

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By VICE-CHAIRMAN AL BISHOP, on January 12, 1995,
at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Kenneth "Ken" Mesaros, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. William S. Crismore (R)
Sen. John R. Hertel (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Judy H. Jacobson (D)
Sen. Terry Klampe (D)
Sen. Bob Pipinich (D)

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Serena Andrew, Committee Secretary

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

Committee Business Summary:

Hearing: SB 70, Migratory Bird Stamp &
SB 31, Crossbow for Disabled Hunters
Executive Action: SB 70 - Do Pass

Due to recorder malfunction, there are no tapes for this meeting.

HEARING ON SB 70

Opening Statement by Sponsor:

SENATOR MACK COLE, SD #4, Hysham, commented that the Department of Fish, Wildlife & Parks requested this bill to facilitate compliance with a U.S. Fish & Wildlife Service (USFWS) survey of

waterfowl hunters. The change is necessary because Montana currently licenses webless migratory species (coot, crane, snipe and mourning dove) with upland game birds, while USFWS includes these species with waterfowl. At present, all upland game bird license holders must be surveyed to obtain the information on migratory species that is required by the USFWS. A savings of approximately \$55,000 in fishing and hunting license revenue is expected to result from passage of this bill by eliminating approximately 77,000 unnecessary game bird hunter surveys.

Proponents' Testimony:

Pat Graham, Director of the Department of Fish, Wildlife & Parks, said his department supports this bill because of the important harvest information it will provide and expected cost savings to the department. **EXHIBIT 1**

Jim Richard, representing the Montana Wildlife Federation, commented that his organization supports the bill and expects little impact from it because the Federation believes most Montana bird hunters pursue both waterfowl and upland game birds.

Gary Sturm, Prickly Pear Sportsmen's Club, also supported the bill because of the anticipated cost savings.

Janet Ellis, Montana Audubon, supported the bill because Audubon thinks the survey information is necessary for efficient migratory bird management. If this information can be obtained while saving money it is even better.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

None

Closing by Sponsor:

SENATOR COLE commented that he had nothing else to bring up, and recommended that the bill do pass.

VICE-CHAIRMAN AL BISHOP stated that the hearing on SB 70 was concluded.

CHAIRMAN KEN MESAROS returned from a previous meeting and assumed the chair.

Opening Statement by Sponsor:

SENATOR DELWYN GAGE, SD 343, Cut Bank, said he introduced this same bill in 1985 at the request of a handicapped person who could not use a bow and arrow but could use a crossbow. Currently, crossbows may not be used during archery season; in big game season, when crossbows may be used, game animals are too wary.

SENATOR GAGE, quoting 76-9-101 MCA, stated that "It is the policy of the state of Montana to provide for the health, safety, and welfare of the citizens of the state by promoting the safety and enjoyment of the shooting sports..." for all citizens, not just those without disabilities. The Individuals with Disabilities Act has caused large expenditures, both private and public, to make things available to the handicapped. This bill is an extension of that act and it will cost nothing.

49-3-204(1) MCA, states, "A state or local governmental agency may not grant, deny, or revoke the license or charter of a person on the grounds of...physical or mental disability...."

The Department of Fish, Wildlife & Parks suggested amendments to legally define a crossbow and clarify qualifications for the special crossbow permit. **SENATOR GAGE** said he would not object to those amendments.

Proponents' Testimony:

None

Opponents' Testimony:

Dave Campbell, United Bowhunters of Montana, Inc., testified in opposition to SB 31 because of existing archery seasons, safety issues and concern for the animals being hunted. **EXHIBIT 2**

Jim Bradford, President, Montana Bowhunters Association, asked that the bill be tabled because it has no bowhunter education requirement and there are no guidelines as to possible recipients of these permits or how the permits could be used. He also presented a video showing alternative bowhunting equipment available for use by disabled persons. **EXHIBIT 3**

Informational Testimony:

CHAIRMAN MESAROS asked **Pat Graham** if the Department of Fish, Wildlife & Parks had a position on this bill.

Pat Graham, Director, Department of Fish, Wildlife & Parks stated that the department would not take a position, but offered informational testimony and amendments to the bill if it were approved by the committee. **EXHIBIT 4**

Questions From Committee Members and Responses:

SENATOR BRUCE CRIPPEN, SD #10, **BILLINGS**, asked **Dave Campbell** if he felt SB 31 in its present form would present a safety hazard in the field. **Mr. Campbell** responded that any kind of hunting equipment could be a safety hazard, but felt that a committee hearing was not the place to decide the safety issue because of the limited time available.

SENATOR CRIPPEN commented that **Mr. Campbell** had stated his organization would not object to the use of crossbows if that were the only way a disabled person could bowhunt. The video had given him an idea of the type of disability that would qualify. **Mr. Campbell** responded that there is a need to define "disability." He thought the average disabled person would prefer to hunt like everyone else. If that can't be done, the crossbow would be acceptable.

SENATOR CRIPPEN commented to **SENATOR GAGE** that he (Senator Gage) had heard the opposition's testimony and the opposition's willingness to work with disabled persons, and asked if **Senator Gage** had spoken with the bowhunters' organizations before this hearing. He also asked if the offer of assistance was made in 1985.

SENATOR GAGE stated that the bowhunters might have said they could help.

SENATOR CRIPPEN asked **Mr. Bradford** if he had any further information. **Mr. Bradford** stated that when **SENATOR GAGE** introduced the bill in 1985, Bernard Woodhelm obtained a bow and all the equipment the disabled man would need and offered it to him, but was never contacted.

SENATOR BOB PIPINICH asked who brought in the crossbow, and how a disabled person hunting by himself could reload it without a jack.

Pat Graham said the bow came from the Department of Fish, Wildlife & Parks and introduced **Tim Pool**, the department's bowhunting expert. **Mr. Pool** said the type and severity of the person's disability would determine whether or not he could reload a crossbow.

SENATOR PIPINICH commented that if a hunter has wounded an animal, he must be able to load again. Without a jack, it's very difficult to reload from a vehicle. **Mr. Pool** responded that it was unlikely he would get a second shot from a vehicle, and that would be an additional concern.

SENATOR KEN MILLER asked **Pat Graham** if Graham felt this bill was something that could be administered by rule rather than legislation. **Mr. Graham** said his legal counsel stated that it will require a statutory change. At the discretion of the

legislature, the department can define disabilities, crossbows, etc., but its rule making authority is limited. The department cannot grant a disabled individual permission to use a crossbow in archery season without legislative direction.

SENATOR BISHOP asked **Bob Lane, Fish, Wildlife & Parks chief legal counsel**, if the Fish, Wildlife & Parks Commission could use an administrative rule to allow the use of a crossbow. He said he didn't think they have the authority to regulate that means of taking. **Mr. Lane** responded that **SENATOR BISHOP** was correct.

SENATOR BISHOP asked **Mr. Lane** if it were legal in Montana to put a bow on full draw, hold it, and release it later. **Mr. Lane** referred the question to **Tim Pool**. **Mr. Pool** said that it depends on the type of device being used; the type that is attached to the bow and allows the bow to be drawn to full draw and left in that position is illegal.

SENATOR BISHOP asked if anyone with expertise in the use of a crossbow were present as he would like to know the range of a 150 pound crossbow.

Dave Campbell said the Montana Bowhunters Association might have the information **SENATOR BISHOP** wanted.

SENATOR BISHOP continued that he would like to know the difference in effectiveness between a crossbow and a black powder rifle at 100 yards. **SENATOR BOB PIPINICH, SD #29, MISSOULA**, responded that they were fairly even.

SENATOR BISHOP asked **Pat Graham** if Montana currently has a black powder season and if it is open statewide. **Mr. Graham** responded that there is a black powder season but it is not currently open statewide. Black powder can be used during regular hunting season and is sometimes allowed in specific areas for safety purposes.

SENATOR JUDY JACOBSON, SD #18, BUTTE, commented that it appears a person must be both handicapped and nonambulatory to qualify for use of a crossbow in archery season. **Mr. Graham** said a person must be nonambulatory to use a crossbow from a vehicle, and that person would also have the right to have someone assist in retrieving or terminating the animal. The present bill does not state that a person must be nonambulatory to hunt with a crossbow.

Jim Bradford said Roy S. Marlow & Associates has done a study to determine the effectiveness of bowhunting - the range of a hand-held bow is 15-45 yards while the range of a crossbow would be 50-85 yards. It takes time to become a good bowhunter. People can pick up a crossbow for the first time and be more effective than a skilled conventional bowhunter.

SENATOR MILLER asked **SENATOR GAGE** if the department's amendments

were acceptable. **SENATOR GAGE** responded that they were.

SENATOR WILLIAM CRISMORE, SD #41, LIBBY, commented that there is concern about what the use of crossbows would do to the present archery season. Several crossbow hunters could be very successful and affect the quality of the season.

SENATOR JACOBSON asked if many people would use an enabling device for bowhunting. **Mr. Campbell** said he didn't think there would be very many.

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, asked **Tim Pool** about the relative efficiency of a crossbow and a rifle. **Mr. Pool** responded that his knowledge of crossbows is somewhat limited, but he did have an arrow trajectory chart he offered to the committee. **EXHIBIT 5**

SENATOR SPRAGUE commented that there is very little accuracy if an arrow is lofted in. **Mr. Pool** said that was the reason the department requested the bowhunter education requirement for crossbow users.

SENATOR CRIPPEN commented that in archery season there is no requirement to wear hunters' orange and few hunters do. He expressed concern about the crossbow's killing distance.

SENATOR JOHN HERTEL, SD #47, MOORE, asked what kind of education he would have to take if he were to buy an archery permit. **Dave Campbell** responded that he would have to take bowhunter education and thought that crossbow hunters should take that course too.

SENATOR HERTEL asked if crossbow hunters would have to take the course if this bill passes. **Mr. Campbell** responded that they would, and offered his organization's assistance.

SENATOR MESAROS asked **Pat Graham** whether the definition of "disabled" is established by rule or statute. **Mr. Graham** responded that it is done by rule. **SENATOR MESAROS** asked him to furnish that definition to the committee. **Mr. Graham** said a person with a heart murmur or a blood disorder could currently be classified as disabled and he didn't feel that was the intent of this legislation. The present definition would be augmented by the department's amendments. He thought the definition should be very narrow for use of a crossbow.

Closing by Sponsor:

SENATOR GAGE agreed with the requirement in the 4th paragraph of **Pat Graham's** testimony that crossbow users would have to take bowhunter education.

He also stated that he had only heard of two disabled people who might be interested in using a crossbow during archery season. As far as need for the bill is concerned, it lies in the eye of

the needful person. These people like bowhunting but are not able to use a bow successfully; it's possible they could use a crossbow. He didn't introduce this bill lightly or to infringe upon the bowhunters' territory. He carried it for a segment of society that is unable to do the things most people do with little effort. He said he would leave the bill to the committee's good judgment.

SENATOR MESAROS closed the hearing on SB 31, and called for executive action on SB 70.

Executive Action on SB 70

Motion: **SENATOR JACOBSON** MOVED SB 70 DO PASS.

Vote: Motion that SB 70 do pass carried by unanimous vote.

ADJOURNMENT

Adjournment: The meeting adjourned at 2:15 p.m.



KEN MESAROS, Chairman



SERENA ANDREW, Secretary

KM/sa

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL

DATE _____

11/12/95

[illegible]

SEN:1995

wp.rollcall.man

CS-09



SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 13, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration SB70 (first reading copy -- white), respectfully report that SB70 do pass.

Signed: 
Senator Ken Mesaros, Chair

 Amd. Coord.
 Sec. of Senate

111035SC.SRF

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE
ROLL CALL VOTE

DATE 1/12/95 BILL NO. SB 70 NUMBER _____

MOTION: SEN. JACOBSON

NAME	AYE	NO
BRUCE CRIPPEN	X	
WILLIAM CRISMORE	X	
GARY FORRESTER	X	
JOHN HERTEL	X	
JUDY JACOBSON	X	
TERRY KLAMPE	X	
KEN MILLER	X	
BOB PIPINICH	X	
MIKE SPRAGUE	X	
AL BISHOP, VICE CHAIRMAN	X	
KEN MESAROS, CHAIRMAN	X	

TSB70P.S

Senate Bill 70
January 12, 1995
Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the
Senate Fish and Game Committee

Senate Bill 70 proposes changing the migratory game bird license structure to allow for the efficient surveying of waterfowl hunters in Montana. The federal Fish and Wildlife Service (FWS) has the primary responsibility for managing migratory game birds throughout the country. The FWS regulation, which includes a five year phase-in beginning in 1993, requires states to survey migratory game bird hunters. The quality and amount of information about harvest of migratory game birds must improve in order to better manage these populations and prevent legal challenges.

The federal rules require the department to furnish information on all migratory game bird hunters. This includes waterfowl as well as webless (coot, crane, snipe, and mourning dove) hunters.

The present law in Montana distinguishes between upland game bird and waterfowl hunters. The law defines upland game birds to include not only pheasant, sharptail, and partridge, but also the migratory webless coot, crane, snipe and mourning dove. The department sells over 80,000 upland game bird licenses. Most of these licenses are sold in combination with other licenses. For instance, the resident sportsmen license includes 6 licenses, one of which is the upland game bird license. The attached table shows the various license types that include an upland game bird license.

In order to comply with the federal requirements, data would have to be gathered on all 80,000 license purchasers since they are licensed to hunt webless migratory birds. In a recent survey completed by the department, it was found that only 2,100 of the 80,000 upland game bird license holders use the license to hunt webless migratory birds. The department is recommending the definition of the upland game bird license be changed to exclude webless migratory game birds, and the waterfowl license be amended to include them.

If this legislation is passed, there will be a savings of approximately \$55,000 annually because there will be 77,900 fewer surveys done each year. The bill may generate additional revenue if the 2,100 hunters who hunt webless migratory birds with the current upland game bird license buy both a waterfowl license and an upland game bird license in the future. To offset this impact, hunters who hunt waterfowl and webless migratory birds will buy one license instead of two.

In summary, I believe this legislation is about efficient government. The legislation amends the licensing statutes to better align with survey requirements of the USFWS. The benefits include:

- Omitting over 77,000 needless surveys. This means less inconvenience to hunters by narrowing the group surveyed to only those who hunt migratory game birds.
- Reduced costs. The legislation will save \$55,000 of hunting and fishing license revenue.
- Minimal impact on the hunter.
- Better data to manage migratory waterfowl.

With this explanation I urge your passage and approval of SB70.

EXHIBIT 1
DATE 1-12-95
SB 70

<u>License Type</u>	<u>Approximate # Sold</u>
Resident Bird	32,000
Resident Sportsmen	18,000
Nonresident Bird	7,000
Nonresident Big Game Combo.	17,000
Nonresident Deer Combo.	<u>6,000</u>
Total	80,000

dm 1/11/95 11:01am
blj 1/11/95 11:24am
blj 1/11/95 5:17pm

or owners as a ranch manager or in a similar capacity. No preference may be granted to a landowner if the hunting area is totally within the prescribed boundaries of public land. (History: Sec. 87-1-304 MCA; IMP, Sec. 87-1-304 MCA; NEW, Eff. 10/5/73; AMD, Eff. 4/4/75; AMD, Eff. 5/6/77.)

12.3.105 LIMITATION ON NUMBER OF HUNTING LICENSES

(1) When the department sets a limitation or quota for the number of hunting licenses to be issued in any hunting district or other designated area, resident applicants shall receive at least 90% of the total hunting licenses to be issued for that game species in that district. When the number of resident applicants totals less than 90% of the quota for that district, all resident applicants shall receive a hunting license for that game species.

(2) The remaining licenses will be issued to the nonresident applicants for that district by drawing.

(3) Any thereafter remaining licenses for that district shall be issued in such manner as the director determines. (History: Sec. 87-1-304 MCA; IMP, Sec. 87-2-701 MCA; NEW, Eff. 6/4/75; AMD, 1980 MAR p. 2192, Eff. 7/18/80.)

12.3.106 DISABLED PERSONS (1) For purposes of section 87-2-803, MCA and this section the following definitions apply:

(a) "Disabled person" means:

(i) a person suffering from a condition medically determined to be permanent and substantial, and resulting in significant impairment of the person's functional ability and specifically includes amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, and renal failure; or

(ii) a person who, because of lack of social competence, mobility, experience, skills, training or other successful characteristics, is in need of and is receiving sheltered employment or work activities services in a protective setting.

(b) "Nonambulatory" means, with respect to a disabled person, permanently physically reliant on a wheelchair or similar remedial appliance or device for mobility.

(c) "Permanently physically handicapped person" means disabled person as defined in subsection (1)(a)(i) of this section except for persons due to mental retardation or mental illness.

(d) "Public highway" means public highway as defined in 61-1-202, MCA, other than a state or federal highway.

MANAGEMENT SERVICES

12.3.107

(e) "Right of way" means land acquired for or devoted to highway purposes, if known; or the lands extending from the road surface to bordering fencelines or to a line 30 feet from the centerline on each side of the roadway, whichever is less.

(f) "Substantially impaired mobility" means, with respect to a disabled person, virtual inability to move on foot due to permanent physical reliance on crutches, canes, prosthetic appliances or similar remedial appliance or device.

(2) The department will provide application forms for disabled persons to submit to their Montana licensed physicians for certification of disability. Upon receipt of a completed application the department will issue a certification of disability.

(3) A disabled person who is a permanently physically handicapped person and who is nonambulatory, or whose mobility is substantially impaired, may apply in accordance with forms issued by the department for a permit to hunt from a vehicle.

(a) The application must contain:

(i) a copy of the applicant's certification of disability from the department;

(ii) either certification by a physician licensed to practice in the United States or the findings of a quasi-judicial body or other reliable certification as to the applicant's permanent physical handicap and nonambulatory condition or substantial physical impairment. The department may investigate any facts alleged in an application. If an application is sent through the mail, the applicant must include:

(A) the application form with physicians's certification;

(B) his original conservation license;

(C) all hunting licenses and tags to be used under this rule.

(b) Upon granting an application the department will stamp all licenses and tags issued to the applicant with the words "Permit to hunt from a vehicle."

(c) An applicant for renewal must submit the previous year's conservation license stamped as provided for in subsection (3)(b).

(d) A disabled person who has obtained and is carrying a license stamped as provided for in subsection (3)(b) may hunt by shooting a firearm:

(i) from the shoulder, berm or borrow pit right-of-way of a public highway;

(ii) from within a self-propelled or drawn vehicle parked on the shoulder, berm or borrow pit right-of-way, provided the vehicle is parked in such a way that it will not impede traffic or endanger motorists; or

(iii) from within a self-propelled or drawn vehicle parked in an area, other than a public highway, where hunting is permitted.

12.3.107

FISH, WILDLIFE, AND PARKS

- (e) A disabled person hunting as provided in subsection (3)(d):
 - (i) must have obtained permission of the landowner to hunt big game on private land;
 - (ii) must be accompanied by a companion who is able to assist in immediately dressing any killed animal;
 - (iii) must conspicuously mark the front, rear, and side of the vehicle from which he is hunting with the international symbol of the handicapped, which the department will provide;
 - (iv) must comply with all other laws and regulations including the federal prohibition on hunting of migratory game birds from a motor vehicle; and
 - (v) may not shoot across a roadway. (History: Sec. 87-2-803 MCA; IMP, Sec. 87-2-803 MCA; NEW, 1984 MAR p. 441, Eff. 3/16/84; AMD, 1986 MAR p. 115, Eff. 1/31/86.)

12.3.107 ANTELOPE LICENSES FOR DISABLED PERSONS (1) A permanently physically handicapped and nonambulatory person, as defined by ARM 12.3.106, may apply for a special antelope license. Twenty five licenses each year will be issued in districts that have quotas of 50 or more as published in the hunting regulations. The successful applicant shall receive their choice of districts. If the number of valid disabled applicants exceeds the number of all licenses available, the department will hold a drawing that gives all applicants an equal chance of being selected. (History: Sec. 87-1-706 MCA; IMP, Sec. 87-2-706, MCA; NEW, 1988 MAR p. 716, Eff. 4/15/88.)

12.3.108 PREREQUISITES FOR SPECIAL ELK PERMIT

- (1) Applicants for special elk permits must acquire an A-5 resident elk or a B-10 nonresident big game combination license prior to applying for a special permit. (History: Sec. 87-1-304 MCA; Eff. 3/27/87; IMP, Sec. 87-2-702(3), MCA; NEW, 1988 MAR p. 879, Eff. 5/13/88.)

12.3.109 PURPOSE The purpose of these rules is to establish policies and procedures for issuing special hunting licenses and permits and for conducting big game damage hunts and game management seasons. (History: Sec. 87-1-301, MCA; IMP, Sec. 87-1-301, MCA; NEW, 1991 MAR p. 815, Eff. 5/31/91.)

12.3.110 DEFINITIONS For purposes of these annual regulations:

- (1) "Hunting season" means any season set to accomplish one or all of the following:
 - (a) to provide sport hunting (general season);

SENATE FISH AND GAME

EXHIBIT NO. 2

DATE 1/12/95

BILL NO. SB 31

UNITED BOWHUNTERS OF MONTANA, INC.

TO: Senate Fish & Game Committee

RE: Senate Bill #31

Date: January 11, 1995

Committee Members;

On behalf of the United Bowhunters of Montana, I thank you for the opportunity to address you regarding Senate Bill #31.

There are a number of things that need to be considered when discussing this bill.

1. Certainly we want to consider what we can do to assist in providing disabled persons with opportunities to Bowhunt during the Archery season.
2. We also must consider the existing Archery Seasons that we have, and what Montana Bowhunters have done, working together with the Fish, Wildlife & Parks and the Fish & Game Commission to perpetuate and protect those seasons. The Montana Bowhunter Education Program is second to none and has done a terrific job in educating Montana's Bowhunters. There is much more to Bowhunting than simply picking up a bow and arrow and shooting an animal.
 - A. The issue of safety has to be dealt with.
 - B. Proper equipment, such as a fine tuned bow,

proper arrow and bow balance and sharp broadheads have to be considered.

- C. We have to have care and concern for the animals we hunt. Proper shots from reasonable distances have to be considered. How to pursue an animal after the shot has to be dealt with. This includes when and how to follow a blood trail to make sure that a wounded animal is recovered.

Generally, it has been considered poor business to attempt to Legislate hunting equipment use for the following reasons:

1. There is not enough time for the Legislature to carefully consider and weigh all of the information they receive. Often, they do not receive enough information to make an educated decision.
2. The administration of equipment regulations should be done by the same body that has to enforce the regulations. Sometime back, Montana's Bowhunters asked the Legislature to give the Department of Fish, Wildlife & Parks the power to regulate archery equipment. This request was granted and legislation was passed giving them this power. This authority was well accepted by the Department. The Department has worked closely with Montana's Bowhunters and for the most part, this arrangement seems to be working well.
3. The Department of Fish, Wildlife & Parks has a bumper sticker that says "EDUCATION NOT REGULATION". We, the United Bowhunters of Montana, believe in these words

EXHIBIT 2
DATE 1-12-95
SB 31

of wisdom. We would first look for a solution to problems then encourage education and communication.

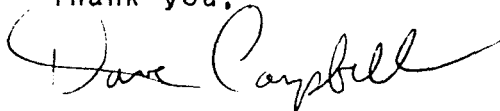
We would ask that this Committee table or kill this bill in return for our commitment to do the following:

1. The United Bowhunters of Montana will work with all concerned parties, including other Bowhunter Organizations, the Department of Fish, Wildlife & Parks, the Fish & Game Commission, the disabled persons and their organizations and the Medical profession in attempting to find solutions to this problem.
2. Our main goal will be to assist disabled persons who are truly disabled according to standards established by the Department of Fish, Wildlife & Parks. We will work in conjunction with disabled persons, the Medical profession, the Department and with other states which have already dealt with this problem.
3. If a disabled person cannot shoot a conventional bow with the help of braces or mechanical aids, we will work with the Department of Fish, Wildlife & Parks in an effort to decide if its feasible to allow such persons to hunt with a crossbow during the Archery Season. We believe that most disabled persons would prefer to have a reasonable hunting opportunity using conventional bowhunting equipment whenever possible. We are familiar with instances where disabled persons have been able to hunt with conventional archery equipment thru specially fitted devices.

We ask that this Committee turn this issue over to the Department of Fish, Wildlife & Parks and give them the authority to set up and administer this program since they have the responsibility to monitor and enforce any rules, regulations or laws that are passed. The United Bowhunters of Montana feel that all of the aforementioned parties working together can find a reasonable solution to the problem of disabled persons being able to hunt during the Archery Season be it with conventional equipment or a cross bow.

Please feel free to call upon myself as spokesman for the United Bowhunters of Montana regarding any questions you might have on this issue.

Thank you,

A handwritten signature in cursive script that reads "Dave Campbell". The signature is written in dark ink and is positioned to the left of the typed name.

Dave Campbell

Spokesman for the United Bowhunters of Montana

1114 Central Avenue

Great Falls, Montana 59401

Work Phone: 1-406-761-1644

Home Phone: 1-406-761-7556



EXHIBIT 2
DATE 1-12-95
SB 31

STROKE VICTIM Dick Daniels draws a bead on a target, using a leather tag to pull back the bow string with his teeth. (Staff photo)

Archery champ pulls back after paralysis

By Gerard O'Brien
Standard Staff Writer

Dick Daniels used to bring home a trophy in almost every state and local archery shoot he competed in. He has about 200 trophies stored in the basement of his home at 2025 Massachusetts.

Yet, 15 months ago he suffered a stroke, leaving him almost totally paralyzed on his left side. He's unable to walk without a cane and has difficulty putting his thoughts into words.

Daniels, an Anaconda native, was a sales agent for Colonial Life and Accident Insurance Co.

The 45-year-old sold insurance for about 13 years. But he became partially disabled due to a heart condition prior to the stroke.

The "cerebral vascular accident" left him 30 percent disabled and he lost up to 80 pounds at one point. He now weighs 230.

After entering the Veterans Administration hospital he underwent physical therapy and speech therapy for about a month in Salt Lake City.

Last October he began occupational therapy under the guidance of Christine Phipps, an occupational therapist from Deer Lodge. Phipps is part of the Occupational and Pediatric Therapy Associates of Bozeman.

Today, Daniels is back on the archery range. Although he must sit in a wheelchair and has no use of his left hand, his scores are coming back up. With the help of a leather tag on the compound bow's string, Daniels is able to use his teeth to pull back the string, steadying the bow with his right hand and let the arrow fly. He can pull over 30 pounds of tension on the bowstring with his mouth.

"We found out about the leather tag from a man in Dillon who is missing an arm," said his wife, Delsa Daniels.

"Many people think that occupational therapy has to do with work-related injuries," Phipps said. "Actually what we do is find what the person is interested in, something that keeps them active, and work that into their therapy routine."

Occupational therapy focuses on functional disorders of stroke victims or people who have been injured in an accident or have other disabilities, such as cerebral palsy.

"We deal with hand and eye coordination, restoring use of muscles

back after paralysis

By Gerard O'Brien
Standard Staff Writer

Dick Daniels used to bring home a trophy in almost every state and local archery shoot he competed in. He has about 200 trophies stored in the basement of his home at 2025 Massachusetts.

Yet, 15 months ago he suffered a stroke, leaving him almost totally paralyzed on his left side. He's unable to walk without a cane and has difficulty putting his thoughts into words.

Daniels, an Anaconda native, was a sales agent for Colonial Life and Accident Insurance Co.

The 45-year-old sold insurance for about 13 years. But he became partially disabled due to a heart condition prior to the stroke.

The "cerebral vascular accident" left him 30 percent disabled and he lost up to 80 pounds at one point. He now weighs 230.

After entering the Veterans Administration hospital he underwent physical therapy and speech therapy for about a month in Salt Lake City.

Last October he began occupational therapy under the guidance of Christine Phipps, an occupational therapist from Deer Lodge. Phipps is part of the Occupational and Pediatric Therapy Associates of Bozeman.

Today, Daniels is back on the archery range. Although he must sit in a wheelchair and has no use of his left hand, his scores are coming back up. With the help of a leather tag on the compound bow's string, Daniels is able to use his teeth to pull back the string, steadying the bow with his right hand and let the arrow fly. He can pull over 30 pounds of tension on the bowstring with his mouth.

"We found out about the leather tag from a man in Dillon who is missing an arm," said his wife, Delsa Daniels.

"Many people think that occupational therapy has to do with work-related injuries," Phipps said. "Actually what we do is find what the person is interested in, something that keeps them active, and work that into their therapy routine."

Occupational therapy focuses on functional disorders of stroke victims or people who have been injured in an accident or have other disabilities, such as cerebral palsy.

"We deal with hand and eye coordination, restoring use of muscles through an exercise program, and generally help people learn to care for themselves, such as getting dressed or being able to get around on their own, prepare their own meals," Phipps said.

IN DANIELS' CASE, Phipps used his love of archery and bowling to get him motivated to use the muscles that he lost control of. Not only did the stroke affect his left arm and leg, but also muscles in the neck and throat, making it difficult to eat. His sight in his left eye is also blurred, meaning he will most likely need corrective lenses.

Phipps meets with Daniels twice a week for therapy.

"For the first hour that I see him, we exercise the shoulder, move on down the arm, elbow, wrist, relaxing and stretching out the hand," Phipps said. She noted that the stroke forces Daniels to involuntarily clench his left hand, and the exercises help him relax those muscles.

"In therapy, we work on relaxing those muscles because if you don't move them, the joints can freeze in that position," she said.

The rest of the therapy focuses on handwriting lessons (Daniels was left-handed), learning how to make a sandwich and get around the house by himself.

Phipps, who sees up to 40 clients in Butte, Anaconda and Deer Lodge, also treats children.

"Basically we treat dysfunctional activities. With children that usually means they have some motor problem.

"Children who have Down's Syndrome have somewhat sloppy muscles. We try to teach them to feed themselves, chew their food, because their mouth doesn't work right. Then we look at the activities of their day, trying to mix play with therapy," Phipps said.

Finally the occupational therapist spends time with the family, encouraging them to encourage the handicapped person. Without the family, therapy twice a week wouldn't put a dent in the condition.

SENATE FISH AND GAME
EXHIBIT NO. 3
DATE 1/12/95
BILL NO. SB 31

TO: Senate Fish and Game Committee

FROM: Jim Bradford, President, Montana Bowhunters Association

The Montana Bowhunter's Association must oppose this bill. As it stands now the bill has no bowhunter education requirement. There are no specific guidelines as to who could receive a permit or how that permit could be used. The MBA is asking you instead to give the Montana Fish, Wildlife, and Parks Commission the ability to regulate this issue. At the same time ask the Commission to develop a committee represented equally by FWP personnel, interested sportsmans groups, and disabled people. That committee could then first of all determine whether there is a need for crossbows for the disabled. If the answer is yes, then the committee can work together to set up a responsible program every can accept.

The Montana Bowhunter's Association has for 21 years fought hard to protect the Bow seasons we now enjoy. We have lobbied to make Bowhunter Education mandatory for all first time bowhunters. Always stressing the facts that bowhunters are made up of a combination of experience, time, and hard work. There is more to bowhunting responsibly than simply knowing how to shoot! Bowhunting is under constant scrutiny from many different directions. PLEASE!! Do not pass a bill full of loopholes that could jeopardize what we care so deeply about.

The Montana Bowhunter's Association has in the past and will continue in the future to work with physically disabled people to help them overcome their disabilities to become bowhunters. To date, all disabled people who have shown a genuine interest and wanted to work hard have been able to shoot conventional archery equipment. If this is not the case for all disabled people, a committee such as the one we have proposed will come up with the right answers to this problem.

We ask that you table this bill as it is written and give the people directly involved the chance to solve this problem responsibly by instead, creating a bill that will allow the FWP Commission the ability to address this issue.

Jim Bradford

Jim Bradford
4305 Barbara Lane
Missoula, MT 59803
PH: 251-3512

1/12/95SB 31

TSB31N.S

Bill No. SB31
January 12, 1995
Testimony presented by Pat Graham
Montana Fish, Wildlife and Parks
before the Senate Fish and Game Committee

The department has not taken a position on SB31. We are here to provide information and in the event you decide to pass this legislation we offer amendments to SB31 which will clarify who qualifies for this special crossbow permit and legally defines a crossbow for the purposes of this statute.

We anticipate approximately 200 individuals would take advantage of the privilege suggested in SB31. We do not anticipate any significant negative impact to game populations for the suggested change.

With our existing disabled licensing program we have had some abuse of the system and confusion on qualification. We would recommend the attached amendments to you to address these concerns.

Since SB31 is broadening the legal archery weapon definition for use during the special archery season the other archery regulations would apply. The use of chemical and explosive devices attached to the arrow, use of artificial light or electronic device, etc. to aid in taking or locating game is prohibited. The holder of this special crossbow permit would also be required to meet the requirements to purchase an archery stamp by completing the Montana Bowhunter Education course.

A definition of who qualifies to use a crossbow should be developed. One option is to provide a definition in law. Alternatively, the legislature could provide direction to the Commission to develop such a definition. Crossbow should also be defined. Attached are two sets of amendments to illustrate both ways.

Attachments (2)

Amendments to Senate Bill No. 31
First Reading Copy

Requested by Montana Fish, Wildlife & Parks
For the Senate Committee on Fish & Game

January 12, 1995

1. Page 1, line 23.
Following: "firearm"
Insert: "or allowed archery equipment"
2. Page 2, line 4.
Following: "killing"
Insert: "by any legal means"
3. Page 2, line 13.
Following: "A"
Strike: "disabled"
Following: "certified"
Strike: "as disabled"
Following: "department"
Strike: "pursuant to subsection (3) and who is"
Insert: "as"
4. Page 2, line 15.
Following: "87-2-708."
Insert: "The department must by rule define what constitutes permanent physical disabilities and must define what is a crossbow."

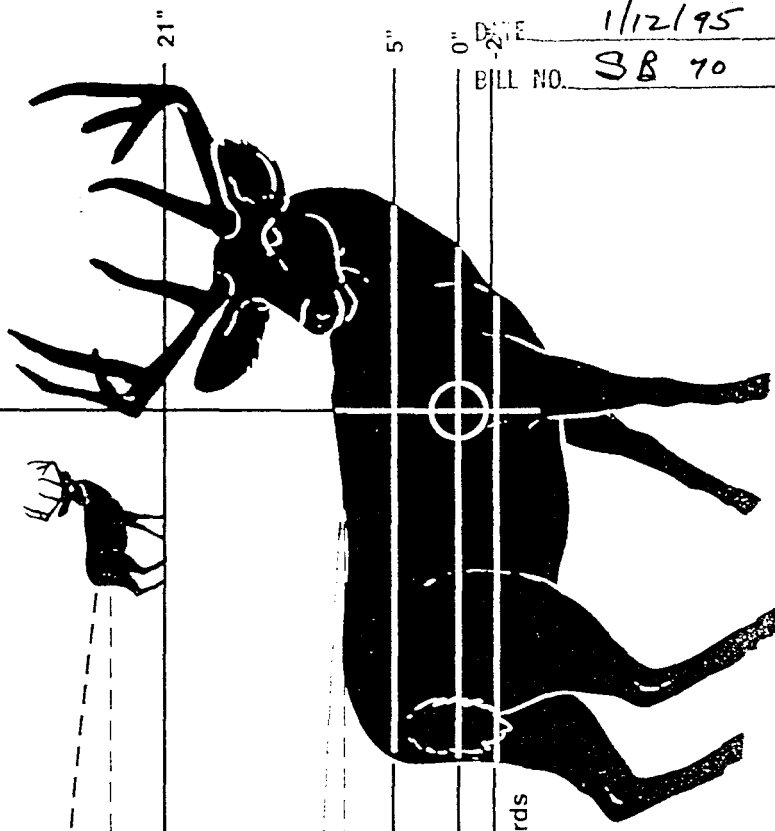
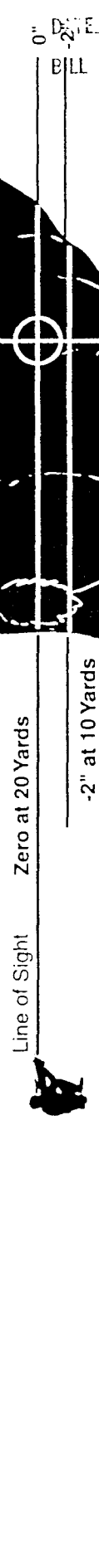
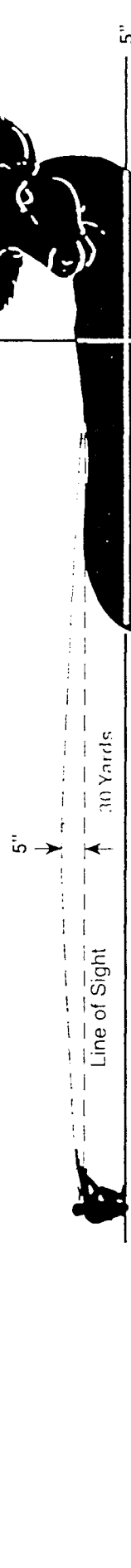
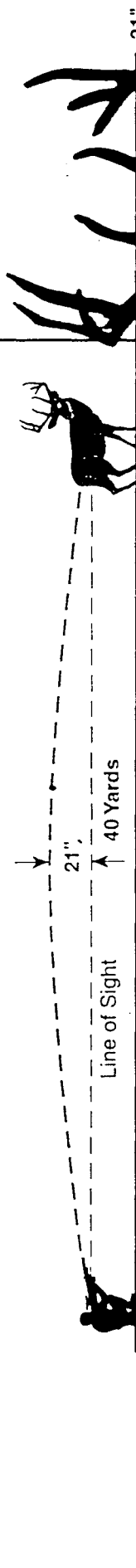
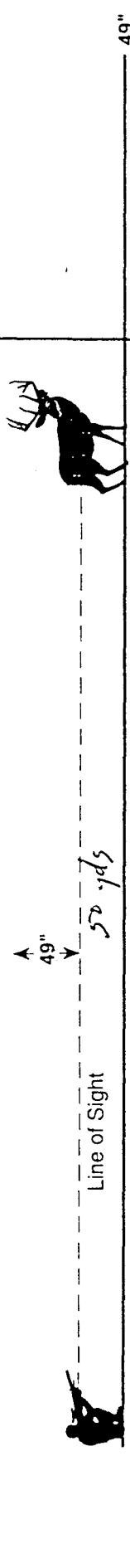
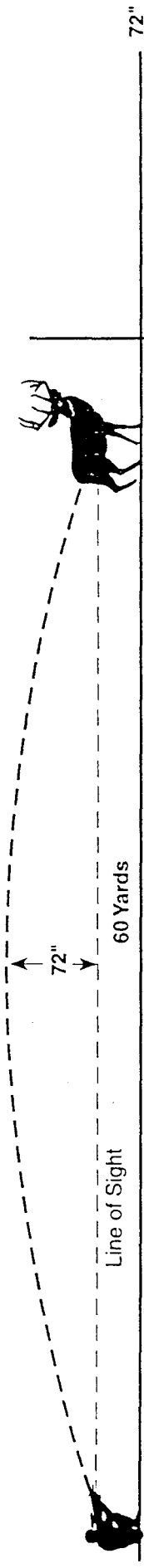
Amendments to Senate Bill No. 31
First Reading Copy

Requested by Montana Fish, Wildlife & Parks
For the Senate Committee on Fish & Game

January 12, 1995

1. Page 1, line 23.
Following: "firearm"
Insert: "or allowed archery equipment"
2. Page 2, line 4.
Following: "killing"
Insert: "by any legal means"
3. Page 2, line 13.
Following: "A"
Strike: "disabled"
Following: "certified"
Strike: "as disabled"
Following: "department"
Strike: "pursuant to subsection (3) and who is"
Insert: "as"
4. Page 2, line 15.
Following: "87-2-708."
Insert: "For the purpose of this subsection (6):
(a) "Crossbow" means a device consisting of a bow mounted transversely on a stock, similar to a gun stock, and designed to fire an arrow, bolt, or quarrel not less than 17 inches long by the release of the bow string which is controlled by a mechanical trigger, similar to a gun trigger, and has a working safety and a draw weight of 100 pounds or greater. Telescopic or electronic sights are not allowed; and,
(b) "Permanently physically disabled" means an individual who has:
(i) an amputation or loss of one or both arms above the wrist;
(ii) permanent substantial loss of function in one or both hands, or one or both arms, as determined through standard upper extremity pinch, grip and nine-hole peg test administered under the direction of a licensed physician; or
(iii) permanent substantial loss in one or both shoulders, as determined by standard shoulder strength test administered under the direction of a licensed physician."

Arrow Trajectory-150# Compound Crossbow 20 inch Arrow WITH 120 Grain Broadhead



SENATE FISH AND GAME
 EXHIBIT NO. 5
 DATE 11/12/95
 BILL NO. SB 70

NAME Monty Morocco
ADDRESS 2326 Valley View Missoula, MT 59803
HOME PHONE 406-251-3224 WORK PHONE 1-800-793-3224
REPRESENTING Handi Capped Bowhunting Friends
APPEARING ON WHICH PROPOSAL? SB 31
DO YOU: SUPPORT _____ OPPOSE X AMEND _____

COMMENTS:

For many years I have worked with
Handicapped Friends From Montana and other
States that bowhunted and shot target
archery. I have talked to many handicapped
~~handicapped~~ bowhunters that where all opposed
to this Bill # SB 31

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 1/12/95

SENATE COMMITTEE ON FISH & GAME

BILLS BEING HEARD TODAY: SB-31 (CROSSBOW)
SB-70 (MIGRATORY BIRD STAMP)

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Monty Moravcc	Handy Copper Bowhunters	SB31		X
Dino Fanelli	MYSELF	SB 31		X
Jim Bradford	Montana Bowhunters Assoc	SB 31		X
DAVE Campbell	Bowhunters UNITED OF MONTANA	SB 31		X
Bob Lane	DFWP	SB 31 & SB 70		
DAVE Mott	FWP	SB 70	X	
Jim Richards	MWF	SB 70	X	
Pat Graham	FWP	SB 70	X	
Gary Sturm	Prickly Pear Sportsmen Ass	SB 70	X	
Janet Ellis	MT Audubon	SB 70	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY