

**MINUTES**

**MONTANA SENATE  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON FISH & GAME**

**Call to Order:** By Bob Williams, on March 26, 1991, at 3:25 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 556**

**Amendments, Discussion, and Votes:**

Representative Ream presented and gave an explanation of amendments to HB 556 which is a bill regulating game farms. See Exhibit No. 1.

Director K. L. Cool of FWP feels that the amendments are an acceptable compromise. The Commission would be used to establish any restrictions through their normal rule-making process.

Charles Brooks, representing the Game Farmers, expressed some concerns. As these are domesticated animals, they would like to be classed under livestock realizing the FWP should have some administration also. They also feel comfortable with the rule-

making authority as far as some of the regulations are concerned. They are very interested in forming a committee to work with all the entities involved. Strongly urges the committee not to overregulate an emerging industry that will be so important to Montana's economy.

Senator Pinsoneault expressed his concern for people bringing animals in from different countries without any inspections or restrictions. Bob Spoklie advised for him to get such animals into the State, he would have to go through Dr. Ferlicka's office, have to have a clean bill of health, and qualify for all the tests that are given.

Senator Grosfield questioned if the taxation will be handled by rule making by Department of Revenue? Rep. Ream stated that would be correct; however, because of variable mill levies in different counties, the taxation would be different. Senator Grosfield asked how species not listed on the 1991 Livestock Schedule are taxed? Mr. Spoklie stated because of the myriad of exotic animals that are purchased and sold within a year's time, it may have been overlooked. See Exhibit No. 2.

Senator Grosfield asked if the two-year study was still in the program as was discussed during the hearing? Rep. Ream explained that the game farmers were forming an association to serve as an advisory committee to the Commission. Because the bill has become relatively simple, he feels that a study is not required and any problems can and will be handled by the rule-making authority of the Commission.

Senator Anderson asked Bob Spoklie if the game farmers would be able to live with the amendments until the next legislature convenes? Bob stated they could as they had been asked to be present when the amendments were being written.

Senator Bianchi commented that the FWP should develop a list of exotic animals that should not be introduced into the State because of the genetic pool that could happen.

Senator Jergeson expressed concern for the penalty imposed on game farmers for first infractions which more than likely were unintentional. He recommended changing the amendment to have a varying degree of fines for any game farmer who continues to break the rules. After committee discussion, Senator Jergeson withdrew his amendment.

Senator Swift made the motion to approve the amendments presented. The vote was unanimous.

#### Recommendation and Vote:

Senator Svrcek made the motion to concur HB 556 as amended. The vote was unanimous. Senator Svrcek will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 833

Representative Lee apologized for comments he made at the hearing for HB 833.

Amendments, Discussion, and Votes:

Representative Lee presented an amendment that will affect the sound level allowed motorboats when entering or leaving a docking area. See Exhibit No. 3.

Chairman Williams called on Director Cool of the FWP to present additional amendments. Director Cool suggested an amendment to the legislation that would require the Department to implement the noise restrictions and dB(A) levels on three lakes which are Flathead, Echo, and Seeley. They have chosen these three lakes in terms of evaluation for the following reasons: Flathead is a large lake with tremendous amount of use by the public. It will give them the opportunity to evaluate the acceptance and the ability to enforce those types of noise level restrictions on a large popular lake. Echo is very small but with a great deal of use. Seeley Lake has riverine and use characteristics that will provide an opportunity to evaluate the acceptableness of these regulations from a public use standpoint and individuals who live on the lake. The Department proposes to enforce noise levels as they have been brought forth for the next two years and return to the legislature with an evaluation and report to the Senate/House Fish and Game Committees with a recommendation from the Department on how they might expand upon this if necessary.

Chairman Williams called on Captain Ed Kelly with the FWP if he would envision more employees to carry out this mandate on the three lakes specified. He does not anticipate more personnel and is sure they will be able to enforce the new legislation with people they now have, at least for their area. The FWP has a game warden living on Seeley Lake so he feels it can be done.

Senator Bianchi asked Captain Kelly if there would be a problem of people moving from an unregulated lake to a lake that has the noise restrictions? Captain Kelly stated he would not have a problem and would handle every incident with a reasonable doubt. When a new law is passed, courtesy citations are issued.

Senator Svrcek asked Captain Kelly what would be required to implement the new law? Captain Kelly was not all that familiar with the SAE requirements, has read them, have to get training started for wardens, decide how to set the process up and once they understand it, then start the educational process to the dealers and boat owners. The FWP does numerous water safety programs every year and this will just be an extension.

Chairman Williams called on Ken Hoovestall to present his opinion on the proposed amendments. Mr. Hoovestall feels that with the new amendments this bill will be fair. Their major concern was the 75 dB shoreline level. He is pleased that the FWP will be issuing only courtesy citations on the three lakes they will be testing.

Chairman Williams announced that David Seyfert, a dealer from Kalispell, was available for questions from the committee.

Representative Lee commented that the boat/engine manufacturers are concerned about noise. It is Montana State law that every marine motor be muffled and generally that muffler will always meet the current 1986 dB of 50 feet.

Representative Lee presented the revised amendments which will strike the added language that includes rivers and streams and returns noise levels back to present statute with the exception of the 90 dB one meter test. The only place the 75 dB language now applies is now on Flathead, Echo and Seeley Lakes. See Exhibit No. 4.

Senator Pinsoneault made the motion to approve the amendments. The vote was unanimous.

#### Recommendation and Vote:

Senator Pinsoneault made the motion to concur HB 833 as amended. Vote was unanimous. Senator Brown will carry the bill on the Senate Floor.

#### EXECUTIVE ACTION ON HB 613

#### Recommendation and Vote:

Senator Grosfield made the motion to concur HB 613 which will establish the third week of September as Montana's hunting heritage. The vote was unanimous. Senator Grosfield will carry the bill on the Senate floor.

#### EXECUTIVE ACTION ON HB 563

#### Recommendation and Vote:

Senator Swift made the motion to concur in HB 563 to revise the elk license and special elk permit to allow landowner preference to those persons who own or is contracting to purchase the land rather than having to hold the land in fee title. Unanimous vote with Senator Williams to carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 576Amendments, Discussion, and Votes:

Senator Svrcek offered amendments to HB 576 which legislation to revise the law regarding the transplantation or introduction of wildlife by requiring an environmental impact statement prior to transplantation or introduction of a fish species in Montana. The amendments would provide for public awareness and reward persons who turn in offenders through the TIP-MONT program.

Committee members discussed a penalty for willfully dumping fish into rivers, streams and lakes which are not native to Montana waters.

Vice-Chairman Bianchi made the motion to approve amendments presented by Senator Svrcek. The motion passed with Senator Grosfield voting no.

Recommendation and Vote:

Senator Svrcek made the motion to concur HB 576 as amended. Motion passed with Senator Grosfield voting no. Senator Svrcek will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 487Discussion:

Senator Franklin has looked over the amendments presented by the City of Great Falls which expressed their concern with the shooting range being operated on land leased from the City of Great Falls. The City feels they will have no recourse under this legislation to close the range if they choose to use it for other purposes. They have asked to include the amendments "land owned by the operator" so it would release them from language that locks them into a permanent commitment to an area of land.

Senator Jergeson expressed concern with these suggested amendments, where private land could be leased by the shooting range operator which would allow local government to close down a shooting range on land that they do not own.

Senator Jergeson gave an example of a feedlot operator who is established in an area and a group of people start building around him, then complain about the smell, and insist that he be closed down. If a person builds close to a shooting range he should be aware there are certain things that may get on your nerves such as the noise. You freely made the choice to build in

that area; therefore, you cannot force the shooting range, feedlot, etc. to close.

Senator Swift commented that there was one entity against this bill which was the planners and government employed people who do the planning, subdivision and zoning. The real crux of the complaint was they wanted the authority to decide which is the nonconforming use under the planning procedure.

Recommendation and Vote:

Senator Jergeson made the motion that HB 487 be concurred. Motion passed with Senators Pinsoneault and Rye voting no. Senator Bianchi will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 359

Amendments, Discussion, and Votes:

Senator Grosfield recommended an amendment to HB 359, a bill to prohibit operation of off-highway vehicles on public land, which would clarify the language of the bill.

Senator Swift made the motion to approve the amendment. Motion passed unanimously.

Recommendation and Vote:

Senator Bianchi made the motion to concur HB 359 as amended. Motion passed unanimously. Senator Bianchi will carry the bill on the Senate floor.

ADJOURNMENT

Adjournment At: 5:09 P.M.

  
BOB WILLIAMS, Chairman

  
JULIA LEVENS, Secretary

Page 1 of 1  
March 27, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 613 (third reading copy -- blue), respectfully report that House Bill No. 613 be concurred in.

Signed: [Signature]  
Bob Williams, Chairman

46 3/27/91  
Amd. Coord.

512 3/27/91  
Sec. of Senate

Page 1 of 1  
March 27, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 563 (third reading copy -- blue), respectfully report that House Bill No. 563 be concurred in.

Signed: [Signature]  
Bob Williams, Chairman

LB 3/27/91  
Amd. Coord.

SL 3/27  
Sec. of Senate



~~SENATE~~

Page 1 of 1  
March 27, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 487 (third reading copy -- blue), respectfully report that House Bill No. 487 be concurred in.

Signed. \_\_\_\_\_

Bob Williams, Chairman

LB 3/27/91  
Amd. Coord.

212 3/27 1991  
Sec. of Senate

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 576 (third reading copy -- blue), respectfully report that House Bill No. 576 be amended and as so amended be concurred in:

1. Page 1.

Following: line 12

Insert: "WHEREAS, illegal importation, introduction, or transplantation of fish species can be extremely harmful to the management of the state's fisheries, especially the fisheries of sensitive and valuable native species; and  
WHEREAS, illegal importation, introduction, and transplantation of fish species, when done knowingly and purposely, should be dealt with by law enforcement officials to their fullest capabilities; and  
WHEREAS, the Legislature encourages the Department of Fish, Wildlife, and Parks to focus law enforcement efforts on apprehending persons who commit such criminal acts, including providing for public awareness of these crimes and providing rewards for citizen assistance in solving these crimes through the Department of Fish, Wildlife, and Park's TIP-HUNT program."

2. Page 2, lines 19 and 20.

Following: "(2)"

Strike: remainder of line 19 through line 20

Insert: "A"

3. Page 2, line 22.

Following: "part"

Insert: ":

(a)"

4. Page 2, line 25.

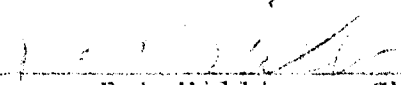
Following: "violation"

Insert: "; and

(b) upon conviction or forfeiture of bond or bail, shall forfeit from the date of conviction or forfeiture any current hunting, fishing, or trapping license issued under this title and the privilege to hunt, fish, or trap in this state for not less than 24 months. If the time necessary to eliminate or mitigate the effects of the violation exceeds 24 months, a person may be

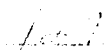
Page 2 of 2  
March 27, 1991

required to forfeit the privilege to hunt, fish, or trap in this state for more than 24 months. If the effects of the violation cannot be eliminated or mitigated, a person may be required to forfeit the privilege to hunt, fish, or trap in this state for the lifetime of that person"

Signed: 

Bob Williams, Chairman

LB 3/27/91  
Amd. Coord.

 3/27/91  
Sec. of Senate

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 556 (third reading copy -- blue), respectfully report that House Bill No. 556 be amended and as so amended be concurred in:

1. Title, line 6.

Strike: "TAXATION,"

2. Title, line 12.

Strike: "87 4-420,"

3. Page 4, lines 12 through 16.

Strike: section 5 in its entirety

Renumber: subsequent sections

4. Page 5, line 12.

Strike: "\$5,000"

Insert: "\$500"

5. Page 6, line 14.

Strike: "IMPORTATION"

Insert: "Department restrictions on importation"

6. Page 6, lines 15 through 25.

Following: line 14

Strike: line 15 through "(2)" on line 25

Insert: "."

7. Page 7, line 1.

Following: page 6, line 25

Strike: "ADD OTHER"

Insert: "restrict from importation for purposes of game farming  
any species or subspecies and their hybrids with native"

8. Page 7, lines 6 and 8.

Strike: "8"

Insert: "/"

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

Bob Williams, Chairman

LB 3/27/91  
Amd. Coord.

Sec. of Senate

Page 1 of 1  
March 27, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 352 (third reading copy -- blue), respectfully report that House Bill No. 352 be amended and as so amended be concurred in:

1. Page 1, line 19.  
Following: "23 2 301."  
Insert: "that occur"

Signed: \_\_\_\_\_  
Bob Williams, Chairman

And. Coord.

Sec. of Senate

86101327.811

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 833 (third reading copy -- blue), respectfully report that House Bill No. 833 be amended and as so amended be concurred in:

1. Page 1, lines 14 and 15.

Strike: "AND RULES" on line 14 through "STREAMS" on line 15

2. Page 3, lines 4 through 20.

Strike: subsection (3) of the Statement of Intent in its entirety

Insert: "(3) It is the intent of the legislature that the department of fish, wildlife, and parks evaluate and report to the 53rd legislature on the effect of 23-2-523(9)."

3. Page 9, lines 6 through 9.

Strike: "and a" on line 6 through "(SAR 31970)" on line 9

4. Page 9, line 22.

Following: "or"

Insert: "or"

5. Page 9, line 25 through page 10, line 2.

Strike: "; OR" on page 9, line 25 through "RULE" on page 10, line 2

6. Page 11, lines 7 through 11.

Strike: subsection (9) in its entirety

Renumber: subsequent subsection

7. Page 12, line 9.

Following: "vessel"

Insert: ", except when directly entering or leaving a public or private marina, waterski facility, or other watercraft docking or loading area"

8. Page 14, line 9.

Following: "watercraft"

Insert: "on Flathead Lake, situated in Lake and Flathead Counties, Echo Lake, situated in Flathead County, or Seeley Lake, situated in Missoula County,"

9. Page 15, line 21.

Strike: "For"

Insert: "Except as provided in 23 2-523(9), for"

10. Page 15, line 23.

Strike: "75"

Insert: "85"

11. Page 15, lines 24 and 25.

Strike: "the shoreline" on line 24 through "(SAE J1970)" on line 25

Insert: "a distance of 50 feet"

12. Page 16, lines 7 through 9.

Strike: "OR" on line 7 through "23 2-521(9)" on line 9

Signed: Bob Williams  
Bob Williams, Chairman

41 527 11  
And. Coord.

RB 227 1040  
Sec. of Senate

Page 1 of 1  
March 27, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 352 (third reading copy -- blue), respectfully report that House Bill No. 352 be amended and as so amended be concurred in:

1. Page 1, line 19.  
Following: "23-2-301,"  
Insert: "that occur"

Signed: \_\_\_\_\_  
Rock Williams, Chairman

7-2-91  
And. Coord.

2-1-3-27  
Sec. of Senate



Amendments to House Bill No. 556  
3rd Reading Copy

For the Senate Committee on Fish and Game

Prepared by Andrea Merrill  
March 25, 1991

1. Title, line 6.  
Strike: "TAXATION,"
2. Title, line 12.  
Strike: "87-4-420,"
3. Page 4, lines 12 through 16.  
Strike: section 5 in its entirety  
Renumber: subsequent sections
4. Page 5, line 12.  
Strike: "\$5,000"  
Insert: "\$500"
5. Page 6, line 14.  
Strike: "IMPORTATION"  
Insert: "Department restrictions on importation"
6. Page 6, lines 15 through 25.  
Following: line 14  
Strike: line 15 through "(2)" on line 25  
Insert: "."
7. Page 7, line 1.  
Following: page 6, line 25  
Strike: "ADD OTHER"  
Insert: "restrict from importation for purposes of game farming  
any species or subspecies and their hybrids with native"
8. Page 7, line 6.  
Strike: "8"  
Insert: "7"

SENATE FISH AND GAME

1991 LIVESTOCK SCHEDULE
 F.I.O. 32  
 Date 3/26/91  
 BILL NO. HB 556
SECTION 1 - PER CAPITA TAX ONLY

<u>TYPE</u>	<u>AGE</u>	<u>CODE</u>	<u>MARKET VALUE</u>	<u>PER HEAD CAPITA TAX</u>
Horses, Mules, Asses & Shetland Ponies . . .	9-23 months	5001	\$ 0	\$1.58
Bulls and Cattle Stock and Registered. .	9-23 months	5002	0	1.20
Sheep . . . . .	9-23 months	5006	0	.21
Swine . . . . .	3-5 months	5007	0	.37
Goats . . . . .	9-23 months	5008	0	.21
Poultry . . . . .	All	5009	0	.01
Bees . . . . .	All	5010	0	.21 Per/ hive

SECTION 2 - AD VALOREM AND PER CAPITA TAXHorses

Mules, Asses, Shetland Ponies, Donkeys, & Burros . . . . .	24 months & older	5102	\$ 333.00	\$1.58
Stallions . . . . .	24 months & older	5103	1665.00	1.58
Saddle Horses & Brood Mares . . . . .	24 months & older	5105	666.00	1.58
Work and Pack Horses, Riding & Pack Mules . . . . .	24 months & older	5107	777.00	1.58
Show, Race & Roping Horses . . . . .	24 months & older	5108	1110.00	1.58
Horses . . . . .	15 years & older	5109	444.00	1.58

Cattle

<u>Stock &amp; Grade</u> Bulls . . . . .	24 months & older	5312	909.00	1.20
Cattle . . . . .	24-32 months	5315	404.00	1.20
Cattle . . . . .	33 months & older	5316	455.00	1.20
Steers . . . . .	33 months & older	5317	606.00	1.20
Dairy Cattle . . . . .	24 months & older	5318	606.00	1.20

NOTE: The only bulls valued as purebred will be those used in the production of registered/purebred cattle. All bulls used with stock herds will be valued as stock and grade.

Purebred

Bulls . . . . .	24 months & older	5352	1182.00	1.20
Cattle . . . . .	24-32 months	5355	525.00	1.20
Cattle . . . . .	33 months & older	5356	591.00	1.20

AMENDMENT TO HOUSE BILL 833

AMENDING THE HOUSE THIRD READING COPY

OFFERED WITHOUT OBJECTION OF THE CHIEF SPONSOR

MARCH 21, 1991

BEFORE THE SENATE COMMITTEE ON FISH AND GAME

Page 12, Line 9:

AFTER "waterski being towed by the vessel":

STRIKE: "."

ADD: , except when directly entering or leaving a public or private marina, watercraft facility, or other watercraft docking or loading area.

RATIONALE:

This amendment permits a vessel to jump or cross the wake of another vessel within 100 yards of the other vessel when both vessels are entering or exiting a marina, watercraft facility, or docking area. The amendment will permit orderly but close vessel traffic. The amendment is drafted so that the provisions under Section 3 (a) will still govern all vessel traffic exempted under Section 3 (b) by this amendment.

Amendments to House Bill No. 833  
Third Reading Copy

Requested by Senator Williams  
For the Committee on Fish and Game

Prepared by John MacMaster  
March 26, 1991

1. Page 1, lines 14 and 15.

Strike: "AND RULES" on line 14 through "STREAMS" on line 15

2. Page 3, lines 4 through 20.

Strike: paragraph (3) of the Statement of Intent in its entirety  
Insert: "(3) It is the intent of the legislature that the  
department of fish, wildlife, and parks evaluate and report  
to the legislature on the effect of 22-2-523(9)."

3. Page 9, lines 6 through 9.

Strike: "and a" on line 6 through "(SAE J1970)" on line 9

4. Page 9, line 22.

Following: "or"

Insert: "or"

5. Page 9, line 25 through page 10, line 2.

Strike: "; OR" on page 9, line 25 through "RULE" on page 10, line  
2

6. Page 11, lines 7 through 11.

Strike: subsection (9) in its entirety

Renumber: subsequent subsection

7. Page 14, line 9.

Following: "watercraft"

Insert: "on Flathead Lake, Echo Lake, or Seeley Lake"

8. Page 15, line 21.

Strike: "For"

Insert: "Except as provided in 23-2-523(9), for"

9. Page 15, line 23.

Strike: "75"

Insert: "86"

10. Page 15, lines 24 and 25.

Strike: "the shoreline" on line 24 through "(SAE J1970)" on line  
25

Insert: "a distance of 50 feet"

11. Page 16, lines 7 through 9.

Strike: "OR" on line 7 through "23-2-521(9)" on line 9