

HOUSE FISH AND GAME COMMITTEE

February 3, 1983

The meeting was called to order by Chairman Les Nilson in room 420 of the Capitol Building at 12:30 p.m., with all members present.

Chairman Nilson opened the meeting to a hearing on the following bills: 434, 463, 473.

HOUSE BILL 473

REPRESENTATIVE DENNIS IVERSON, District 9, Whitlash, opened by stating he would recommend House Bill 473 to be tabled, in order to postpone the issue. The reason for that is that the bill was drafted at the request of the curator of the museum of the rockies, along with several clubs concerned with paleontology around the state. They have no interest in the statute, they wanted the bill as a vehicle to promote what they think is a fairly important scientific discovery. They weren't able to put together the campaign, and would rather try in a couple of years. In effort to their wishes, and with respect to the fact that it was their idea and their project, I would hope that you concur. I have a letter from John R. Horner, Curator of the Museum of the Rockies, along with more information that I would be willing to make available to anyone who is interested. The letter from Mr. Horner is attached. (see exhibit 1)

There were no proponents.

There were no opponents.

Rep. Iverson closed by saying I feel a bit bad that this did not go forward. It could be very good for the tourist industry and a recognition of a real scientific achievement.

Chairman Nilson closed the hearing on House Bill 473, at 12:45 p.m.

HOUSE BILL 463

REPRESENTATIVE HELEN O'CONNELL, District 34, Great Falls, said I am here with the BB gun bill at the request of the city of Great Falls. I have a letter from Tom Sullivan, Director, Parks and recreation Department, which I would like to read for the information of the committee. (see exhibit 2) I do know of vandalism of property and of injury to other kids in the area.

There were no proponents.

There were no opponents.

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Rep. O'Connell closed by saying I do hope you will give this bill a do pass. It isn't just the city of Great Falls that has been affected, I have heard from many people from the city of Helena.

Rep. Suanders commented it has been said that 2/10 of all firearms are used by people incorrectly. I feel that the overall coverage in this bill is too broad, and it will inflict on the privileges and rights of a great many of our youngsters, when they are properly supervised and can use a firearm. To me they are air propelled BB guns.

Rep. O'Connell said according to law, we have to write it this way. It was clarified through legislative council that the word firearm has to be used because it is a gun.

Rep. Saunders said I think there are aspects in here that are a little too broad and too restrictive on a great many people.

Rep. O'Connell stated it only includes children under 14 years of age. It says in the bill that they can be used on private ranges.

Chairman Nilson closed the hearing on House Bill 463 at 12:55 p.m.

HOUSE BILL 434

REPRESENTATIVE CLYDE SMITH, District 18, Kalispell, said this is a simple and very practical request by the Department of Fish, Wildlife and Parks to allow a licensed agent to post security other than a surety bond in accordance with the department rules and to require licensing agents to pay interest on license revenue that is remitted late. The department issues license dealerships to private businesses to sell hunting and fishing licenses. There are approximately 350 dealers who are paying 30 cents for each license they sell. House Bill 434 contains three modifications of the existing laws relating to the administration of license dealerships. To ensure faithful performance and protection of the Fish, Wildlife, and Parks receipts, license dealers are required to furnish a minimum surety bond of \$1,000. Most bonding companies will only arrange bonds to a minimum of \$5,000. Under House Bill 434, we could accept alternatives to a surety bond. For example, U.S. Savings Bonds equal to the amount of the consigned license is one possibility. The second modification relates to dealers remitting. Most dealers are cooperative and remit licenses on a timely basis. However, a few dealers do not. Under our proposal, Fish, Wildlife, and Parks would be allowed to charge interest on late remittances. The rate would follow that established

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by the Department of Revenue delinquent taxes, which is currently set at 12%. We estimated the assessment would generate about \$3,000. per year. The third modification would allow the department to prescribe rules for agents depending upon the location of the dealer and the level of sales. In sparsely populated areas such as North-eastern Montana, we would prescribe lenient remitting rules. In populated areas like Western Montana where dealers are numerous and handle large quantities of money more strict rules on remitting would be required. We ask the committee to make this bill effective to coincide with our license year, beginning March 1, 1984.

PROPOSERS

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted a written testimony to the committee. (see exhibit 3)

There were no opponents to House Bill 434.

Questions from committee. Rep. Devlin asked Mr. Flynn if there is ever a case where a license dealer wrote in for another supply of licenses and couldn't get them from the department. The reply was I would suspect that could happen and probably has happened toward the end of the season.

Rep. Hanson asked Mr. Flynn if all the license agents still have to post the \$5,000. bond note. The answer was no, that is another thing we would like to do with this class. With that person, we would probably set up a joint savings account and the dividends would go back to them, so they wouldn't have to get back into that bonding program at all. Right now, the way the law is written, we have no flexibility, we have to require at least \$1,000. minimum surety bond.

Rep. Swift said other security seems pretty broad, what would these individuals expect when that occurred? What is the interest rate at the present time? Mr. Flynn responded that interest rate would be set by the Department of Revenue in their collection of delinquent corporate income taxes.

Rep. Swift asked Mr. Flynn if he knew what that level is now. The response was I think that it is 12%. I don't know how that is derived.

Rep. Ellison commented the department is not going to do anything that would cut down the sale of licenses.

Rep. Spaeth said a couple of my dealers have expressed some comments concerning the 30 cent fee. They are starting to lose money on this, is that a problem?

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February 3, 1983, page 4

Mr. Flynn replied I am sure that if they want to give those dealerships up, there are probably two people that would love to have them because of the traffic that it brings in. This fee is not a money maker, but generally it stimulates traffic.

Chairman Nilson closed the hearing at 1:00 p.m.

EXECUTIVE SESSION

HOUSE BILL 463

Rep. Phillips said why couldn't a county ordinance handle this.

Rep. Jensen commented the judiciary committee is interested in this bill. We are currently dealing with a bill or two that talk about firearms and the definition of them and how best to limit the intent of Helen's bill and others.

Rep. Swift said I would like to know the definition of firearm.

Rep. Saunders remarked federal statutes definitely separate the two.

Rep. Jensen said there was some discussion in judiciary committee about the way to define these guns for the interest of public safety. It seems that there are not air rifles that are more powerful than some of our small firearms. The problem is one of discharge, and concern for damage by vandalism and so forth.

Rep. Ellison said I am in favor of the bill but I think I would feel a lot better if we wouldn't designate BB gun as a firearm and put it in a separate section, to me it is not a firearm.

Motions made on the bill were withdrawn, and it was voted by the committee to pass on House Bill 463 until the next meeting.

HOUSE BILL 473

Rep. Ellison moved to table House Bill 473, the motion passed unanimously.

HOUSE BILL 434

Rep. Jensen moved House Bill 434, DO PASS, the motion carried unanimously.

Rep. Ellison moved to adopt the statement of intent to House Bill 434, the motion passed unanimously.

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HOUSE BILL 4

Rep. Ryan moved to table House Bill 4, the motion carried unanimously.

HOUSE BILL 345

Rep. Spaeth moved House Bill 345, DO PASS.

Rep. Spaeth moved the amendments to House Bill 345, which would provide for a \$30,000. cap, DO PASS, the motion passed unanimously.

Rep. Spaeth moved House Bill 345, DO PASS as amended. The motion carried 15 to 2, with Representatives Hanson and Swift voting no.

Rep. Spaeth moved to adopt the statement of intent with House Bill 345. The motion carried unanimously.

Chairman Nilson adjourned the meeting at 1:45 p.m.



LES NILSON, Chairman



Cheryl Fredrickson, secretary

VISITOR'S REGISTER

HOUSE Fish and Game

COMMITTEE

BILL 434

DATE Feb 3

SPONSOR Smith

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Fish and Game COMMITTEE

BILL 463

DATE Feb. 3

SPONSOR O'Connell

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE *Fish and Game*

COMMITTEE

BILL HB # 473

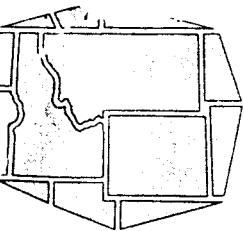
DATE *Feb.*

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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



MUSEUM OF THE ROCKIES

Exhibit 1

HB 473

October 26, 1982

Mr. Dennis Iverson
Whitlash, MT 59545

Dear Dennis:

The Montana Council of Rock and Mineral Clubs, Inc., has voted to support Maiasaura peeblesorum (a duckbilled dinosaur) as the Montana State Fossil (letter attached).

We feel the designation is appropriate because:

1. Never before has there been such an occurrence of dinosaur eggs, babies, juveniles and adults found anywhere in the world. The occurrence has more scientific value than the Roy Chapman Andrews Expedition discoveries in Mongolia during the 1920's (see literature enclosed).
2. Maiasaura has been found only in Montana so that it is unique to the state.
3. The name Maiasaura peeblesorum means "good mother lizard" (Maiasaura) in honor of the Peebles families (peeblesorum). Never before has it been possible to demonstrate parental care of dinosaur young (see enclosed Nature article, 1979). The specific name honors a Montana ranch family from the Choteau area where the discoveries were made.
4. Naming a dinosaur as the state fossil will help with the awareness that Montana is one of the best places in the world for the occurrence of important dinosaur discoveries. It also has real economic value in terms of tourist promotion.
5. This discovery has been and will continue to receive wide spread notariety in national and international journals as well as in more public literature and programs: to date, scientific articles have appeared or are in preparation for Nature, Journal of Paleontology, Journal of Vertebrate Paleontology, Paleobiology, American Philosophical Society Bulletin and Scientific American. Articles for the public have appeared in Discover, Science News, The New York Times Sunday Magazine, The Weekly Reader (for children), Montana Outdoors, etc., (see bibliography attached). The discovery has also been filmed by the Children's Television Workshop (of New York) for a production in their 3-2-1 Contact series for children, and a radio program is being put together for a British series called "The Living World".

Ex. 1
HB 473

Mr. Dennis Iverson
Page 2
October 26, 1982

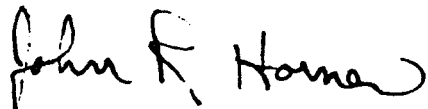
If you are interested in pursuing this matter, it must first be written and submitted as a Bill for the Legislature. Once that has been accomplished, if it could be sent (a copy) to: Joyce McLure, 7780 Applegate Drive, Helena, Montana 59601, she will get copies out to all of the Montana Council of Rock and Mineral Clubs which will campaign for its passage.

Thank you very much for your support. I have enclosed a Maiaasaura T-shirt so you can begin campaigning.

With best wishes,

Sincerely,

MUSEUM OF THE ROCKIES

A handwritten signature in cursive script that reads "John R. Horner". The signature is written in dark ink and is positioned above the printed name and title.

John R. Horner
Curator of Paleontology

skin
Enclosure

Requested by
City of **GREAT FALLS** *Montana*

Exhibit 2

59403

P. O. BOX 5021

TELEPHONE 406 / 727-5881

November 10, 1982

Helen O'Connell
703 4th Avenue SW
Great Falls MT 59404

Dear Helen,

Now that the legislative session is in sight, I need some assistance and/or direction.

During the summer months we are overburdened with complaints on kids shooting BB guns...damage to property, damage to other kids, killing birds, etc. I would very much like to limit the shooting and/or possession of a BB gun, pellet or like within the city limits. As I understand it, there is no law on the books at this time. Our attorney tells me that we must get legislative action. In my opinion, a gun of this type does not belong in the city--use of the item is restricted to nothing but bad things.

Second item The sale of baby chicks and ducks. In the State Law under Marketing 81-8-401, it deals with it on the surface...but all it says is they cannot be sold under three weeks of age. What happens is a pet store here in Great Falls (Jack's) sells a great number of chicks and ducklings for Easter--we then end up with the animals at a later date, most of which cannot survive in a group setting because they have been pampered to some extent. Also a great many of them are sick and undernourished and have to be put to sleep. They also spread waterfowl disease to our animals if the owner just dumps the bird in the pond without first notifying us.

I would appreciate whatever assistance you can give as to what avenue I need to take to get sponsorship of these two concerns.

Thanks, Helen.

Sincerely,

Tom

Tom Sullivan, Director
Parks and Recreation Department

TS/sc

HB 434

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

February 3, 1983

At the present time the Department has about 350 dealers commissioned in various parts of the state to sell licenses on behalf of the Department. These dealers receive a commission of 30 cents for each license they sell.

Under present law these dealers are all treated pretty much the same. The dealer in a small rural area is treated the same as the dealer in a large urban area. The dealer who sells 30 licenses is basically treated the same as the dealer who sells 3000 licenses. This lack of recognition for some basic differences causes some concern.

In some rural areas it is to the benefit of the sportsmen as well as the Department to have a license dealer even though the volume is low enough that it is not economically feasible to have that dealer perform to the same standards as a high volume dealer. Yet under present law there is not much flexibility for bonding and reporting of license sales.

This causes a hardship upon the dealer, the sportsman and the Department. HB 434 is intended to address this area.

HB 434 would allow the Department to establish license classes and to consider the appropriate reporting deadlines for each class. It would also allow for discretion in the type and amount of security necessary for each dealer class. And finally, it would authorize the charging of interest to those in appropriate license classes who might have a tendency to not remit the large sum of money due to the Department in a timely manner.

HB 434 will do a lot towards tieing up some loose ends which now exist in our license agent process. We urge your favorable consideration of the measure.

WITNESS STATEMENT

Name Mens Teigen Committee On F+C
Address Helena Date 2/1/83
Representing Mt. Storkgrowers - Condo Support X
Bill No. HB 425 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

HOUSE BILL 345

February 3, 1983

MR. SPEAKER

WE YOUR COMMITTEE ON FISH, WILDLIFE, AND PARKS,
HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 345,
FIRST READING COPY WHITE, ATTACH THE FOLLOWING
STATEMENT OF INTENT:

STATEMENT OF INTENT
HOUSE BILL NO. 345"

A statement of intent is required for this bill because it grants rulemaking authority to the Department of Fish, Wildlife, and Parks to adopt rules in establishing a reward program to encourage the reporting of game violations by earmarking up to \$30,000 a fiscal year of proceeds from the game auctions held by the department.

To administer this bill, the department will have regulations or guidelines which would describe standards for the payments, methods of distributing the rewards, and for protecting the anonymity of people providing information.

STANDING COMMITTEE REPORT

1 of 2

February 3, 1983

SPEAKER:

MR.

FISH AND GAME

We, your committee on

having had under consideration **HOUSE** Bill No. **434**

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reading copy (**white**)
color

"AN ACT TO ALLOW A FISH AND WILDLIFE LICENSING AGENT TO POST
SECURITY OTHER THAN A SURETY BOND IN ACCORDANCE WITH DEPARTMENT
RULES; AND TO REQUIRE LICENSE AGENTS TO PAY INTEREST ON LICENSE
REVENUE THAT IS REMITTED LATE; AMENDING SECTIONS 87-2-902
AND 87-2-903, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **434**

DO PASS
STATEMENT OF INTENT ATTACHED

STATE PUB. CO.
Helena, Mont.

Les Nilson
LES NILSON, Chairman.

COMMITTEE SECRETARY

February 3,

83

HOUSE BILL 434

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MR. SPEAKER

WE YOUR COMMITTEE ON FISH, WILDLIFE, AND PARKS,
HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 345,
FIRST READING COPY WHITE, ATTACH THE FOLLOWING
STATEMENT OF INTENT:

"STATEMENT OF INTENT
HOUSE BILL NO. 434"

A statement of intent is required for this bill because it grants rulemaking authority to the Department of Fish, Wildlife, and Parks to adopt rules to set deadlines for license receipts according to different classes of license agents, and setting guidelines for allowing alternative forms of security for small volume license agents.

Section 1 of this bill proposes to allow the director of the Department of Fish, Wildlife, and Parks to set deadlines for the license receipts according to different classes of license agents. The intent of this bill is to allow the director the flexibility to recognize that there are widely disparate kinds of license agents. In some sparsely populated areas, the license receipts for a given year are so few that the current monthly accounting requirement may be unrealistic. On the other hand, in heavily populated areas some license agents have extremely high monthly receipts, necessitating that the money be transferred promptly, on a monthly basis, to the Department. The Department contemplates rules that would have deadlines grounded in population base and historical demand in an area.

Section 3 of this bill proposes to change the security requirements for license agents. Currently, the law requires a minimum bond of \$1,000. In reality, no bonding company gives a bond for only \$1,000. The current industry standard is a minimum of \$5,000. Many of the small license agents may carry a total inventory of licenses far below \$5,000. In those instances, where the license agent does not stand to make a great deal of money on the license agency, the \$5,000 bonding requirement may be unduly burdensome. The proposed amendment would allow the director to adjust the bonding requirement to the particular circumstance of a given license agent. For instance, a license agent with a large inventory would be obliged to provide a bond. A license agent with an inventory of less than \$1,000 may be obliged to provide some other kind of security to ensure performance under the law. The Department anticipates promulgating rules that would allow alternative forms of security other than a bond for the small volume license agent.