

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

February 2, 1977

The ninth meeting of the Fish and Game Committee was called to order by Vice-Chairman Warden at 8:00 A.M., in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HB 38, an act to generally revise and clarify the laws relative to game wardens' retirement and death and disability benefits, and amending certain sections to officially recognize and name the Montana State Game Wardens' Retirement System.

Representative Francis Bardanouve, Chief Sponsor of the bill, was present to discuss it. He mentioned that both this bill and HB 44 were recodification bills, and the intent of the bills would be accomplished by 1979. He stated that researchers have found many errors in the law and that one guideline is that there should be no substantive changes. He also pointed out that no one testified against the bill when it was heard in the House.

DISPOSITION OF HB 38: Senator Galt made a motion that HB 38 BE CONCURRED IN. The motion was seconded by Senator Manley and carried unanimously.

CONSIDERATION OF HB 44, an act to generally revise and clarify the laws relating to fish and game.

Representative Bardanouve briefly explained the bill. He reiterated that this is a recodification bill.

Mr. Woodgerd, representing the Montana Fish and Game Department, said the Department staff had reviewed the bill and didn't find any substantive changes; therefore, they supported the bill.

Mr. Ralph Holman, Legislative Chairman of the Montana Outfitters and Guides Association, said his organization supported the bill.

DISPOSITION OF HB44: A motion was made by Senator Manley that HB 44 BE CONCURRED IN. This motion was seconded by Senator Lowe and carried unanimously.

CONSIDERATION OF SB 177, at act for the general revision of laws relating to snowmobiles and adding authorization for nonresident temporary-use permits.

Debbie Schmidt, Researcher for the Legislative Council, presented the proposed amendments to the bill. (Attachment #1)

Senator Dunkle went through each of the seven amendments and they were discussed individually.

DISPOSITION OF SB 177: Senator Dunkle made a motion that SB 177 DO PASS, AS AMENDED. The motion was seconded by Senator Lowe. Senator Bergren wanted it on the record that he opposed the bill as amended. The motion carried.

CONSIDERATION OF SB 151, an act to revise fish and game statutes relating to hunting and fishing licenses by clarification of existing statutes, simplification of the license structure, inclusion and modification of certain definitions, and establishment of administrative fees, without modifying existing fees.

Senator Dunkle discussed the amendments to SB 151. (Attachment #2).

Senator Dunkle mentioned Item 6, which had to do with drawings. Mr. Woody Wright, Staff Attorney for the Fish and Game Department, pointed out the penalties for not showing a license. (Section 26-324). Mr. Wes Woodgerd of the Fish and Game Department said he opposed having a landowner in the position of acting as a law enforcement officer.

Senator Manley said he felt the landowner should have the right to ask anyone coming on his land to show a license. He said the Fish and Game Department does not own the land and the authority should lie with the landowner.

Senator Manley brought up page 5, line 21 which dealt with hunting privileges. Debbie Schmidt commented on this amendment and said this section serves as a definition section. This section affects not only licenses, but all of the fish and game codes.

Senator Lowe said this was a very controversial bill and perhaps we should have a public hearing on it.

Senator Warden said that according to the amendment, it seemed that if you had a great deal of money, you could obtain a private hunting preserve; if you do not, you couldn't.

Senator Dunkle said what was important was to make sure you could separate your animal from what the Fish and Game Department owns.

He stated the amendment would simply clarify that. If you have a game animal in lawful captivity, you must show proof of ownership. (This in reference to Item #3 of the proposed amendments).

Mr. Ralph Holman, Legislative Chairman of the Montana Outfitters and Guides Association, spoke on SB 151, stating his organization felt a distinction should be made to define what is wild game to be controlled by the Fish and Game Department, and what wild game, lawfully reduced to captivity and under private ownership, would be controlled by the owner. (Attachment #3).

Senator Manley stressed that a person who owns land has the right to govern it and to do with it what he wants to do.

Senator Smith asked whether people who own elk, etc. and have a game farm have to pay taxes on it.

Mr. Holman answered in the affirmative.

Senator Warden asked if it would meet with the committee's approval to reconsider the amendments at a later date.

Senator Lowe stated he would like to have some specifics from the legal staff concerning what effect it would have on other statutes.

Senator Dunkle suggested voting on all of the amendments at once, rather than dealing with them singularly.

Senator Lowe wanted it a matter of record that he approved proposed amendment #2 strongly.

ANNOUNCEMENTS: Vice-Chairman Warden announced the proposed amendments would be considered by the committee on Monday, February 7.

ADJOURNMENT: Senator Warden adjourned the meeting at 9:20 A.M.

  
SENATOR FRANK DUNKLE, CHAIRMAN