proficient in the handling of firearms. The continued use of ranges for shooting sports activities will minimize the possibility of shooters practicing in public areas and other areas that could be detrimentally affected by litter and noise problems. Without ranges designated for sport shooting, there could be safety as well as environmental problems in areas surrounding our cities.

If cities determine that it is necessary to encourage on existing ranges, it is logical and correct that the range be relocated at the expense of the benefitting party.

This bill will also benefit the Dept. of Fish, Wildlife and Parks by ensuring that ranges are available to support the hunter safety program for the training of our youth to qualify them to participate in shooting sports and hunting activities.

The safe use of firearms has been part of our public heritage for generations, let's continue this for future generations. The near unanimous passage of this bill in the House reflects the importance that the people of Montana attach to shooting sports.

In conclusion, the Montana Rifle and Pistol Association urges your favorable consideration of this bill.

Clyde G. Byerly

WITNESS STATEMENT

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

Dated this 14 day of March, 1991.

Name: Cheryl Patton

Address: City of Great Falls, P.O. Box 5021
Great Falls, MT 59403

Telephone Number: 727-5881

Representing whom?

City of Great Falls

Appearing on which proposal?

HB 487

Do you: Support? ☐ Amend? ☐ Oppose? ☒

Comments:

Commissioners
Russell J. Ritter, Mayor
Margaret A. Crennen
Tom Huddleston
Mike Murray
Blake J. Wordal



SENATE FISH AND GAME

EXHIBIT NO. 7

DATE 3/14/91

BILL NO. HB 487

City-County
Administration Building
316 North Park
Helena, MT 59623
Phone: 406/442-9920

William J. Verwolf
City Manager

City of Helena

March 14, 1991

Chairman Bob Williams
Senate Fish and Game Committee
State Capitol Building
Helena, Montana 59620

Dear Chairman Williams and Members of the Senate Fish and Game Committee:

My name is Kathy Macefield, Planning Director for the City of Helena. I am appearing on behalf of the City of Helena to express concerns about -- and opposition to -- HB 487, "An Act Protecting Shooting Range Locations; Exempting Shooting Ranges from Certain Laws Relating to Litter Control, Community Decay, Disorderly Conduct, and Public Nuisance; Amending Sections 7-5-2109, 7-2-5-2110, 45-8-101, 45-8-111, and 76-2-206, MCA; and Providing an Effective Date."

The City of Helena opposed this bill last legislative session, and I am speaking in opposition to this bill again today. As this bill was introduced in 1989, and again in 1991, I regret that the title of the proposed bill does not specifically state that it would amend the planning and zoning statutes.

The planning and zoning statutes (Title 76, Chapters 1 and 2 respectively) are intended "to promote the orderly development of [Montana's local] governmental units and environs." The purpose of Chapter 1 is to "encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that ... residential areas provide healthy surroundings for family life...." (76-1-102, MCA)

Chapter 2 states that zoning is authorized "for the purpose of promoting health, safety, morals, or the general welfare of the community" and that a city and a county are empowered to regulate and restrict the location and use of buildings, structures and land.... The statutes further state that zoning regulations "shall be made in accordance with a comprehensive plan and designed to secure safety from fire, panic and other dangers; to promote health and the general welfare.... Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of the land...." (76-2-203 and 76-2-304, MCA)

The planning and zoning statutes are intended to maintain some protection for the public's safety and general welfare while also protecting their property values. Through the public hearing process, a community can determine which uses are compatible and appropriate -- and inappropriate -- in certain locations.

SENATE FISH AND GAME
EXHIBIT NO. 8
DATE 3/14/91
BILL NO. HB 563

HB 563
March 14, 1991

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

Landowners are given a preference in the special drawings for elk, deer and antelope. This preference allows 15% of the permits in a hunting district to be issued to landowners before the remaining quota is issued to the general sportsman. This is a benefit provided to landowners in appreciation for providing habitat for wildlife.

To qualify for antelope and deer landowner preference, an individual must own the land in fee title or be contracting for deed to purchase the land.

For elk landowner preference, an individual must own the land in fee title. A person purchasing land through a contract for deed is not eligible for elk preference. This difference is confusing to landowners and is difficult for us to explain. This legislation would make the ownership qualifications similar. We do not anticipate a large increase in the number of landowners who will qualify for elk landowner preference.

We urge your support for HB 563.

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 15, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 390 (third reading copy as amended - blue), respectfully report that House Bill No. 390 be amended and as so amended be concurred in:

1. Title, lines 7 and 8.

Following: "LICENSES;" on line 7

Strike: remainder of line 7 through "ANIMAL;" ON LINE 8

2. Title, line 9.

Strike: "NONGAME"

3. Title, line 14.

Strike: "SECTIONS"

Insert: "SECTION"

4. Title, line 15.

Strike: "87-2-101 AND"

5. Page 1, line 20.

Strike: "3"

Insert: "2"

6. Page 4, line 10 through page 6, line 11.

Strike: section 2 in its entirety

Renumber: subsequent sections

7. Page 6, line 13.

Strike: "nongame"

8. Page 6, line 14.

Following: "management"

Insert: "through hunting"

9. Page 6, line 15.

Strike: "as a game animal"

Page 2 of 2
March 15, 1991

10. Page 6, line 21.
Strike: "nongame"

11. Page 7, lines 20 and 22.
Strike: "3"
Insert: "2"

12. Page 7, lines 21 and 22.
Strike: "5"
Insert: "1"

Signed: _____

Bob Williams

Bob Williams, Chairman

3/15/91
Coord.

SB 3/15 12:30
Sec. of Senate

561219SC.Sj1

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 107 (third reading copy -- blue), respectfully report that House Bill No. 107 be concurred in.

Signed: _____

Bob Williams
Bob Williams, Chairman

3/15/91
Ad. Coord.

SB 3/15
Sec. of Senate

12:30

5612143C.Sj1