

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN FOSTER, on March 11, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Mike Foster, Chair (R)
Rep. Chase Hibbard, Vice Chair (R)
Rep. Bob Ream, Minority Vice Chair (D)
Rep. Beverly Barnhart (D)
Rep. Bob Clark (R)
Rep. Fritz Daily (D)
Rep. Jim Elliott (D)
Rep. Duane Grimes (R)
Rep. Marian Hanson (R)
Rep. Dick Knox (R)
Rep. Bea McCarthy (D)
Rep. Brad Molnar (R)
Rep. Scott Orr (R)
Rep. Bill Ryan (D)
Rep. Emily Swanson (D)
Rep. Doug Wagner (R)

Members Excused: Rep. Bev Barnhart, Rep. Bea McCarthy

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council
Mary Riitano, Committee Secretary

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

Committee Business Summary:

Hearing: None.
Executive Action: SB 81, SB 200, SB 418, SB 375, HJR 24

EXECUTIVE ACTION ON SB 81

CHAIRMAN MIKE FOSTER announced SEN. CRIPPEN would be given the opportunity to close on SB 81.

Closing by Sponsor:

SEN. BRUCE CRIPPEN, Senate District 45, Billings reported Lake Mary Ronan was the first area where problems were noticed between

those crayfishing and those fishing and recreating on the lake. A similar confrontation occurred on the Clark Fork River. He stated it was difficult to propose legislation that would hamper trade or commercial interests. The Department has received no license applications in the last couple of years. He speculated the interest may be waning. However, he has heard an unverified rumor of a crayfish processing plant which may be built in Missoula. He expressed concerns regarding the method used to trap crayfish and the plague which the European crayfish developed. He felt a determination should be made of the effects of harvesting crayfish. Currently they are unknown.

Motion: REP. JIM ELLIOTT MOVED SB 81 BE NOT CONCURRED IN.

Discussion:

REP. ELLIOTT stated that currently crayfish are not harvested at Lake Mary Ronan. Crayfish form a substantial part of the food chain for trout, but the size of crayfish harvested are too large for trout to eat. The smaller crayfish are returned to the water. A permit has not been applied for the last couple of years due to the decrease in the demand for crayfish. REP. ELLIOTT asked Mr. Howard Johnson, Fish, Wildlife, and Parks Department to comment on the crayfishery on the Clark Fork River. Mr. Johnson reported the Department did not have any evidence that the crayfishery had any impact on the fishing.

Substitute Motion: REP. CHASE HIBBARD MADE A SUBSTITUTE MOTION SB 81 BE CONCURRED IN.

Discussion:

REP. SCOTT ORR spoke against the substitute motion. He contended only the large crayfish are kept, and the smaller ones are returned to the water. He mentioned there was no proof of any harm to the fishery. He believed the problem was that fishermen were upset with the orange painted rocks and the buoys first used to mark crayfish traps. Rather than decimate the industry, he suggested having people work with the Department. He reminded the committee that the Department only provided informational testimony.

CHAIRMAN FOSTER asked what caused the plague among crayfish in Europe. He felt one concern SB 81 attempts to address is preventing a similar incident from happening in Montana. Mr. Johnson explained according to reference journals, European crayfish caught the plague from crayfish that had been imported from the United States. He commented that he has not seen scientific documentation to support this theory.

REP. BRAD MOLNAR spoke in opposition to SB 81. He felt the Department should implement rules to maintain and supervise the crayfish industry.

CHAIRMAN FOSTER stated it was possible the crayfish industry could grow too much. He asked if the crayfish population could handle the growth without sustaining permanent depletion of the population. **Mr. Johnson** stated the Department has not had a great deal of experience with the issue. Washington has indicated they harvest approximately 25,000 pounds per year. Oregon and California also have substantial harvests and have not noticed problems. Keeping small crayfish is not legal and they are not marketable. If the Department saw evidence of damage occurring to the crayfish, they would be able to alter the rules. **CHAIRMAN FOSTER** asked if he knew what Montana's crayfish population is. **Mr. Johnson** said no. **CHAIRMAN FOSTER** remarked the population numbers were unknown and full scale commercialization of crayfish could harm its population. **Mr. Johnson** said the Department rules specify that there can only be one person per body of water, with the exception of the Clark Fork, which can have up to three. **CHAIRMAN FOSTER** asked if there was a bag limit. **Mr. Johnson** said there was only a limit on the number of traps.

REP. ELLIOTT stated the Department testified a few weeks ago that it was difficult to determine the effect of increased paddlefish fishing. The census cannot be taken by conventional means so the number is determined through how many paddlefish are caught. He claimed the paddlefish is on the verge of becoming a listed species. The crayfish is not in danger of becoming listed. The committee voted by a substantial margin to encourage the commercialization of a portion of the paddlefish via a nonprofit organization. He believed if the committee voted to eliminate the commercialization of crayfishing, the committee would be doing opposite of what it did for the paddlefish.

Substitute Motion: **REP. ELLIOTT MOVED SB 81 BE TABLED.** Motion failed 8 to 8 with **REPS. HIBBARD, REAM, BARNHART, CLARK, HANSON, RYAN, SWANSON,** and **FOSTER** voting no.

Vote: **SB 81 BE CONCURRED IN.** Motion carried 12 to 4 with **REPS. ELLIOTT, MOLNAR, ORR,** and **WAGNER** voting no. **CHAIRMAN FOSTER** stated **REP. REAM** would carry the bill.

EXECUTIVE ACTION ON COMMITTEE RESOLUTION

Discussion:

REP. HIBBARD distributed and explained the resolution is being drafted by the request of the House Fish & Game Committee (**EXHIBIT 1**). He said the committee needed to agree on the resolution in order to schedule a hearing. The resolution is close to final form. He asked the committee to pass the motion for a committee resolution, keeping in mind that on Tuesday amendments may be proposed to address specifics. The subcommittee needed to meet with representatives of the outfitting industry, since **SJR 2** has died, to revive the study of the outfitting industry.

REP. ELLIOTT stated it was his understanding that the committee would approve the committee resolution as a grey bill then it will be drafted and a hearing will be held on Tuesday. He asked REP. HIBBARD if the only substantive action being taken is to agree to the drafting of the bill. REP. HIBBARD said yes. The substance will not be debated, but an approval is needed to proceed with the drafting.

REP. HIBBARD said he had a few proposed changes. He said parts of the resolution might be inflammatory to the outfitting industry. He proposed adding the language, "growing frustration among the sporting public concerning the outfitting industry and frustration within the industry regarding how they are perceived" on page 1, second from the last "Whereas."

CHAIRMAN FOSTER said at this point the resolution is conceptual. The resolution can be fine-tuned on Tuesday at the hearing. He said REP. HIBBARD, in his proposed changes, is trying to address the outfitter aspect.

REP. MOLNAR suggested changing REP. HIBBARD's proposed language to emphasize concerns from within the outfitting industry and those outside of the industry. CHAIRMAN FOSTER commented he was leaving out an important aspect and that is how the outfitting industry is perceived.

REP. HIBBARD also proposed striking "opportunities to sportspersons who might not otherwise be able to enjoy hunting" on page 2, section (1), subsection (c), and replacing it with "which provides a valid service and is an important industry in Montana." He proposed striking "allowing operation" on page 2, section (2), subsection (d), and replacing it with "encourage the continuance." REP. HIBBARD said there were a couple of different approaches to deal with the concerns that were trying to be addressed in another outfitting resolution, SJR 2, regarding the outfitting industry. They will be presented as amendments on Tuesday. He felt the "Be It Further Resolved" paragraph on page 3 was too broad and there needed to be an amendment to address the specifics of what will be accomplished and the date it is expected to be accomplished.

REP. BOB CLARK asked if there should be language included in the resolution to do away with the current study commission. REP. HIBBARD felt the commission was irrelevant to the resolution and need not be mentioned in it.

REP. DOUG WAGNER asked if the resolution included fishing outfitting or just hunting outfitting. REP. HIBBARD said the industry as a whole is being included.

Motion: REP. ELLIOTT MOVED THE COMMITTEE TO INSTRUCT THE LEGISLATIVE COUNCIL TO DRAFT THE RESOLUTION ADDRESSING THE OUTFITTER/LANDOWNER/SPORTSMEN RELATIONSHIPS.

Discussion:

REP. ELLIOTT asked the committee to refrain from debating the substance of the resolution.

Vote: DRAFTING OF THE RESOLUTION. Motion carried unanimously.

Discussion:

Mr. Doug Sternberg asked if the motion included the changes proposed by REP. HIBBARD. CHAIRMAN FOSTER said yes.

CHAIRMAN FOSTER asked how a number was obtained for the resolution. Mr. Sternberg stated the resolution requires the same process as the introduction of any bill. It has already been pre-edited. At this point it would need a brief legal review, be entered into the mainframe computer system, and assembled as a resolution. It could be introduced on Saturday. CHAIRMAN FOSTER said he would like to see it introduced Wednesday so that the hearing can be held Tuesday, March 16.

REP. MARION HANSON reported if the resolution is in the Chief Clerk's office by noon on Wednesday, it will be read over the rostrum that day.

EXECUTIVE ACTION ON SB 375

CHAIRMAN FOSTER remarked an effort has been made to develop amendments to make the bill agreeable to both sides.

Motion: REP. DICK KNOX MOVED SB 375 BE CONCURRED IN.

Motion: REP. HIBBARD MOVED THE AMENDMENTS DO PASS.

Discussion:

Mr. Sternberg distributed a copy of the amendments (EXHIBIT 2). He stated amendments one and two deal primarily with grammatical changes. Amendment three adds several provisions to the title of the bill to provide protection of the wild game bird population and prohibit new shooting preserves within one mile of certain state and federal wildlife areas. Amendment four provides a list of sections being added to the bill. Amendment five is a statement of intent, which clarifies the reasons for the addition of the proposed amendments. Amendment six strikes language on page 1, lines 19 through 22. Amendment seven inserts subsection (3) on page 1, line 25. It provides that a license or permit may not be granted for a shooting preserve if any part of it is less than one mile from any state or federal park land, any wildlife management area, any wilderness area, or any game refuge preserve, or state or federal sanctuary. Amendment eight leaves the present licensing in place. Section 3, subsection (2), is new and provides a period of time between the passage of the bill and the effective date of the bill for designations to be made.

Section 4, subsection (3), provides that artificially propagated species may be hunted only within a time period following release that is specified by Department rule. Section five addresses release time. The current language of Section 6 will be stricken and replaced with language that specifies how birds are to be marked and tagged. Section 7 updates the maintenance of records. Section 8 clarifies penalties for violation of the law. Section 9 is the codification instruction.

REP. MOLNAR said Section 6, subsection (i), states, "marked by clipping the terminal joint of a single toe on either foot." He asked what a terminal joint was. CHAIRMAN FOSTER said it was the last joint. REP. MOLNAR said he did not agree with this procedure and would oppose this portion of the amendments. Mr. Don Childress, Fish, Wildlife, and Parks Department explained toe clipping was a standard marking procedure.

REP. KNOX asked Mr. Childress if the clipping was done when the bird was a chick. Mr. Childress said yes.

CHAIRMAN FOSTER said he discussed the amendments with Mr. Bob Lane, Fish, Wildlife, and Parks Department. However, Section 3, subsection (2), found on page 2 was not presented to CHAIRMAN FOSTER by Mr. Lane. Currently it is an either/or situation. He asked for a Department explanation.

REP. FRITZ DAILY felt the amendments offered substantive change to the bill.

Mr. Pat Graham, Director of the Fish, Wildlife, and Parks Department said the Department tried to come up with some way of managing shooting preserves. With the implementation of this legislation, there would be no provisions for denial of a permit and anyone who applied could get a permit. He felt the current law does not have an adverse effect on public hunting. He believed the focus should be changed from the siting issue to putting safeguards in place that provide for public recreation and ensure minimal impact on wild birds. Currently, a person who applies for a permit must designate the shooting preserve as commercial or restricted.

Motion: REP. DAILY MOVED TO TABLE SB 375.

CHAIRMAN FOSTER said if the table motion failed, executive action would be resumed on Tuesday.

Vote: SB 375 BE TABLED. Motion failed 8 to 8 with REPS. HIBBARD, CLARK, GRIMES, KNOX, MOLNAR, RYAN, SWANSON, and FOSTER voting no.

EXECUTIVE ACTION ON SB 418

Motion: REP. DAILY MOVED SB 418 BE CONCURRED IN.

Discussion:

REP. WAGNER declared his opposition to the bill. He expressed his concerns about the bill's threat to private property rights.

REP. ELLIOTT expressed his support of the bill. He is the only member of the committee representing people that the bill would affect. Before the tribal agreement, a person desiring to hunt on his own land needed a state hunting license. If he wished to hunt on the reservation, he needed a tribal permit. After the tribal agreement was put in place, only one joint hunting license in the State of Montana is needed. The people living on the reservations are living under state and tribal law. The federal government is at fault for the current condition, since they opened the land up for homesteading around 1910. The courts have upheld tribal jurisdiction. One person decided to become a test case for this bill. He was given a courtesy citation, which the Department gave everyone who was found hunting on the reservation without the joint license. However, he refused to obtain the joint license. The issue was very contentious. After the tribal agreement passed the House and Senate, there were 40 hours of public hearings on the state/tribal agreement. SB 418 will help settle the issue. **REP. ELLIOTT** urged support of the bill.

REP. DAILY stated this issue has been in the Legislature for several years. Attorney General Racicot got involved in the issue and finally did get an agreement signed. He believed the committee should pass SB 418.

REP. WAGNER asked if members of the Flathead Salish-Kootenai would like to venture from the boundaries of the reservation into the North Fork or the Flathead or other ranges not contained in their area, should they have a joint hunting license when they go and hunt in those ranges.

REP. ELLIOTT responded to **REP. WAGNER's** question. He said the Hellgate Treaty of 1855 states the Confederated Salish-Kootenai tribes have rights to hunt on all the unclaimed land in their traditional hunting grounds. If they are on forest service land or Bureau of Land Management land, they do not need a license.

REP. MOLNAR asked **REP. BOB REAM** what the state would obtain from this agreement. **REP. REAM** hoped that costly litigation could be avoided. He referred the question to the Department. **Mr. Graham** said the Department was looking for a cooperative way to move forward in the management of resources on the reservation.

Vote: SB 418 DO BE CONCURRED IN. Motion carried 14 to 2 with **REPS. HANSON** and **WAGNER** voting no. **CHAIRMAN FOSTER** said **REP. ELLIOTT** would carry the bill on the Floor.

EXECUTIVE ACTION ON SB 200

Motion: REP. WAGNER MOVED SB 200 BE CONCURRED IN.

Discussion:

CHAIRMAN FOSTER distributed a statement by Mr. Jim Richard, Montana Wildlife Federation (EXHIBIT 3) in support of SB 200.

REP. MOLNAR commented if the legislation is setting a precedent for future game management, this is one of the most interesting and far-reaching bills that has come before committee this session. A determination should be made of how to handle wildlife in Montana for its betterment and protection. He expressed his concern that the bill might die in committee and urged the committee's support.

Motion: REP. WAGNER MOVED HIS SET OF AMENDMENTS.

Discussion:

REP. WAGNER distributed a copy of his proposed amendments (EXHIBIT 4). He stated there is a concern of whether or not to call it a buffalo "hunt." He suggested changing the words "hunt" and "hunting" to "harvest" and "public harvest." In his opinion, this may reduce the animosity felt towards the issue.

REP. KNOX stated he could not support the amendments. He did not believe the amendments would diminish the feelings of animosity.

REP. DUANE GRIMES declared his opposition to the bill and the amendments. He thought a risk would be taken if buffalo hunting was reinstituted.

REP. WAGNER commented we no longer have the ability to hunt the grizzly bear. Even though the grizzly bear is recovered, it remains on the endangered species list. He felt a major issue is who will be "harvesting" the buffalo. He speculated several other animals would soon be removed from the list of animals that are allowed to be hunted.

Vote: REP. WAGNER'S AMENDMENTS DO PASS. Motion failed 10 to 6 with REPS. CLARK, HANSON, MOLNAR, ORR, WAGNER, and FOSTER voting yes.

Motion: REP. WAGNER MOVED THE MONTANA WILDLIFE FEDERATION AMENDMENTS.

Discussion:

Mr. Sternberg distributed a copy of the proposed amendments (EXHIBIT 5). He said amendments one, two, four, and six change the context of the bill back to the original form as it was introduced. These amendments will allow hunting. The context

will be changed so that the manner of buffalo hunting would be left up to the Department's discretion. Amendment five adds subsection (4) on page 3. Amendment seven provides that the bill be effective April 1, 1995, or after completion of the Environmental Impact Study (EIS), whichever occurs first.

REP. REAM spoke in support of the amendments except for number seven. He felt amendment five was important because the pressure must be kept on federal agencies to work with the FW&P Department and the Department of Livestock.

Motion: REP. REAM MOVED TO SEGREGATE AMENDMENT SEVEN.

Vote: AMENDMENTS ONE THROUGH SIX DO PASS. Motion carried unanimously.

Discussion:

REP. WAGNER asked REP. REAM if adopting amendment seven would continue to apply pressure, because then a deadline is provided for the EIS to be completed. REP. REAM said he would like to see the EIS results first and have time to review it before the next session.

CHAIRMAN FOSTER remarked if the study were completed by the end of 1993, then theoretically the hunt could begin January 1, 1994.

Vote: AMENDMENT SEVEN DO PASS. Motion failed 9 to 3 with REPS. HANSON, MOLNAR, and WAGNER voting yes. REPS. BARNHART, DAILY MCCARTHY, and RYAN were absent for the vote.

Motion: REP. WAGNER MOVED SB 200 BE CONCURRED IN AS AMENDED.

Discussion:

REP. MOLNAR asked about the policy regarding proxies. CHAIRMAN FOSTER said they have to be written. REP. MOLNAR asked if the proxies of those absent could be verified. CHAIRMAN FOSTER inspected the proxies of those absent and found all of them to be in order. REP. REAM also inspected the proxies. He reported REPS. DAILY, RYAN, and MCCARTHY left proxies in support of SB 200. REP. BEV BARNHART's proxy indicated no vote.

REP. MOLNAR asked for clarification on whether or not a representative could abstain from voting. CHAIRMAN FOSTER explained if the representative is not present and did not leave a proxy, then there is no vote.

REP. REAM claimed this has been a difficult issue for all those involved. His concern is that SB 200 will accelerate the process of possibly losing other species to hunt. He voiced his opposition to the bill.

REP. KNOX expressed his opposition to the bill.

REP. CLARK commented he liked the bill and the amendments but felt at this time it would be a mistake to pass it. A recent court decision upheld the Department's right to control bison. He believed if the bill was passed, it would "screw things up." He expressed his desire to hunt buffalo and to continue hunting other game animals. However, it seems as if Montana is losing species that are available to hunt, one by one. It is time to draw the line in the sand, but this is not the way or the species it should be done with. The people with whom we are fighting this war do not play by the rules, but make their own rules. They manipulated the media in 1989 to stop the buffalo hunt. He felt the war must be won by playing by the rules and that the wrong signal would be sent if the bill is passed. In his opinion, the EIS should be completed and the Legislature should revisit the issue during the 1995 session. This way the war might be won and Montanans' hunting rights might be more than prolonged.

REP. EMILY SWANSON spoke on behalf of **REP. BILL RYAN**. He supports hunting and wants Montana to make a statement that it also supports hunting. **REP. RYAN** was strongly in favor of the bill. **REP. SWANSON** signed the bill; however, she was unsure about which way to vote on it. She said everyone agrees that we want to preserve Montana's hunting heritage, avoid media attention, and that the federal government, national park service, and forest service should take responsibility for their share of managing this species. She also thought the Fish, Wildlife, and Parks Department should take an active role in helping manage this species. It is really a question of where to apply leverage. She believed pressure should be applied on the national park service to do its job and take care of bison within the park. If the EIS comes up with good agreement and hunting can be some piece of the puzzle, then the Legislature can authorize hunting in two years at the next session. She declared she would vote against the bill.

REP. ELLIOTT said the antihunting groups have taken the bison, which is a symbol of the American west, and made it into a symbol for their organization, to fight against hunting. By the state usurping their symbol, it takes away part of their argument. He asked what animal will then become their symbol and declare it should not be hunted. He said he would vote against bill.

REP. MOLNAR said we could wait and see what the Park Service wants us to do with the buffalo or if they want to handle it inside the park. We could wait to see what they will do with the 21,000 elk in the Park and if they also want to handle it inside the park. He said we know it has to be done in a way that does not damage the resource. We should not leave it up to the federal government to decide. If they let animals wander out of the park, we should be able to harvest them in a safe, sane manner. The buffalo population is too large and is causing harm to surrounding animal populations. Therefore, the buffalo must be managed and this is the only tool we have. The only question

is who should pull the trigger, and he believes it should be sportsmen.

REP. HIBBARD felt hunting may be utilized as a tool for bison population control, but this was not the time to do it.

Substitute Motion: REP. HIBBARD MADE A SUBSTITUTE MOTION THAT SB 200 BE TABLED. Motion carried 9 to 6 with REPS. DAILY, MCCARTHY, MOLNAR, ORR, RYAN, and WAGNER voting no. REP. BARNHART was absent for the vote.

ADJOURNMENT

Adjournment: 6:00 p.m.



REP. MIKE FOSTER, Chair



MARY RIITANO, Secretary

ML/MR

HOUSE OF REPRESENTATIVES

FISH & GAME

COMMITTEE

ROLL CALL

DATE

3-11-93

NAME	PRESENT	ABSENT	EXCUSED
VICE-CHAIRMAN CHASE HIBBARD	✓		
VICE-CHAIRMAN BOB REAM	✓		✓
REP. BARNHART			✓
REP. CLARK	✓		
REP. DAILY	✓		
REP. ELLIOT	✓		
REP. GRIMES	✓		
REP. HANSON	✓		
REP. KNOX	✓		
REP. MCCARTHY			✓
REP. MOLNAR	✓		
REP. ORR	✓		
REP. RYAN	✓		
REP. SWANSON	✓		
REP. WAGNER	✓		
CHAIRMAN MIKE FOSTER	✓		

HOUSE STANDING COMMITTEE REPORT

March 12, 1993

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Mr. Speaker: We, the committee on Fish and Game report that
Senate Bill 418 (third reading copy -- blue) be concurred in .

Signed: Mike Foster
Mike Foster, Chair

Carried by: Rep. Elliott

Committee Vote:
Yes 14, No 2.

561116SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
Senate Bill 81 (third reading copy -- blue) be concurred in .

Signed: Mike Foster
Mike Foster, Chair

Carried by: Rep. Ream

Committee Vote:
Yes 12, No 4.

561114SC.Hpf

HOUSE OF REPRESENTATIVES

FISH & GAME

COMMITTEE

ROLL CALL VOTE

DATE 3/4/93 BILL NO. SB81 NUMBER 1

MOTION: TABLE

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD		✓
VICE-CHAIRMAN REAM		✓
REP. BARNHART		✓
REP. CLARK		✓
REP. DAILY	✓	
REP. ELLIOT	✓	
REP. GRIMES	✓	
REP. HANSON		✓
REP. KNOX	✓	
REP. MCCARTHY	✓	
REP. MOLNAR	✓	
REP. ORR	✓	
REP. RYAN		✓
REP. SWANSON		✓
REP. WAGNER	✓	
CHAIRMAN FOSTER		✓

HOUSE OF REPRESENTATIVES
FISH & GAME COMMITTEE

ROLL CALL VOTE

DATE 3/11/93 BILL NO. SB81 NUMBER 2

MOTION: do pass

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD	✓	
VICE-CHAIRMAN REAM	✓	
REP. BARNHART	✓	
REP. CLARK	✓	
REP. DAILY	✓	
REP. ELLIOT		✓
REP. GRIMES	✓	
REP. HANSON	✓	
REP. KNOX	✓	
REP. MCCARTHY	✓	
REP. MOLNAR		✓
REP. ORR		✓
REP. RYAN	✓	
REP. SWANSON	✓	
REP. WAGNER		✓
CHAIRMAN FOSTER	✓	

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HOUSE OF REPRESENTATIVES
FISH & GAME COMMITTEE

ROLL CALL VOTE

DATE 3/11/93 BILL NO. 56375 NUMBER 3

MOTION: TABLE 56375

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD		✓
VICE-CHAIRMAN REAM	✓	
REP. BARNHART	✓	
REP. CLARK		✓
REP. DAILY	✓	
REP. ELLIOT	✓	
REP. GRIMES		✓
REP. HANSON	✓	
REP. KNOX		✓
REP. MCCARTHY	✓	
REP. MOLNAR		✓
REP. ORR	✓	
REP. RYAN		✓
REP. SWANSON		✓
REP. WAGNER	✓	
CHAIRMAN FOSTER		✓

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HOUSE OF REPRESENTATIVES
FISH & GAME COMMITTEE

ROLL CALL VOTE

DATE 3/11/83 BILL NO. SB 418 NUMBER 4

MOTION: DO CONCUR SB 418

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD	✓	
VICE-CHAIRMAN REAM	✓	
REP. BARNHART	✓	
REP. CLARK	✓	
REP. DAILY	✓	
REP. ELLIOT	✓	
REP. GRIMES	✓	
REP. HANSON		✓
REP. KNOX	✓	
REP. MCCARTHY	✓	
REP. MOLNAR	✓	
REP. ORR	✓	
REP. RYAN	✓	
REP. SWANSON	✓	
REP. WAGNER		✓
CHAIRMAN FOSTER	✓	

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HOUSE OF REPRESENTATIVES
FISH & GAME COMMITTEE

ROLL CALL VOTE

DATE 3/11/93 BILL NO. SB 200 NUMBER 5

MOTION: Wagner amendments

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD		✓
VICE-CHAIRMAN REAM		✓
REP. BARNHART		✓
REP. CLARK	✓	
REP. DAILY		✓
REP. ELLIOT		✓
REP. GRIMES		✓
REP. HANSON	✓	
REP. KNOX		✓
REP. MCCARTHY		✓
REP. MOLNAR	✓	
REP. ORR	✓	
REP. RYAN		✓
REP. SWANSON		✓
REP. WAGNER	✓	
CHAIRMAN FOSTER	✓	

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HOUSE OF REPRESENTATIVES
FISH & GAME COMMITTEE

ROLL CALL VOTE

DATE 3/11/93 BILL NO. SB 200 NUMBER 60

MOTION: #7 amendment of MT Wildlife Federation

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD		✓
VICE-CHAIRMAN REAM		✓
REP. BARNHART		
REP. CLARK		✓
REP. DAILY		
REP. ELLIOT		✓
REP. GRIMES		✓
REP. HANSON	✓	
REP. KNOX		✓
REP. MCCARTHY		
REP. MOLNAR	✓	
REP. ORR		✓
REP. RYAN		
REP. SWANSON		✓
REP. WAGNER	✓	
CHAIRMAN FOSTER		✓

3 9
4 present

HOUSE OF REPRESENTATIVES

FISH & GAME

COMMITTEE

ROLL CALL VOTE

DATE

3/11/43

BILL NO.

200

NUMBER

7

MOTION:

TABLE

NAME	AYE	NO
VICE-CHAIRMAN HIBBARD	✓	
VICE-CHAIRMAN REAM	✓	
REP. BARNHART		
REP. CLARK	✓	
REP. DAILY		✓
REP. ELLIOT	✓	
REP. GRIMES	✓	
REP. HANSON	✓	
REP. KNOX	✓	
REP. MCCARTHY		✓
REP. MOLNAR		✓
REP. ORR		✓
REP. RYAN		✓
REP. SWANSON	✓	
REP. WAGNER		✓
CHAIRMAN FOSTER	✓	

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Printed 11:43 am on March 11, 1993

EXHIBIT

DATE 3/11/93

HJR 24

LC1586

*** Joint Resolution No. ***

Introduced By *****

By Request of the House Fish and Game Committee

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging landowners, outfitters, the sporting community, and the public to work together to address common goals that will mutually benefit the interests of all parties as well as the interests of Montana wildlife resources; and requesting that these efforts be coordinated through the office of the governor.

WHEREAS, landowner/outfitter/sportsperson relations have become increasingly strained over the past several years, leading to increased polarization between the groups; and

WHEREAS, landowners feel victimized and helpless to control increasing game populations and feel that their contributions to wildlife habitat are overlooked or insufficiently acknowledged; and

WHEREAS, sportspersons resent diminishing access to private and public land for hunting opportunities and increasingly view commercialization as a threat to the long-term viability of wildlife management and our hunting heritage; and

WHEREAS, there is growing frustration concerning the outfitter industry; and

WHEREAS, proposals presented to the 53rd Legislature have

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Printed 11:43 am on March 11, 1993

been largely one-sided, with little sensitivity to other groups with equal interest in wildlife resources; and

WHEREAS, this approach has intensified polarization, rather than being conducive to lasting solutions; and

WHEREAS, many of these matters involve complex, emotional, and philosophical issues that do not easily lend themselves to legislative solutions.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That landowners, outfitters, the sporting community, and the public be strongly urged to work together to address these issues in a sustained, cooperative, and positive manner and to mitigate the tension arising from polarization by:

- (1) recognizing the contributions of:
 - (a) private landowners, who provide wildlife habitat and hunting opportunities;
 - (b) the sporting community, which provides financial and political support for sound wildlife management; and
 - (c) the outfitting industry, which provides opportunities to sportspersons who might not otherwise be able to enjoy hunting; and
- (2) defining common goals, including but not limited to:
 - (a) achieving optimum hunter access;
 - (b) protecting wildlife habitat;
 - (c) minimizing impacts on and inconvenience to landowners;
 - (d) allowing operation of a viable outfitting industry; and

EXHIBIT 1
3-11-93
HJR-34

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Printed 11:43 am on March 11, 1993

(e) providing additional tangible benefits to landowners who allow hunter access.

BE IT FURTHER RESOLVED, that the office of the governor be requested to coordinate a sustained, ongoing, cooperative effort to address these issues by establishing statewide, regional, and local groups to develop mutually satisfactory solutions that will preserve Montana's hunting and wildlife heritage.

-END-

{ Doug Sternberg
Legal Researcher
Montana Legislative Council
(406) 444-3064 }

Amendments to Senate Bill No. 375
Blue Reading Copy
Requested by Rep. Ream
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
March 11, 1993

1. Title, line 5.
Following: "PRESERVES"
Strike: "BY"
Insert: ";

2. Title, line 6.
Following: "LOCATION"
Strike: "AND"
Insert: ";

3. Title, line 7.
Following: "PERMITS;"
Insert: "PROVIDING PROTECTION FOR WILD GAME BIRD POPULATIONS;
PROHIBITING NEW SHOOTING PRESERVES WITHIN 1 MILE OF CERTAIN
STATE AND FEDERAL WILDLIFE AREAS; REQUIRING NEW SHOOTING
PRESERVES TO BE OPEN TO THE PUBLIC; CLARIFYING MISDEMEANOR
PENALTIES;"

4. Title, line 8.
Following: "87-4-502"
Strike: "AND"
Insert: ", "
Following: "87-4-503,"
Insert: "87-4-505, 87-4-522, 87-4-523, 87-4-525, AND 87-4-526,"

5. Page 1, line 9.
Insert: "STATEMENT OF INTENT
A statement of intent is required for this bill because
removal of the statutory 10-mile restriction on shooting
preserve locations requires the department of fish,
wildlife, and parks to develop rules that address shooting
preserve locations to provide protection of wild game bird
populations based on scientifically verifiable criteria. The
amendment to 87-4-522(3) requires the department to specify
by rule the time period following release when artificially
propagated species may be hunted. The legislature intends
that the department control the incidental taking of wild
game birds on shooting preserves. Because artificially
propagated birds survive for a relatively short time
following their release from captivity, it is intended that
the department specify by rule the period of time after
release during which hunting of the various species of
released birds is allowed, in order to lessen the impact on
wild game bird populations."

6. Page 1, lines 19 through 22.
Strike: "in" on line 19 through "department" on line 22

7. Page 1.

Following: line 25

Insert: "(3) A license or permit may not be granted for a shooting preserve if any part of it is less than 1 mile from any state or federal parklands, any wildlife management area, any wilderness area, or any game refuge, preserve, or sanctuary operated by the state or federal government."

8. Page 2, line 6.

Following: line 5

Insert: "Section 3. Section 87-4-505, MCA, is amended to read:

"87-4-505. Commercial and membership licenses and permits.

(1) Each shooting preserve license or permit issued by the department ~~shall~~ prior to October 1, 1993, must designate whether or not the preserve is open to the public on a commercial basis or is restricted to a membership or other limited group. In the latter case, the license or permit shall specify that the area is a restricted shooting preserve.

(2) A shooting preserve license or permit issued by the department after October 1, 1993, must designate that the preserve is open to the general public on a commercial basis. Only a shooting preserve designated as a restricted shooting preserve prior to October 1, 1993, may continue to be restricted to a membership or other limited group.

(3) The department shall maintain accurate listings of the names, addresses, and the location of the property of all persons to whom shooting preserve licenses or permits are issued. ~~Said~~ The lists shall must be made available in their entirety to anyone requesting ~~same~~ a list and shall specify whether the preserves are public or private."

Section 4. Section 87-4-522, MCA, is amended to read:

"87-4-522. Game hunted in preserve. (1) Game ~~which that~~ may be hunted under this part ~~shall~~ must be confined to artificially propagated pheasants, quail, chukar partridges, turkeys, and ~~such~~ other species as the department may add by rule from time to time.

(2) A minimum number of stock of each species to be hunted on a shooting preserve ~~shall~~ must be released on the licensed area during the shooting preserve season. The minimum number of stock of each species to be released ~~shall~~ at each release time must be determined by the department before the commencement of the season.

(3) Artificially propagated species may be hunted only within a time period following release that is specified by department rule."

Section 5. Section 87-4-523, MCA, is amended to read:

"87-4-523. Amount of game recoverable. The operating licenses or permits issued by the department ~~shall~~ entitle license holders and permit holders ~~thereof~~ and their members, guests, or patrons to recover not more than 80% of the total number of each species of game released ~~on the premises each year~~ at each release time."

Section 6. Section 87-4-525, MCA, is amended to read:

"87-4-525. ~~Tagging of game. All harvested game shall be tagged with a self sealing tag prior to being either consumed on the premises or removed therefrom, such tags to remain affixed until the game actually is prepared for consumption. The department shall furnish tags at nominal cost to shooting preserve operators, the tags to be numbered consecutively and dated by year of issuance.~~ (1)(a) Artificially propagated game birds released on a shooting preserve must be:

(i) marked by clipping the terminal joint of a single toe on either foot, as evidenced by a healed scar; or

(ii) banded with a leg band securely affixed to one leg of each bird released. The leg band must be of a type that cannot be removed without breaking or mutilating the band and must be supplied by the department at cost.

(b) The foot with a clipped terminal joint or the leg with an affixed leg band must remain attached to any bird taken until the bird is prepared for consumption.

(2) Any wild game bird taken at a shooting preserve at any time other than the general open season for the species must be immediately marked with a numbered wild game bird seal issued by the department. The fee for each seal is \$10. The wild game bird seal must remain affixed to the bird until the bird is prepared for consumption."

Section 7. Section 87-4-526, MCA, is amended to read:

"87-4-526. Registration of shooters. (1) Each shooting preserve operator shall maintain a registration book listing:

(a) the names, addresses, and hunting license numbers of all shooters;

(b) the date on which they hunted; ~~the amount of game and the species taken; and the tag numbers affixed to each carcass~~

(c) the number and species of artificially propagated game birds taken; and

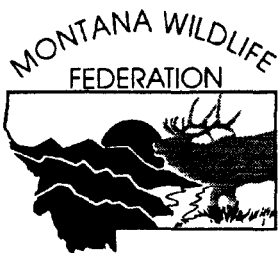
(d) the number of wild game birds and tag number of each wild game bird incidentally taken at any time other than the general open season for the species.

(2) An accurate record likewise must be maintained of the total number, by species, of game raised and/or purchased and the date and number of all species released.

(3) These records shall ~~must~~ be open to inspection by a delegated representative of the department at any reasonable time and shall ~~must~~ be the basis upon which the game-recovery limits in 87-4-523 shall ~~be~~ are determined."

NEW SECTION. Section 8. Penalty. A person who violates any provision of this part or a rule adopted under this part is guilty of a misdemeanor punishable as provided in 87-1-102(1).

NEW SECTION. Section 9. {standard} Codification instruction. [Section 8] is intended to be codified as an integral part of Title 87, chapter 4, part 5, and the provisions of Title 87, chapter 4, part 5, apply to [section 8]."



MONTANA WILDLIFE FEDERATION

P.O. Box 1175, Helena, MT 59624 406-449-7604

1990 Outstanding State Affiliate of the National Wildlife Federation

EXHIBIT

DATE ~~3-10-93~~ 3-11-93
March 9, 1993

SB ~~200~~

TO: House Fish and Game Committee
FR: Jim Richard, Lobbyist, Montana Wildlife Federation

The Montana Wildlife Federation would like to offer the following comments and maps in response to arguments made by opponents to SB 200 and to clarify how bison hunting can be appropriately used as a management tool.

SB 200 is not premature. Because current law prohibits sport hunting as a management tool, the prohibition now biases the EIS against hunting. SB 200, with the Federation's proposed amendments would remove any bias in either direction by authorizing sport hunting as one component of Yellowstone bison management. Also, the bill would not take effect until after the EIS is completed. *It is proper for the Legislature, as elected representatives of the public, to set general policy direction to the agencies preparing the EIS and management plan.*

Hunting, as contemplated by SB 200, would not be particularly vulnerable to animal rights publicity. First, the alternatives to hunting as bison population control measures -- trapping and slaughter, and Park Service rangers killing buffalo in America's oldest national park -- will be easy targets for animal rights and media publicity.

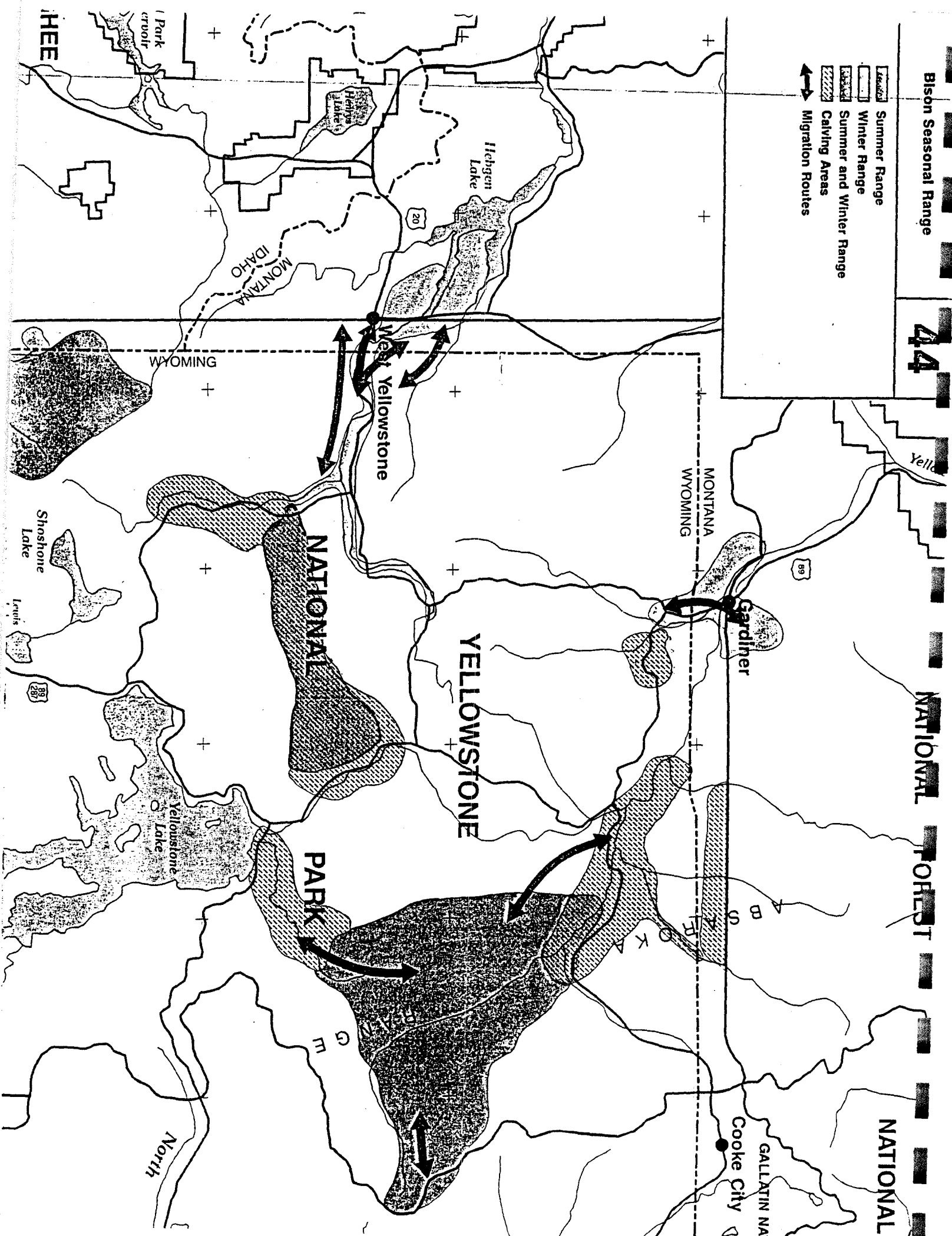
Second, SB 200 would not reinstate the boundary control circus of the 1980's. Rather, the FWP would establish hunting districts, seasons and number of permits. Hunters who draw permits would have several weeks or longer to hunt. Because hunters would be scattered over time and space, and because state wardens would not be present, anti-hunters and the media would not have hunters concentrated and thus would have few photo opportunities.

Authorizing hunting will not let the Park Service "off the hook." Hunting alone will not sufficiently reduce the bison population. An initial population reduction program will be necessary to bring numbers down, and likely would include trapping in or near the Park and/or culling by agency personnel. Yellowstone National Park must participate in these reduction efforts, and Supt Bob Barbee already has expressed the Park's willingness to be involved.

Yellowstone bison belong to all of us, not just the Park Service. All of us, including the Park Service, Forest Service and the State of Montana have a responsibility to be part of the solution. The State of Montana must quit worrying about NPS's involvement and work cooperatively with other agencies toward solving the problem.

As a point of explanation, the attached maps show that hunting could take place on the National Forest land at West Yellowstone and northeast of Gardiner. No cattle allotments exist on those federal lands so brucellosis would not be a factor. Hunting would not be appropriate at this time in the Yellowstone valley north of Gardiner because of the private land pattern and presence of cattle.

- Summer Range
- Winter Range
- Summer and Winter Range
- Calving Areas
- Migration Routes



A Dome Mtn

USPS

Yellowstone River

Little Trail Cr

Russ Cr

Gardiner

Eagle Cr

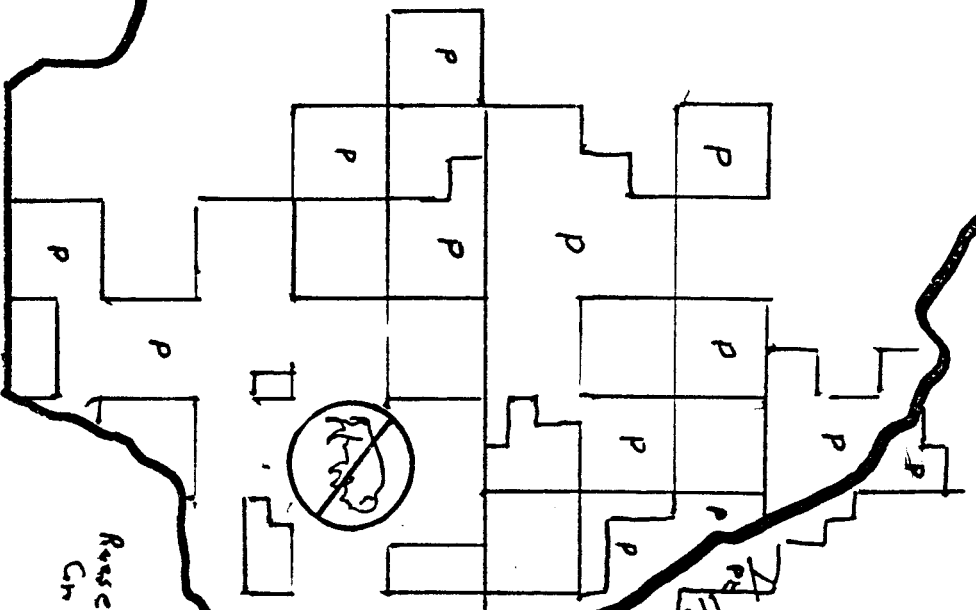
Bear Cr

DeKard Flats

Jardine

Bison Management Area

Yellowstone National Park

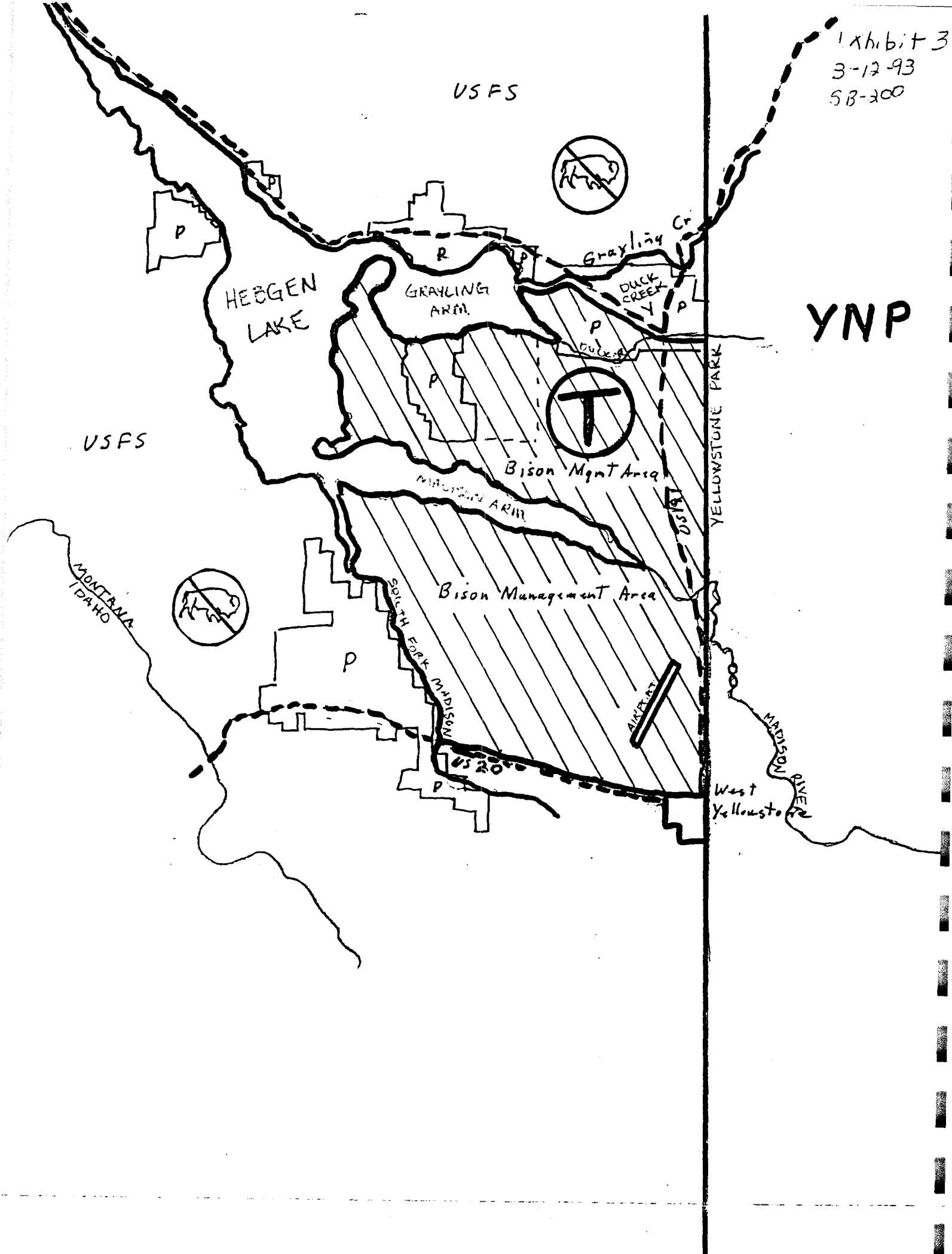


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Exhibit 3
3-12-93
SB-200



Amendments to Senate Bill No. 200
Blue Reading Copy

Requested by Rep. Wagner
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
March 5, 1993

EXHIBIT

DATE

4
3/11/93

SB 200

1. Title, line 11.

Strike: "HUNTING"

Insert: "PUBLIC HARVEST"

2. Title, line 13.

Strike: "HUNTING"

Insert: "HARVEST"

3. Page 2, line 1.

Strike: "hunting"

Insert: "the public harvest"

4. Page 2, line 11.

Strike: "hunting"

Insert: "public harvest"

5. Page 2, line 13.

Strike: "hunting"

Insert: "the public harvest"

6. Page 4, line 7.

Strike: "hunting"

Insert: "harvest"

7. Page 4, line 11.

Strike: "hunt"

Insert: "harvest"

8. Page 4, line 12.

Strike: "taking"

Insert: "harvesting"

Amendments to Senate Bill No. 200
Blue Reading Copy

Requested by Montana Wildlife Federation
For the Committee on Fish & Game

Prepared by Doug Sternberg, Council Staff
March 5, 1993

1. Title, line 10.

Strike: "REQUIRING"

Insert: "ALLOWING"

2. Page 1, line 20.

Strike: "require"

Insert: "authorize"

3. Page 2, line 17.

Strike: "MUST"

Insert: "should"

4. Page 2, line 23.

Strike: "responsible for and shall"

Insert: "authorized to"

5. Page 3, line 12.

Following: line 11

Insert: "(4) The department and the department of livestock are strongly urged to complete and implement an agreement with the national park service and the U.S. forest service for the long-term management of the Yellowstone national park buffalo herd."

6. Page 4, line 3.

Strike: "shall"

Insert: "is authorized to"

7. Page 7, line 4.

Following: "1995"

Insert: ", or after completion of the environmental impact study, whichever occurs first"