

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION**

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

**Call to Order:** By Senator Bob Pipinich, Chair, on February 18, 1993, at 1:00 p.m.

#### **ROLL CALL**

**Members Present:**

Sen. Bob Pipinich, Chair (D)  
Sen. Tom Beck (R)  
Sen. Don Bianchi (D)  
Sen. Chris Christiaens (D)  
Sen. Bruce Crippen (R)  
Sen. Gerry Devlin (R)  
Sen. Judy Jacobson (D)  
Sen. Terry Klampe (D)  
Sen. Kenneth Mesaros (R)  
Sen. Dennis Nathe (R)

**Members Excused:** Senator Gary Forrester (D), Vice Chair

**Members Absent:** None.

**Staff Present:** Andrea Merrill, Legislative Council  
Kathy Collins, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 375  
Executive Action: SB 375, SB 317, SB 355, SB 341

#### **HEARING ON SB 375**

**Opening Statement by Sponsor:**

Senator Don Bianchi, Senate District 39, stated SB 375 deals with eliminating the 10-mile restriction on shooting preserve locations and establishing a flat fee for shooting preserve licenses. Senator Bianchi stated there is an individual from his area who is interested in creating a shooting preserve on his ranch but is unable to do so because a neighboring rancher has a license for a shooting preserve within the 10-mile radius. Senator Bianchi stated SB 375 would increase the cost of the

shooting preserve license from \$50 to \$250 to cover the cost of annual inspections done by the Department of Fish, Wildlife & Parks (DFWP).

**Proponents' Testimony:**

Tim Crawford, Belgrade, spoke from written testimony in favor of SB 375 (Exhibit #1).

**Opponents' Testimony:**

Al Elser, representing the DFWP, spoke from prepared testimony in opposition to SB 375 (Exhibit #2).

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

Senator Christiaens asked Al Elser if the shooting preserves in existence at the present time were in one general area or if they were spread throughout the state. Mr. Elser stated the preserves were spread throughout the state.

Senator Nathe asked Al Elser if the 10-mile restriction was for biological reasons or if the restriction was arbitrary. Mr. Elser stated the 10-mile restriction was arbitrary and was intended to keep the number of shooting preserves at a manageable level.

Senator Pipinich stated that the cost of the preserve license was set in 1965 at \$50 and asked Al Elser why the Department did not feel the need to increase the fee. Mr. Elser stated the Department would not oppose a fee increase, only the removal of the 10-mile restriction.

Senator Crippen stated it seemed like the shooting preserves put out more birds than are taken, thereby increasing bird populations. Senator Crippen asked Don Childress, DFWP, how many pheasants there are per 100 acres on the average. Mr. Childress stated the number varies across the state.

Senator Beck stated that by asking for a biological reason for the 10-mile restriction, the Department would be faced with the burden of proof. Senator Bianchi stated he agreed with Senator Beck.

Senator Devlin asked Don Childress why the Department quit planting pheasants. Mr. Childress stated cost was the primary reason.

Senator Christiaens asked Tim Crawford how close his ranch is to his neighbor who has the preserve license. Mr. Crawford stated his ranch was within six miles of the preserve.

**Closing by Sponsor:**

Senator Bianchi stated SB 375 would allow more people like Mr. Crawford to enter into an enterprise such as a shooting preserve. Senator Bianchi stated the Committee could go with SB 375 and eliminate the 10-mile restriction or amend SB 375 to reduce that restriction as the Committee sees fit.

**EXECUTIVE ACTION ON SB 375**

**Motion:**

Senator Nathe moved SB 375 DO PASS.

**Discussion:**

Senator Christiaens stated the Committee should look at the long term implications of SB 375. SB 375 could increase the number of shooting preserves in Montana.

Senator Devlin stated a landowner should be able to acquire a shooting preserve permit if he or she so desired.

**Vote:**

The Do Pass motion for SB 375 CARRIED with Senator Beck voting NO.

**EXECUTIVE ACTION ON SB 317**

**Discussion:**

Andrea Merrill distributed copies of suggested amendments to SB 317 (Exhibit #3).

Senator Jacobson asked what the difference was between "general outfitters" and "outfitters". Andrea Merrill stated "general" referred to hunting outfitters, and "outfitters" referred to all outfitters.

Senator Devlin stated the June, 1993 date for the cap on the number of outfitters wouldn't limit anything, and the date should be immediate.

Jean Johnson, Montana Outfitters and Guides Association (MOGA), stated the date of June, 1993 was intended to protect the people

who were already in the process of applying for an outfitter's license, which involves many steps.

Senator Devlin stated he would like to separate amendments #1 and #2 from amendment #3.

**Motion/Vote:**

Senator Devlin moved amendments #1 and #2. The motion CARRIED UNANIMOUSLY. Senator Forrester did not register a vote on this motion.

**Motion/Vote:**

Senator Devlin moved amendment #3 be amended to strike "on or before June 1, 1993" and insert "on or before the date of passage". The motion CARRIED UNANIMOUSLY. Senator Forrester did not register a vote on this motion.

**Motion:**

Senator Christiaens moved SB 375 be amended to remove the additional B-11 deer licenses.

**Discussion:**

Senator Devlin stated it would not be detrimental to anyone to leave the additional B-11 licenses in SB 375.

**Motion:**

Senator Beck made a substitute motion to allow for 500 additional B-11 licenses for outfitters and 500 additional licenses for the non-resident hunter.

**Discussion:**

Senator Bianchi stated B-11 licenses were for antlered deer, and the additional licenses would affect the success rates of resident hunters. Senator Bianchi stated the additional licenses allowed would create a negative reaction from resident hunters.

Senator Nathe stated Senator Beck's motion should be amended to 250 additional licenses for both the outfitter and the general non-resident.

Senator Beck stated he agreed with Senator Nathe and WITHDREW his motion.

**Motion:**

Senator Beck made a substitute motion to allow for 250 additional B-11 licenses for outfitters and 250 additional licenses for the non-resident hunter.

**Discussion:**

Senator Bianchi stated the cap on the outfitters would not necessarily limit the number of guides. An outfitter can hire as many guides as he or she wishes, and the additional B-11 licenses would create the situation where the outfitters would do just that.

Senator Mesaros stated that with the number of hunting outfitters in the state, the additional B-11 licenses would work out to about one license per outfitter. Senator Mesaros stated the additional B-11 licenses would not create the problem Senator Bianchi is concerned with.

Senator Klampe stated the additional B-11 licenses don't make sense mathematically, and the outfitters don't need the additional licenses.

**Vote:**

Senator Beck's motion for 250 additional B-11 licenses for both the outfitters and the non-resident hunter FAILED by Roll Call Vote. Senator Forrester did not register a vote on this motion.

**Motion:**

Senator Devlin made a substitute motion to allow for 500 additional B-11 licenses open to any non-resident hunter, outfitted or not.

**Discussion:**

Senator Klampe asked what effect the additional B-11 licenses would have on the deer population. Senator Beck stated there would be no noticeable effect on the deer population.

Senator Bianchi stated there would be a considerable number of negative responses to any additional non-resident licenses.

**Vote:**

The motion to allow for 500 additional B-11 licenses for any non-resident hunter FAILED by Roll Call Vote. Senator Forrester did not register a vote on this motion.

**Vote:**

The motion to remove the additional B-11 licenses from SB 317 CARRIED by Roll Call Vote with Senator Forrester voting by proxy.

**Motion/Vote:**

Senator Bianchi moved SB 317 DO PASS AS AMENDED. The motion CARRIED by Roll Call Vote with Senator Forrester voting by proxy.

**EXECUTIVE ACTION ON SB 355****Discussion:**

Senator Klampe stated SB 355 deals with 41,000 boats in Montana and asked if Flathead Lake was the only area receiving the funds generated by SB 355.

Senator Crippen asked Al Elser, DFWP, if money is obtained from local chambers of commerce to help offset the cost of the dump stations and maintenance. Mr. Elser referred the question to Doug Monger, DFWP, who stated the chambers contribute monies on a promotional basis only.

Senator Nathe asked Doug Monger if there is a limit on the amount of Federal Dingle Johnson funds. Mr. Monger stated funds generated by SB 355 are eligible to be matched on a 3:1 basis with Federal Dingle Johnson motor boating funds, and at the current time, the DFWP is on the edge of not matching those funds.

Senator Mesaros asked Doug Monger what other facilities were being planned for. Mr. Monger stated 10% of the money generated would go to the operation and maintenance of existing facilities and 90% would go to state-wide projects.

Senator Crippen asked Doug Monger what areas would be benefitted by the money generated by SB 355. Mr. Monger stated SB 355 is written to include areas throughout the state.

Senator Christiaens asked Doug Monger what the source of the matching funds was. Mr. Monger stated the sources were the fees generated from the use of the lake and SB 355.

**Motion/Vote:**

Senator Devlin moved SB 355 DO PASS. The motion CARRIED with Senator Forrester voting NO by proxy.

**EXECUTIVE ACTION ON SB 341****Motion/Vote:**

Senator Jacobson moved SB 341 be TABLED. The motion CARRIED with Senators Mesaros and Forrester voting NO (see Senator Forrester's proxy).

**Motion/Vote:**

Senator Jacobson moved a committee bill be drafted for an interim study. The motion CARRIED UNANIMOUSLY. Senator Forrester did not register a vote on this motion.

**ADJOURNMENT**

**Adjournment:** 2:45 p.m.

  
SENATOR BOB PIPINICH, Chair

  
KATHY COLLINS, Secretary

BP/kc

# ROLL CALL

SENATE COMMITTEE Fish

DATE 2-18-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Jacobson	✓		
Senator Bianchi	✓		
Senator Christensen	✓		
Senator Crippen	✓		
Senator Beck	✓		
Senator Masoro	✓		
Senator Dinkin	✓		
Senator Natke	✓		
Senator Klampe	①		
Senator Forrester			✓
Senator Pipinick	✓		


SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
February 19, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 317 (first reading copy -- white), respectfully report that Senate Bill No. 317 be amended as follows and as so amended do pass.

Signed:

  
Senator Bob Pipinich, Chair

That such amendments read:

1. Title, line 6.

Strike: "GENERAL"

2. Title, lines 7 through 9.

Following: line 6

Strike: line 7 through "OUTFITTER;" on line 9

3. Title, line 9.

Strike: "SECTIONS"

Insert: "SECTION"

4. Title, line 10.

Strike: "87-2-510, AND 87-2-511,"

5. Title, line 11.

Following: line 10

Insert: "IMMEDIATE"

6. Page 2, line 11.

Following: "(4)"

Insert: "(a)"

Following: "of"

Strike: "general"

7. Page 2, line 13.


Strike: "June 1, 1993"

Insert: "[the effective date of this act]"

8. Page 2, line 14.

Following: line 13

Insert: "(b) A person who has completed and filed an application with the board on or before [the effective date of this act] is exempt from the provisions of subsection (4)(a)."

 Amd. Coord.  
Sec. of Senate

411005SC.San

9. Page 2, line 14 through page 5, line 22.  
Following: line 13  
Strike: sections 2 and 3 in their entirety  
Renumber: subsequent sections

10. Page 5, line 24.  
Strike: "June 1, 1993"  
Insert: "on passage and approval"

-END-


SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 18, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 355 (first reading copy -- white), respectfully report that Senate Bill No. 355 do pass.

Signed:

  
Senator Bob Pipinich, Chair


SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 18, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 375 (first reading copy -- white), respectfully report that Senate Bill No. 375 do pass.

Signed:

  
Senator Bob Pipinich, Chair

## ROLL CALL VOTE

SENATE COMMITTEE

# Fish & Game

BILL NO. SB 317

DATE \_\_\_\_\_

2-18-93

# TIME

100

A.M.

P.M.

NAME

**YES**

NO

[illegible]

Kathy Collins

SECRETARY

P. Olrich

## CHAIR

**MOTION:**

amend the bill to have additional

250 Lit. old Lit. 250 Lit.

non-identical

## ROLL CALL VOTE *Devs*

SENATE COMMITTEE Fish & Game

BILL NO. SB 317

DATE 2-18-93

TIME 1:00

A.M. (P.M.)

NAME

**YES**

NO

[illegible]

Kathy Collins

SECRETARY

Piquinich

CHAIR

MOTION: move amendment to have additional  
500 full time for more studies - not  
on title

Chris

BILL NO. SB 317

A.M. ☒ P.M.

YES NO

Piperich  
CHAIR

MOTION: move amendments to become  
additional 500 F-11

## ROLL CALL VOTE

SENATE COMMITTEE Fish & Game BILL NO. SB 317

DATE 2-18-93 TIME 1:00 A.M. (P.M.)

[illegible]

Kathy Collins  
SECRETARY

Papirich  
CHAIR

MOTION: DO PASS as amended

DATE 2-18-93

BILL NO. SB 375

Chairman Bianchi and Committee Members,

My name is Tim Crawford and I am here to support SB 375. I am most interested in the removal of the ten-mile restriction between shooting preserves. I regard this ten-mile limit as an infringement on free enterprise which, particularly in these tough economic times, should be encouraged NOT restricted. A bird shooting preserve can be viewed as a poultry ranch with non-traditional methods of marketing and harvest.

This bill (SB 375) in no way infringes upon the ability of the Department of Fish, Wildlife and Parks to determine who shall receive licenses for operating shooting preserves based upon sound biological and social data. The size of shooting preserves and their impact on public hunting are specifically addressed in subsection one of Section One (Section 87-4-502, MCA) in this bill.

In closing, may I point out that there are 582 licensed outfitters operating for the most part on public land and water in Montana, while there are only 26 licensed shooting preserves, all of which are on private property. These figures seem inconsistent to me as, if you will permit me an imperfect analogy, dairy ranches were not permitted within ten miles of each other while open range grazing of beef cattle was not so restricted.

Thank you for your time.

Tim Crawford  
1300 Dry Creek School Rd.  
Belgrade, MT 59714



February 16, 1993

Mr. Tim Crawford  
1 West Main Street  
Bozeman, MT 59715

Dear Tim:

I first want to thank you very much for allowing me to hunt on your property this past season. I thoroughly enjoyed myself and my dog Callie never had such a great work out. I hope that we can do it again next year.

In my outdoor business I get a tremendous number of requests for Upland Bird Hunting as part of a Fall fly fishing package. Unfortunately, there isn't anything to speak of in and around the Bozeman area. If you were to ever operate on a commercial basis, I know that I could book my clients with you immediately.

I would like to expand my operation to include Upland Bird Hunting if you decide to go in that direction. I will welcome any opportunity to help your efforts toward a shooting preserve. Please call me any time at the shop if I can be of assistance.

Regards,  
The River's Edge

Dave Corcoran



EXHIBIT 1  
DATE 2-18-93  
\$3 375

*Bill & Pam Bryan's*

## OFF THE BEATEN PATH

PERSONAL ITINERARY PLANNING FOR THE ROCKY MOUNTAIN WEST  
109 EAST MAIN STREET BOZEMAN MONTANA 59715  
406.586.1311 FAX 406.587.4147

February 16, 1993

Tim Crawford  
15 South Tracy, #8  
Bozeman, MT 59715

Dear Tim,

During past conversations, we have discussed the growing need for more quality upland bird shooting opportunities in Montana. OFF THE BEATEN PATH has been getting an increasing number of requests for such an experience during the past few years. But, it is my opinion that there are not many first class experiences where there is excellent bird hunting, good guiding services and quality accommodations and food. We feel that people will pay anywhere from \$275 to \$400 a person per day for this type of experience and service.

We particularly feel that a good quality upland bird hunting operation located near a major airport would be able to book many hunting parties in the future. At the moment we are reluctant to market this type of trip because we feel the resulting demand would be larger than the limited opportunities available here in this region at this time.

I hope we will be able to help you further your plans to establish a first class upland bird shooting preserve.

Sincerely,

*Bill*

William L. Bryan, Jr.  
President

SB 375  
February 18, 1993

**Testimony presented by Al Elser, Dept. of Fish, Wildlife & Parks  
before the 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 \$250 fee for shooting preserve licenses or permits.

The department opposes this legislation based upon the following information:

1. Thirty-nine shooting preserves are currently licensed in Montana, a 50% increase since 1991. This increased interest within existing limitations, as well as interest in other private game operations in Montana, suggests that if existing restrictions are removed, a major increase in shooting preserves is likely. The Law Enforcement Division expressed the opinion that the 50% increase in shooting preserves in the past two years is a reflection of the perceived financial benefits of such ventures.
2. The current fee structure for shooting preserve licenses is \$50 per year for the first 160 acres plus \$20 per year for each additional 160 acres or parts thereof (Section 87-4-503, MCA). The cost of shooting preserve licenses currently ranges from a minimum of \$50 to a maximum of \$190. The mean cost per license currently is \$130.
3. Increasing the license cost to a flat fee of \$250 would result

in \$9,750 in annual revenue, approximately a \$4500 increase from the amount currently generated, but may also act as a disincentive to smaller operations.

4. The 10-mile restriction was implemented to prevent large blocks of choice pheasant habitat from going into shooting preserves. Under such circumstances, substantial numbers of wild (public) birds would be included in preserves. This would result in lost public recreational opportunity and some degree of privatization of wildlife. Also, under current rules, shooting preserves can lawfully shoot birds, planted and native, from September 1 through March 31.
5. Interest has been expressed in increasing the mileage limit to reduce competition among shooting preserves.
6. Current law limits the size of shooting preserves to 1280 acres.
7. Removal of the 10-mile limit would potentially increase the number of preserves.
8. In the past, the department has denied licenses for shooting preserves only on the basis of the 10-mile restriction and has not controlled their numbers, location, or other factors. The issuance of these licenses would qualify as a "ministerial action" by the department and as such, no environmental review is required or provided for in the process of reviewing the applications.

Amendments to Senate Bill No. 317  
1st Reading Copy

Requested by MOGA  
For the Committee on Fish and Game

Prepared by Andrea Merrill  
February 16, 1993

SENATE FISH AND GAME  
BILL NO. 3  
2-18-93  
SB 317

1. Title, line 6.  
Strike: "GENERAL"

2. Page 2, line 11.  
Following: "(4)"  
Insert: "(a)"  
Following: "of"  
Strike: "general"

3. Page 2, line 14.  
Following: line 13  
Insert: "(b) A person who has completed and filed an application  
with the board on or before June 1, 1993, is exempt from the  
provisions of subsection (4)(a)."

53rd LEGISLATIVE SESSION

FISH AND GAME COMMITTEE

PROXY VOTE

I, Senator Gary Forrester do hereby  
grant my proxy vote to Chairman Pipinich or Secretary Collins as  
follows:

BILLNUMBER

MOTION

Do Pass  
Yes \_\_\_\_\_ No \_\_\_\_\_

Do Not Pass  
Yes \_\_\_\_\_ No \_\_\_\_\_

Indefinitely Postponed  
Yes \_\_\_\_\_ No \_\_\_\_\_

Tabled  
Yes \_\_\_\_\_ No \_\_\_\_\_

Gary Forrester  
Signature

\_\_\_\_\_  
Date

SB 317 Do not pass  
as written

Do pass if B-11 amended out

B216 - Vote no to remove  
fr Table

Vote no on a do pass

Gary Forester

SB 341

Do pass

Gary Forester

table no

SB 355

Do not pass

Gary Forester

Table yes

DATE 2-18-93

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: SB 375

Name	Representing	Bill No.	Check One	
			Support	Oppose
AL ELSEK	FWP			<input checked="" type="checkbox"/>
Don Chuldress	"			
Bob Lane	"			
Doug Monger	"			
Frank Messinger				

### VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY