

100-1000

MINUTES
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

March 15, 1979

The twenty-first meeting of the Fish and Game Committee was called to order by Chairman Smith at 1:10 P.M., in Room 402 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HB 575, A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROPERTY DAMAGE REIMBURSEMENT PROGRAM WITHIN THE DEPARTMENT OF FISH AND GAME AND AND PROVIDE FOR THE MANNER AND METHOD OF ADMINISTRATION OF THAT PROGRAM; AND PROVIDING AN EFFECTIVE DATE AND PERIOD OF APPLICATION."

Chairman Smith said that, although this was an Executive Session, Vice Chairman Galt had someone present who wished to discuss HB 575. Vice Chairman Galt introduced Mr. Ken Fitzpatrick of Butte, representing the Landowner-Sportsman Advisory Council, who spoke in favor of the bill. He said there are many people closing their lands because of damages by hunters, and he feels this bill will discourage that.

Mr. Fitzpatrick said there are 13 members of the Advisory Council at the present time. They had begun with 11 members, but felt the state was not properly represented by area, so two more members were added. Of the 13, he said 8 were ranchers and 5 sportsmen. He stated the Council had talked to three insurance companies to find out if they could write insurance for the ranchers, but they declined, saying they had no previous experience in this type of insurance. He said this bill does not encompass all of the problems existent in landowner-sportsman relations, but for a limited amount of money, the Council was attempting to keep it simple. He added they felt this was a beginning point. He said the Council feels it needs this legislation as a tool to establish criteria for insurance experience.

Chairman Smith commented that if he ever closed his ranch to hunting, it would not be because of the things hunters do, but because of what the Fish and Game Department does. For instance, he said, the Department spoke of

holding an all-doe season not long ago; he said if they had, he would have closed his entire ranch.

Mr. Fitzpatrick said that 50 percent of the land in eastern Montana, where white-tailed deer are hunted, is closed to hunting.

Chairman Smith asked if the payments couldn't be made on the loss of animals on the basis of something comparable to the A.U.M.'s (animal unit months) presently being paid to the state for land leasing, rather than the form of payment outlined in the bill. Mr. Fitzpatrick pointed out that the Council is trying to design a total package and there are many separate things that must be included.

Chairman Smith asked if the Council got input from the public on this. Mr. Fitzpatrick said they did hold meetings, talk to many people, and were on television in several areas.

Senator Goodover said he understood the fees from this fund would amount to approximately \$640,000 per year, which he feels is exorbitant. He asked about the background of the Council membership. Mr. Fitzpatrick replied it consisted of 8 landowners and 5 sportsmen, and provided him with their names and addresses. Senator Goodover asked Mr. Fitzpatrick if he felt it wise to introduce legislation with a "self-destruct clause" in it -- legislation that is not good or proper. He said when you have a family of sportsmen, this becomes an expensive proposition. Mr. Fitzpatrick replied that he could understand about the expense aspect, but pointed out that we all spend money for equipment, ammunition, gasoline, vehicles, etc. in pursuit of enjoying the outdoor life.

Senator Goodover pointed out he felt this bill was attempting to obtain no-fault insurance, which is a very unpopular issue at present. He said if the rancher must give permission for hunters to be on his property, then he knows who is there and when -- if damages occurred, he should have a pretty good idea of who did them; then, he could take the matter to a court of law for decision.

Senator Manley said there is nothing in the bill stating how much it will cost to administer it. He wanted to know how many claims or complaints were received from landowners last year. Mr. Fitzpatrick said the Council tried to ferret out this information, but it was impossible to determine.

Senator Manley said he was afraid this legislation would result in the Department's hiring a lot of new personnel to administer the program. Mr. Fitzpatrick said he thought it would cost about \$50,000 to administer the entire program.

Chairman Smith said in the case where people aged 62 or older go out to enjoy standing on a bank by a stream and don't hunt or fish, it was his feeling they should not have to pay the \$2 fee. Mr. Fitzpatrick said the Council would like to give the senior citizens relief in this legislation; he reiterated the program is just an experiment - something to get the concept started and establish an experience background for insurance.

Senator Manley talked about an experiment he and two other ranchers conducted, allowing roadless hunting in certain areas on their property, with no early access. He said they did this to eliminate the 4-wheel drive vehicles. He felt hunters with 4-wheel drive vehicles are the ones who run over the fences, cut gates, etc., and they are the reason land is posted against hunting. He said this experiment involved 120 square miles of land. Senator Manley mentioned that every time they caught someone in those areas in a vehicle and reported them to the Fish and Game Department, their personnel let them go, with no prosecutions.

Chairman Smith said the Committee plans to introduce a resolution to study the fee structure of the Department and get public feeling about the needs of the Department and the job they are doing. He went on to say he has not talked to anyone who is aware of this bill, asking Mr. Fitzpatrick if the people he has discussed it with object to the fee. Mr. Fitzpatrick said the feeling he had in talking with the public was that they do not object to it.

Chairman Smith thanked Mr. Fitzpatrick for attending the meeting and commended him on the excellent work the Council had done.

Senator Anderson went through the amendments he had proposed and written on the bill. (Attachment #1, - copy of third reading bill with notations)

MOTION FOR AMENDMENTS: Senator Anderson made a motion to adopt his amendments. After discussion it was decided to consider each amendment individually.

AMENDMENTS:

1. The first amendment, page 1, line 13, had been previously

adopted by the Committee, after a motion by Senator Galt.

2. Senator Anderson made a motion to adopt amendment #2, page 2, line 10.

Senator Goodover made a substitute motion to amend this, adding that those who have purchased a Sportsman's License are exempt from the bill. The motion failed by a voice vote.

A roll call vote was conducted, and Senator Anderson's motion carried 5-2, with Senators Goodover and Manley voting "no."

3. Amendment #3, page 2, line 16. Senator Anderson made a motion to adopt this amendment. A roll call vote was conducted and carried 4-2, with Senator Stimatz being excused, and Senators Smith and Galt voting "no."
4. Amendment #4, page 2, line 22. Senator Anderson made a motion to adopt this amendment. The motion carried by a voice vote.

After considerable discussion, Senator Van Valkenburg made a substitute motion on amendment #3, since it was in direct conflict with amendment #4. His motion to withdraw adoption of amendment #3 carried unanimously by a voice vote.

5. Amendment #5, page 3, line 8 - new material on top of page 3 - Debbie Schmidt to reword language. Senator Anderson made a motion to adopt this amendment. It carried unanimously by a voice vote.
6. Amendment #6, page 3, line 9 - new material on top of page 3. Debbie Schmidt to reword language. Senator Anderson made a motion to adopt this amendment. The motion carried unanimously by a voice vote.
7. Amendment #7, page 4, line 22. Senator Anderson made a motion that this amendment be adopted. Senator Van Valkenburg felt the services should be contracted through the Department of Fish and Game. A voice vote was conducted on the motion of Senator Anderson and it carried, with Senators Galt and Manley voting "no."
8. Amendment #8, page 5, line 8.
9. Amendment #9, page 24, line 5 (previously adopted by the Committee).

10. Amendment #10, page 5, line 25.
11. Amendment #11, page 6, line 1.
12. Amendment #12, page 6, line 8.
13. Amendment #13, page 6, line 13.

Senator Anderson made a motion that amendments #8, #10, #11, #12, and #13 be adopted, as shown on the third reading bill, which he had marked (Attachment #1). Amendment #9 had been previously adopted by the Committee.

The motion carried unanimously by a voice vote.

DISPOSITION OF HB 575: Senator Anderson made a motion that HB 575, AS AMENDED, BE CONCURRED IN.

AMENDMENT #14: Page 1, line 6. Senator Van Valkenburg said the \$2 fee is too high. He made a motion to amend the bill, changing the \$2 fee to \$1. The motion carried 4-3, with Senators Galt, Goodover and Manley voting "no."

Senator Goodover made a motion that HB 575, AS AMENDED, BE NOT CONCURRED IN. The motion failed 5-2 following a roll call vote, with Senators Goodover and Manley voting "yes."

Senator Galt made a motion that HB 575 BE CONCURRED IN, AS AMENDED. The motion carried 4-3, following a roll call vote, with Senators Smith, Goodover, and Manley voting "no."

Senator Manley said he wanted it known that next session when the Senate Fish and Game Committee meets, they will be trying to open up 25% of Montana land which will have been closed to hunting because of this bill.

NOTE: Please refer to the Standing Committee Report (attached) on HB 575 indicating the final amendments as adopted by the Committee, since they were considered in the meeting out of sequence with the third reading bill.

CONSIDERATION OF HB 420, A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE STATUTES RELATED TO HUNTING AND TRAPPING LICENSES TO MODIFY CERTAIN DEFINITIONS, MAKE PERMISSIVE THE INFORMATION INCLUDED ON BIG GAME LICENSES, MAKE CONSISTENT WORDING OF AUTHORITY UNDER A LICENSE, DELETE CERTAIN LICENSES, PROVIDE INDIVIDUAL GAME SPECIES

LICENSES FOR NONRESIDENTS, MAKE RESTRICTIONS NOW APPLICABLE TO NONRESIDENT GAME ANIMAL LICENSES APPLICABLE TO ALL HUNTING LICENSES, ESTABLISH-A-WILD-BISON-LICENSE-AND-FEES-THEREFOR, PERMIT THE DEPARTMENT TO DETERMINE GAME ANIMAL SEASONS FOR WHICH THE BOW AND ARROW LICENSE IS APPLICABLE, INCREASE FEES FOR CERTAIN NONRESIDENT HUNTING LICENSES, DECREASE THE FEE FOR RESIDENT B-TAG DEER LICENSE, AND MAKE SUCH OTHER MODIFICATIONS TO THE STATUTES NECESSARY TO CARRY OUT THIS REVISION.

Senator Van Valkenburg made a motion to reconsider action in adoption of the proposed amendments of Senator Manley. Following a roll call vote, the motion carried 4-3, with Senators Galt, Goodover and Manley voting "no."

Senator Van Valkenburg made a motion to withdraw Senator Manley's amendments. Following a roll call vote, the motion failed 4-3, with Senators Smith, Galt, Goodover, and Manley voting "no."

Senator Goodover stated he did not feel this was a good bill.

DISPOSITION OF HB 420: Senator Anderson made a motion that HB 420, AS AMENDED, BE CONCURRED IN.

Senator Goodover made a substitute motion that HB 420, AS AMENDED, BE NOT CONCURRED IN. Following a roll call vote, the motion carried 4-3, with Senators Galt, Anderson, and Van Valkenburg voting "no."

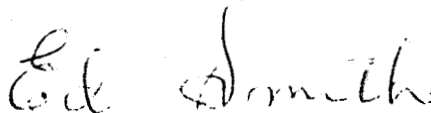
NOTE: Immediately following the meeting, the Committee decided to reconsider action on HB 420 at the next meeting. (Thus, there is no Standing Committee Report.)

ADJOURNMENT: Senator Goodover made a motion to adjourn at 2:40 P.M.

Chairman Smith asked what the Committee wished to do with the Committee-sponsored resolution. Senator Anderson made a motion that it do not pass. There was no action taken on this motion, since this resolution has not been formally introduced yet.

Chairman Smith asked if three members would meet with Debbie Schmidt and Fish and Game Department personnel to go over the resolution in regard to funding, staffing, etc. Senators Van Valkenburg, Anderson and Smith will work with Debbie Schmidt on this, and it will be discussed at the next meeting.

Senator Stimatz made another motion to adjourn.
Chairman Smith adjourned the meeting at 2:44 P.M.

A handwritten signature in cursive script, reading "Ed B. Smith". The signature is written in dark ink and is positioned above a horizontal line.

SENATOR ED B. SMITH, CHAIRMAN

Date

3-15-79

ROLL CALL

FISH AND GAME COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
SMITH, Ed, Chairman	✓		
GALT, Jack E., Vice Chairman	✓		
ANDERSON, Mike	✓		
GOODOVER, Pat M.	✓		
MANLEY, John E.	✓		
STIMATZ, Lawrence G.	✓		
VAN VALKENBURG, Fred	✓		

Each Day Attach to Minutes.

SENATE Sub. 1 COMMITTEE

BILL

VISITORS' REGISTER

DATE 2-15-79

Please note bill no.

(check one)

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Robert F. Wambach	Mont. Fish & Game Dept			
H.W. Wright	MDFHG	HB 575		
W. L. Smith	SELF			
Frank Daniels	Game Warden			
John R. Poston	Landowner Spotswood Council	HB 575	X	
Ken Fitzpatrick	" " "	HB 575	X	
Shelley Thompson	Montana Mining Assoc.	420		

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

*As Amended
As Amended*

HOUSE BILL NO. 575

INTRODUCED BY DAV. GALT, BENJAMIN, MOORE, C. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROPERTY DAMAGE REIMBURSEMENT PROGRAM WITHIN THE DEPARTMENT OF FISH AND GAME AND PROVIDE FOR THE MANNER AND METHOD OF ADMINISTRATION OF THAT PROGRAM; AND PROVIDING AN EFFECTIVE DATE AND PERIOD OF APPLICATION."

14

APPLICANTS QUALIFYING FOR A STATE LICENSE AND LICENSE ARE NOT REQUIRED TO PURCHASE THIS STAMP

TO IMPROVE

AND ACCESS

15

INCLUDING ADMINISTRATION, REIMBURSEMENT ACCOUNT FOR USE AND DISBURSEMENT AS SET FORTH IN [THIS ACT].

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purpose. (1) The purpose of [this act] is to accomplish the following:

(a) improve landowner-sportsman relations and access to and across private lands within the state for the purposes of hunting, fishing and trapping; and

(b) provide reimbursement to private landowners for damage caused by hunters, fishermen and trappers.

(2) It is the intent of the legislature that the existing executive branch system be utilized to carry out the purposes stated in subsection (1), and that the fish and game commission and department of fish and game seek to fulfill these purposes to the best of their abilities.

Section 2. Construction. It is the intent of the legislature that the provisions of [this act] relating to improvement of landowner-sportsman relations be liberally

construed and administered by the department of fish and game and the fish and game commission.

Section 3. Damage reimbursement stamp and fee. Any person who desires to hunt, fish or trap in this state shall purchase a damage reimbursement stamp for the fee of ⁴¹12 prior to or at the same time as that person purchases any hunting, fishing or trapping license. The stamp shall be affixed to the person's wildlife conservation license. It is necessary to purchase only one damage reimbursement stamp for any license year.

Section 4. Damage reimbursement account -- investment. (1) There is a damage reimbursement account in the earmarked revenue fund. The money collected by the department of fish and game as provided in [section 3] must be deposited in the earmarked revenue fund to the credit of the damage reimbursement account for use and disbursement as set forth in [this act].

(2) The department of fish and game may direct the board of investments to invest the money from the damage reimbursement account consistent with the unified investment program and the purposes of [this act]. The earnings on the investment must be used and allocated for administration of [this act] by the department. The fees collected under the provisions of [this act] may not be used for administrative purposes by any agency of state government.

PAYMENT OF ANY DAMAGE CLAIM AT RISK ARISING UNDER PROVISIONS OF THIS ACT

IS RECEIVED FROM ANYWHERE FROM THIS BIRD, EXCEPT IF THE ACTUAL
CASH VALUE OF SAID LOSS WAS GREATER THAN THE REIMBURSEMENT
RECOVERED MAY BE MADE FROM THE SAID SUBJECT TO LIMIT PROVIDED
IN SECTION 6.

SEVERATION, ANY PERSON RECEIVING PAYMENT UNDER THIS ACT SHALL
BE DEEMED, AS A CONDITION OF PAYMENT, TO SURRENDER TO THE ANNUAL
CASH PAYMENT.

HR 0575/03

HR 0575/03

Section 5. Damage claim -- falsification
1
2 misdemeanor. (1) A person who owns or controls land which
3 provides habitat for game wildlife may apply for
4 reimbursement for damage believed to be caused by a person
5 who was hunting, fishing or trapping on lands owned or
6 controlled by the person claiming damage, even though the
7 person responsible for the damage is not ascertainable.
8 Any person who files or causes to be filed a false
9 or fraudulent claim is guilty of a misdemeanor.

Section 6. Damages -- limitations and exceptions. (1)
10
11 Damage which may be reimbursed and the maximum amounts of
12 reimbursement are as follows:

13 (a) Livestock loss attributable to gunshot or arrow
14 wound is reimbursable at the market rate per pound but no
15 more than \$85 for each sheep or \$750 for each head of cattle
16 or horses.

17 (b) Fence damage caused by a person hunting, fishing,
18 or trapping as supported by substantial evidence is
19 reimbursable to the owner of the fence in the amount spent
20 for repair of the damage, but no more than \$500 for each
21 claimant for each license year.

22 (c) Fire damage to grasslands, standing crops or
23 buildings caused by a person who was hunting, fishing or
24 trapping as supported by substantial evidence is
25 reimbursable to the holder of the legal interest which was

1 diminished by the fire, but no more than \$2,000 may be
2 reimbursed for any claimant in any license year for fire
3 damage.
4 (d) Damage to other personal property owned by and
5 located on the landowner's real property caused by a person
6 hunting, fishing or trapping as supported by substantial
7 evidence is reimbursable to the landowner up to \$750 for
8 each license year.

9 (2) No one landowner may receive more than \$5,000
10 during any license year for all losses payable under this
11 section.

12 (3) The provisions for damage set forth in [this act]
13 are exclusive and limited to the amounts and types of
14 damages.

15 (4) Damage caused by wildlife is not reimbursable
16 under [this act].

17 (5) Damage caused to a gate in a landowner's fence is
18 not reimbursable under [this act].

19 Section 7. Investigation and initial determination --
20 review. (1) Investigation of each claim and an initial
21 determination of the validity of the claim must be made by
22 a person of the department of fish and game. If this
23 determination is satisfactory to the landowner, then payment
24 is authorized.
25 (2) If the landowner disagrees with the determination

(8)

ADJUSTED

of the field personnel of the department, the landowner may
appeal to the fish and game commission. The decision of the
fish and game commission is final. Any review of this
determination and appeal by a court is limited to procedural
questions. The provisions for reimbursement and the
specific limitations on the amounts to be reimbursed for any
type of damage set forth in [this act] may not be altered or
changed except by appropriate legislative action.
Section 8. Rulemaking authority. The fish and game
commission may adopt those rules necessary to implement the
procedural requirements and intent of [this act].
Section 9. Cooperation with landowner. The department
shall cooperate and assist in the prosecution of any person
who is found to be causing damage to private property and
further to assist in seeking restitution from such person.
Section 10. Administration concurrent with license
years. The program set forth in [this act] shall be
administered concurrently with the hunting and fishing
license years as provided in title 87.
Section 11. Limitation on funds. (1) The fees collected
may be used to reimburse claims in the year collected and
any subsequent year subject to the provisions of [this act].
(2) Payment for claims under [this act] may not be
made until after July 1, 1979. (b) (c) (d)
(3) Claims for reimbursement under [this act] may be

(12) (13)

made only during the license year in which the damage
occurred. Claims made in a license year subsequent to the
year in which the damage occurred will not be recognized.
(4) Money in the damage reimbursement account must be
paid to qualifying claimants on a first-come-first-served
basis so long as the account is sufficient to make payment.
If the account is insufficient to make payment to claimants
during a license year, no more money may be paid out during
that license year. However, as soon as the fund is replenished
from the sale of licenses, the account shall be used to pay
claims from previous years. Any balance on the damage reimbursement account at
the end of any license year must be carried over into the
next license year for reimbursement as provided in [this
act].
(6) If upon termination of the provisions of [this
act] there are funds available that have not been used for
proper claims, these funds must be transferred to the
department of fish and game for the specific purpose of
purchase-of-hunting-or-fishing-cesses compensating
LANDOWNERS FOR PROPERTY DAMAGE.
Section 12. Any holder of a Montana resident or
nonresident fishing, hunting, or trapping license convicted
of committing the offense of either criminal mischief, set
forth in 45-6-101, the offense of criminal trespass to
property, set forth in 45-6-203, or violation of [subsection
(2) of section 5] shall forfeit his license and privilege to

IN A TRAILER MANUFACTURED BY

1 hunt, fish, or trap in Montana for a period of 1 year from
2 the date of conviction.

3 Section 13. Severability. If a part of this act is
4 invalid, all valid parts that are severable from the invalid
5 part remain in effect. If a part of this act is invalid in
6 one or more of its applications, the part remains in effect
7 in all valid applications that are severable from the
8 invalid applications.

9 Section 14. Effective date and period of application.
10 This act is effective on passage and approval and applies to
11 the period beginning May 1, 1979, 1980, and ending April 30,
12 1983.

-End-

STANDING COMMITTEE REPORT

Attachment #

..... March 19 79
Journal

MR. President

We, your committee on Fish & Game

having had under consideration House Bill No. 420

Proposed Amendments

Respectfully report as follows: That House Bill No. 420,
third reading bill, be amended as follows:

1. Title, line 9.

Following: "LICENSES,"

Insert: "PROVIDE THAT LICENSING AND OTHER RESTRICTIONS ON
HARVESTING DO NOT APPLY TO CERTAIN GAME ANIMALS,"

2. Title, line 19.

Strike: "87-2-111,"

3. Page 3, lines 22 and 23.

Following: "eat,"

Insert: "(11) predatory animals -- coyote, weasel, skunk,
and civet cat;"

Renumber: subsequent subsections

4. Page 5, lines 8 through 11.

Strike: section 3 in its entirety

Renumber: subsequent sections

XXXXXX

(Continued)

5. Page 16, line 25.

Following: line 24.

Insert: "Section 20. THERE IS A NEW MCA SECTION THAT READS:

Restrictions on harvesting game farm animals. A person holding a game farm or fur farm permit under this part may harvest or dispose of game animals for which he holds title without regard to laws or rules of the department or commission pertaining to licenses, bag limits, or seasons.

Section 21. THERE IS A NEW MCA SECTION THAT READS:

Codification. Section 20 is intended to be codified as an integral part of Title 87, chapter 4, part 4, and the provisions contained in Title 87, chapter 4, part 4, apply to section 20."

Renumber: subsequent sections

And, as so amended,

STANDING COMMITTEE REPORT

March 15, 19 79

MR. President

We, your committee on Fish & Game

having had under consideration House Bill No. 575

Day (Anderson)

Respectfully report as follows: That House Bill No. 575, third reading bill, be amended as follows:

1. Page 1, line 13.

Following: "and"

Insert: "to improve"

2. Page 2, line 6.

Strike: "\$2"

Insert: "\$1"

3. Page 2, line 10.

Following: "year."

Insert: "Persons qualifying for a license under 87-2-801 are not required to purchase this stamp."

XXXXXX
DO PASS

(Continued)

4. Page 2, lines 22 and 23.

Following: "administration" on line 22

Strike: "of [this act] by the department"

Insert: "expense or payment of any damage claim expense arising under the provisions of [this act]"

5. Page 3, line 8.

Following: line 7

Insert: "(2) Any person receiving reimbursement from any other source for damages under [section 6] is precluded from payment from this fund; except if the actual cash value of the loss was greater than the reimbursement, recovery may be made from the fund subject to limits provided in [section 6].

(3) Any person receiving payment under [this act] is required, as a condition of payment, to be subrogated to the amount of the payment."

Renumber: subsequent subsection

6. Page 4, line 20.

Following: "(1)"

Strike: "Investigation"

Insert: "The department shall contract for investigation"

7. Page 4, line 21.

Following: "claim"

Strike: "must"

Insert: "to"

8. Page 4, line 22.

Following: line 21

Strike: "field personnel of the department of fish and game"

Insert: "an independent insurance adjuster licensed under Title 33, chapter 7, part 3"

9. Page 5, line 1.

Following: "of the"

Strike: "field personnel of the department"

Insert: "adjuster"

10. Page 5, line 24.

Following: "July 1,"

Strike: "1979"

Insert: "1980"

11. Page 5, line 25.

Following: "act]"

Strike: "may"

Insert: "must"

12. Page 6, lines 1 through 3.

Following: "made"

Strike: the remainder of line 1 through line 3 in their entirety

Insert: "in a timely manner."

March 15, 1979

13. Page 6, line 8.

Strike: "during a license year"

14. Page 6, line 9.

Following: "year."

Insert: "However, as soon as the fund is replenished from the sale of stamps, any outstanding claims from previous years shall be paid first."

And, as so amended,
BE CONCURRED IN

NE

Date 3-15-79 4 hour Bill No. 575 Time 1:55

NAME	YES	NO
SMITH, Ed, Chairman	✓	
GALT, Jack E., Vice Chairman	✓	
ANDERSON, Mike	✓	
GOODOVER, Pat M.		✓
MANLEY, John E.		✓
STIMATZ, Lawrence G.	✓	
VAN VALKENBURG, Fred	✓	

Sherri R. Smith

Secretary

ED B. SMITH

Chairman

Motion: an amendment #2, pg 2, line 10
motion to adopt by
Sen Anderson

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE FISH AND GAME

Date 2-15-79 4:00 Bill No. 577 Time 2:00

NAME	YES	NO
SMITH, Ed, Chairman		✓
GALT, Jack E., Vice Chairman		✓
ANDERSON, Mike	✓	
GOODOVER, Pat M.	✓	
MANLEY, John E.	✓ <i>excused</i>	
STIMATZ, Lawrence G.	<i>excused</i>	
VAN VALKENBURG, Fred	✓	

Sherri R. Smith
Secretary

ED B. SMITH
Chairman

Motion: Amendment #2 #3
As indicated motion
to accept it
(asked. Later Withdrawn)

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE FISH AND GAME

Date 3-15-79 4:00 Bill No. 575 Time 2:25

NAME	YES	NO
SMITH, Ed, Chairman	✓	
GALT, Jack E., Vice Chairman		✓
ANDERSON, Mike	✓	
GOODOVER, Pat M.		✓
MANLEY, John E.		✓
STIMATZ, Lawrence G.	✓	
VAN VALKENBURG, Fred	✓	

Sherri R. Smith
Secretary

ED B. SMITH
Chairman

Motion: Motion by Senator Van
Valkenburg to change the
fee from \$2 to \$1.
Amended H-3

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE FISH AND GAME

Date 3-15-79 9:00am Bill No. 535 Time 2:26

NAME	YES	NO
SMITH, Ed, Chairman		✓
GALT, Jack E., Vice Chairman		✓
ANDERSON, Mike		✓
GOODOVER, Pat M.	✓	
MANLEY, John E.	✓	
STIMATZ, Lawrence G.		✓
VAN VALKENBURG, Fred		✓

Sherri R. Smith ED B. SMITH
 Secretary Chairman

Motion: Be Not Considered In
Motion by Senator
Goodover Failed

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE FISH AND GAME

Date 3-15-75 7:00 Bill No. 575 Time 2:27

NAME	YES	NO
SMITH, Ed, Chairman		✓
GALT, Jack E., Vice Chairman	✓	
ANDERSON, Mike	✓	
GOODOVER, Pat M.		✓
MANLEY, John E.		✓
STIMATZ, Lawrence G.	✓	
VAN VALKENBURG, Fred	✓	

Sherri R. Smith
Secretary

ED B. SMITH
Chairman

Motion: Be Concurred In
An Amended. Carried
Motion By Senator Galt

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE FISH AND GAME

Date 3-15-39 House Bill No. 420 Time 2:20

NAME	YES	NO
SMITH, Ed, Chairman	✓	
GALT, Jack E., Vice Chairman		✓
ANDERSON, Mike	✓	
GOODOVER, Pat M.		✓
MANLEY, John E.		✓
STIMATZ, Lawrence G.	✓	
VAN VALKENBURG, Fred	✓	

Sherri R. Smith ED B. SMITH
 Secretary Chairman

Motion: By Senator Van Valkenburg to
reconcile previously adopted
amendments of Senator
Manley. Carried

(include enough information on motion--put with yellow copy of committee report.)

Date 3-15-79 House Bill No. 4-20 Time 2:38

NAME	YES	NO
SMITH, Ed, Chairman		✓
GALT, Jack E., Vice Chairman		✓
ANDERSON, Mike	✓	
GOODOVER, Pat M.		✓
MANLEY, John E.		✓
STIMATZ, Lawrence G.	✓	
VAN VALKENBURG, Fred	✓	

Sherri R. Smith

Secretary

ED B. SMITH

Chairman

Motion: To Remove Senator Manley's
amendment. Motion by
Senator Van Valkenburg
Failed 4-3

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE FISH AND GAME

Date 3-15-79 House Bill No. 420 Time 2:40

NAME	YES	NO
SMITH, Ed, Chairman	✓	
GALT, Jack E., Vice Chairman		✓
ANDERSON, Mike		✓
GOODOVER, Pat M.	✓	
MANLEY, John E.	✓	
STIMATZ, Lawrence G.	✓	
VAN VALKENBURG, Fred		✓

Sherri R. Smith
Secretary

ED B. SMITH
Chairman

Motion: Be Not Considered In
As Amended.
Carried 4-3.
Motion by Senator Bonbrink

(include enough information on motion--put with yellow copy of committee report.)



NATIONAL
RETIRED
TEACHERS
ASSOCIATION



AMERICAN
ASSOCIATION
OF RETIRED
PERSONS

MONTANA JOINT STATE LEGISLATIVE COMMITTEE

CHAIRMAN
Mr. Arthur L. Jacobson
2908 7th Avenue South
Great Falls, MT 59405
(406) 452-5526

VICE CHAIRMAN
Mr. Mark Jennings
2537 Olofson Drive
Missoula, MT 59801
(406) 543-7948

SECRETARY
Mr. T. H. Brekke
304 Pueblo Drive
Billings, MT 59102
(406) 656-3613

COMPULSORY AUTOMOBILE LIABILITY INSURANCE

Fact Sheet

The first automobile bodily injury liability insurance was issued in the U.S. in 1898. During the 1970's financial responsibility laws were enacted in a number of states in the wake of the magnitude of automobile hazards in terms of deaths and personal injuries.

Financial responsibility laws sprang from public recognition that an injured person's right to recovery in a law suit was illusory unless the judgment awarded was actually paid.

By 1971 all states had financial responsibility laws; but a 1971 U.S. Supreme Court decision struck down provisions revoking driver's licenses of uninsured motorists. Due process was violated because motorists were stripped of their licenses without an opportunity to show they were not negligent.

Nevertheless, financial responsibility of motorists remains an important concern. The California Supreme Court for example, has ruled:

"The entire financial responsibility law must be liberally construed to foster its main objective of giving monetary protection to that ever changing and tragically large group of persons who, while lawfully using the highways themselves, suffer grave injury through the negligent use of those highways by others." (Inter Insurance Exchange of Automobile Club of Southern California v. Ohio Casualty Insurance Co., 58 Cal. 2d 142, 373 P. 2d 640).

REASONS WHY THE PUBLIC INTEREST REQUIRES
REGULATIONS ON THE OPERATION OF GAME FARMS

Big game animals subject to private ownership are identical in appearance to their wild counterparts in public trusteeship. The existence of historic free-ranging, unbranded, and unidentified wildlife is an essential part of the Montana life-style. A difficulty of this existence is that it offers the opportunity for illegal conversion of public wild animals to unlawful private possession unless private possession is regulated and monitored. While it can be argued that big game wild animals can be treated in the same or similar manner to livestock, such comparison is completely inappropriate as domestic livestock are not paralleled by wild counterparts identical in appearance.

Strong incentive for illegal practices is present in the very high prices currently paid for some big game animals and their antlers, pelts, claws, and other by-products. The state of Montana as trustee for the citizens of the state is responsible for the wise management, supervision, and protection of the general public's interest in wildlife animals. Without laws providing for the licensing and regulation of big game farms or ranches, the state of Montana, through its Department of Fish and Game, would be unable to protect the public big game resource. Some examples follow:

1. There would be no way to prove lawful ownership of big game animals without requiring big game

have literally an unlimited source of supply.

5. It is difficult to mark big game animals permanently for identification. This is especially true of the progeny of big game animals in pastures of large acreage.
6. Public big game animals can be "stolen" simply by failing to repair a fence and by baiting the public animals into the enclosure.
7. It is not economically feasible to build a fence to contain big game animals that absolutely cannot be washed out by flooding, being drifted over by snow, or blown down by wind. This fact reinforces the need for adequate identification of privately held big game animals.
8. Provisions must be made to determine how to administer big game farm or ranch applicants whose enclosure contains public big game animals. The questions of how the costs of removing the public animals and by what means should they be removed need to be resolved.
9. There is a need to provide for control of diseases and parasites transmissible to public owned big game species.
10. There is a need to provide safeguards for human health related to the sale of big game farm or ranch products for human consumption.

STATE OF MONTANA

Request No. 315-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 1979, there is hereby submitted a Fiscal Note for House Bill 575 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 575 is legislation proposed to establish a property damage reimbursement program for landowners within the Department of Fish and Game and provides for the manner and method of administration of that program; and providing an effective date and period of application.

ASSUMPTIONS:

1. Assume an almost static conservation license sales quantity of 355,000 licenses per year.
2. Interest earnings at 8.5% are estimated which will provide \$60,000 per year for program administration costs.

	<u>FY 80</u>	<u>FY 81</u>
Increased revenues due to proposed legislation	\$770,000	\$770,000
Less: Operating Costs	<u>60,000</u>	<u>60,000</u>
Funds available for damage reimbursement	<u>\$710,000</u>	<u>\$710,000</u>

Richard L. Drury
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2/15/79

SENATOR MANLEY'S PROPOSED AMENDMENTS

Proposed amendments to HB 420

Amend HB 420, Third reading copy:

1. Title, line 9.

Following: "LICENSES,"

Insert: "PROVIDE THAT LICENSING AND OTHER RESTRICTIONS ON HARVESTING
DO NOT APPLY TO CERTAIN GAME ANIMALS,"

2. Page 16, line 25.

Following: line 24

Insert: "NEW SECTION. Section 20. Restrictions on harvesting game
farm animals. A person holding a game farm or fur farm permit
under this part may harvest or dispose of game animals for which
he holds title without regard to laws or rules of the department
or commission pertaining to licenses, bag limits, or seasons.

Section 21. Codification. Section 20 is intended to be codified
as an integral part of Title 87, chapter 4, part 4, and the provisions
contained in Title 87, chapter 4, part 4, apply to section 20."

Renumber: subsequent sections