

**MINUTES**

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

**COMMITTEE ON FISH & GAME**

**Call to Order:** By Bob Pipinich, Chair, on January 14, 1993, at 2:25 p.m., after an informational meeting for committee members at the Department of Fish, Wildlife & Parks.

**ROLL CALL**

**Members Present:**

Sen. Bob Pipinich, Chair (D)  
Sen. Gary Forrester, Vice Chair (D)  
Sen. Tom Beck (R)  
Sen. Don Bianchi (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 Christiaens

**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: None  
Executive Action: SB 17, SB 57, SB 58

Senator Bianchi left early to present a bill at another committee hearing.

**EXECUTIVE ACTION ON SB 17**

**Discussion:**

Senator Jacobson asked Andrea Merrill why the amendment read "and who is not residing in an institution". Ms. Merrill stated the reason was to go along with the language already in the bill. Senator Beck asked Ms. Merrill what is meant by "institution".

Senator Beck asked Ms. Merrill what is meant by "institution". Ms. Merrill replied prison, Boulder, Warm Springs. Senator Beck asked about people who are in a pre-release center. Senator Pipinich stated if a person is in a pre-release center, they are not allowed to carry a firearm, therefore, they would not be able to obtain a hunting license.

Senator Klampe asked for an explanation of why SB 17 excludes those persons residing in institutions. Ms. Merrill stated disabled persons residing in a Montana institution like Boulder or Warm Springs cannot get the benefits of the act, so it was changed to include non-resident disabled persons residing in an institution.

**Motion/Vote:**

Senator Jacobson MOVED the amendments to SB 17. MOTION CARRIED UNANIMOUSLY, with Senators Bianchi and Christiaens voting by proxy (Exhibit #1).

**Motion/Vote:**

Senator Mesaros MOVED SB 17 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY, with Senators Bianchi and Christiaens voting by proxy (Exhibit #1).

**EXECUTIVE ACTION ON SB 57**

**Discussion:**

Senator Mesaros asked Pat Graham, Director, Fish, Wildlife & Parks (FWP), if the legal identification on the game farm would be a tattoo. Mr. Graham stated this is true under this legislation. FWP requires individual animal identification; the Board of Livestock requires a herd identification.

Senator Mesaros asked if the identification is big enough to see. Mr. Graham stated there is an option for those people who do photography work to use a coded wire tag to individually mark their animals so the tag does not interfere with the photography.

Senator Pipinich asked Pat Graham if a hunter will be prosecuted if an elk roams off the game farm and the hunter shoots it. Mr. Graham stated when the hunter has no idea the elk is from a game farm, the hunter is not prosecuted.

**Motion/Vote:**

Senator Devlin MOVED SB 57 DO PASS. MOTION CARRIED UNANIMOUSLY, with Senators Bianchi and Christiaens voting by proxy (Exhibit #1).

**EXECUTIVE ACTION ON SB 58****Discussion:**

Andrea Merrill stated one of the amendments to SB 58 was introduced by Senator Crippen. Senator Crippen stated he wanted these amendments because, regarding hunter harassment, there is a clear distinction between assault and driving down the road honking the horn. If the second offense simply carries a stiffer penalty, it would serve as a deterrent.

**Motion/Vote:**

Senator Forrester MOVED Senator Crippen's amendments. MOTION CARRIED UNANIMOUSLY, with Senators Christiaens and Bianchi voting by proxy (Exhibit #1).

**Discussion:**

Pat Graham stated the amendments primarily dealt with capturing the intent of utilizing handguns that were safe, and they could also address the interest in the Commission's establishment of a black powder season. Mr. Graham went on to point out the third part of the amendment dealt with concerns Senator Jacobson had about discriminating against a parent who did not have joint custody of minor children.

**Motion/Vote:**

Senator Jacobson MOVED the amendments recommended by FWP. MOTION CARRIED UNANIMOUSLY, with Senators Christiaens and Bianchi voting by proxy (Exhibit #1).

**Motion/Vote:**

Senator Jacobson MOVED SB 58 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY, with Senators Christiaens and Bianchi voting by proxy (Exhibit #1).

ADJOURNMENT

Adjournment: 2:50 p.m.



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SENATOR BOB PIPINICH, Chair



\_\_\_\_\_  
KATHY COLLINS, Secretary

BP/kc



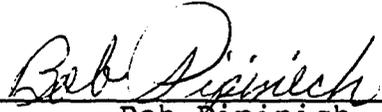
SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 15, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 17 (first reading copy -- white), respectfully report that Senate Bill No. 17 be amended as follows and as so amended do pass.

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



Bob Pipinich, Chair

That such amendments read:

1. Page 2, line 20.

Following: "animal"

Insert: "; however, the person must meet the qualifications for a license in the person's state of residence"

2. Page 3, line 7.

Strike: "Such"

Insert: "A resident or nonresident"

Following: "disabled"

Strike: "persons shall"

Insert: "person who is certified as disabled by the department and who is not residing in an institution may"

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 15, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 57 (first reading copy -- white), respectfully report that Senate Bill No. 57 do pass.

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

*Bob Pipinich*  
Bob Pipinich, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 15, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 58 (first reading copy -- white), respectfully report that Senate Bill No. 58 be amended as follows and as so amended do pass.

Signed: Bob Pipinich  
Bob Pipinich, Chair

That such amendments read:

1. Title, lines 5 and 6.

Strike: "AUTHORIZING CERTAIN HUNTING WITH HANDGUNS"

Insert: "CLARIFYING RESTRICTIONS ON HUNTING WITH SPECIFIED WEAPONS"

2. Page 1, line 23 through page 2, line 4.

Following: "areas." on line 23

Strike: remainder of line through "safety" on page 2, line 4

Insert: "The commission may restrict areas and species to hunting with only specified hunting implements for the reasons of safety or of providing diverse hunting opportunities and experiences."

3. Page 6, line 2.

Following: "or"

Strike: "custodial"

Following: "parent"

Insert: "with joint custody, sole custody, or visitation rights"

4. Page 7, line 22.

Following: "87-3-142"

Strike: "is guilty of a felony and"

5. Page 7, line 23.

Strike: "\$10,000"

Insert: "\$1,000"

6. Page 7, line 24.

Strike: "in the state prison"

Following: "exceed"

Strike: "10 years"

Insert: "1 year"

-END-

  
Amd. Coord.  
Sec. of Senate

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1/14/93

Bob - tell me yes  
Please on Sen bills 58 as amended & Sen #21  
& Sen bill 17 as amended & Sen #21  
Thanks Chris

SENATE FISH AND GAME  
EXHIBIT NO. \_\_\_\_\_  
DATE 1-14-93  
BILL NO. SB 17, SB 57, SB 58

Don Branch

SB 17 - YES

SB 58 - YES

SB 57 - YES