

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

February 19, 1983

The meeting of the Fish and Game Committee was called to order by Chairman Ed B. Smith on February 19, 1983 at 12:20 P.M. in Room 402, State Capitol.

ROLL CALL: Roll was called with Senator Severson excused and Senator Jacobson and Senator Lee excused to attend another committee hearing.

CONSIDERATION OF SENATE BILL NO. 448: Senator Lane, District #40, as sponsor of this bill, requested that Senator Towe explain the bill to the committee. A Statement of Intent for this bill was furnished to committee members and is attached as Exhibit 1.

Senator Towe went through the bill, section by section, and explained the bill in relation to game animal farms, game bird farms and fur farms. He stated he has worked on this for a long time and with the help of the Fish and Game Department and the Department of Agriculture feels he has put together a bill that has the support of the people who are affected in all respects.

Chairman Smith said we would deviate from the normal hearing procedure because of the time limit. The committee members may ask questions through the testimony period.

Senator Smith questioned the \$15.00 tag on page 9, line 15.

Jim Flynn said in this whole process they have tried to relate costs of certain sections with how much administrative costs will be involved. It originally started out with the requirement of the invoice or tag so that the public concern would be taken care of and in that requirement there would be that sort of administrative cost involved.

Senator Smith asked if this was in agreement by the game farm operators.

Mr. Flynn said the representatives on the committee were agreeable to this.

Senator Mohar referred to page 3, line 10, "stockholders owning more than 10% of the stock in the corporation". He asked why that would make a difference.

Senator Towe said they are concerned this would be the business of some wealthy individual who may be the President of General Motors who is involved.

Mr. Flynn said there was some concern expressed by the livestock representative on the committee with relation to non-resident ownership of the property.

Senator Smith asked Les Graham if the bill of sale, that must accompany the livestock or dead carcasses, would be the obligation of the brand inspector.

Mr. Graham said our intent would be that we would use our regular forms and the game farms are identified throughout the state. Our officers stop more cars than any others and our guys are accustomed to watch for this.

Senator Smith asked if it was the decision of the group that the local brand inspector would give a bill of sale.

Mr. Flynn said you do not have to get the certificate from the local game warden or brand inspector. We would give the certificates to the game farm operators and when a client kills an animal they would mail the certificate to us and to the Department of Livestock. That way the proper agency will be notified.

Senator Mohar said once you fence a piece of land and get rid of the animals, how does a person get game farm animals for his ranch.

Senator Towe said he buys them or gets them from other game farms. When you apply for a license you have to state the source from where you expect to get these animals.

Senator Smith said they will multiply just as they do in the wild.

Senator Mohar said if you shoot one of your elk you have to pay \$15.00 to the state.

Keith Kelly, Department of Agriculture, said the game farm operator buys the tags for the elk he will sell for the year. Those that are offered for the hunt and killed, the game farm operator puts a \$15.00 tag on them.

Keith Kelly, Director, Department of Agriculture, was designated by Governor Schwinden as Chairman of the game farm task force. There has been a controversy going on since the early 70's. The task force was appointed to resolve the issues. The task force did have some difficult times but we ended up with a unanimous vote for this game farm proposal. The bill has some drafting errors but the members of the task force concur that what we originally wanted and intended with the bill is there and we just need to clean-up the language. He suggested that the bill be passed to the House to allow them time to prepare amendments which can be presented when the House hears the bill.

Senator Smith said he talked with one of the task force members and discussed the bill with him. He explained we were in a real crunch for time but that he would talk with the Chairman of the Fish and Game Committee in the House and explain that we were passing the bill out of committee but the bill is not in its proper form and some amendments will have to be adopted in the House. He has in fact spoken with the Chairman of the House Fish and Game Committee and there is no problem there.

Senator Lane said he is sure some ranchers are going to ask about the health of some of these animals.

Les Graham said that section of the bill refers back to the current rules of the Department as relates to diseased animals. That is another reason for the certificate. They will run through the same procedure as any other livestock.

Senator Towe said the fence is a protection force to make sure there is no mingling between the wild animals and the game farm animals.

Keith Kelly said on page 2 the statement "A game farm licensee must also comply with all applicable laws and rules administered by the department of livestock" should take care of any problems. Those rules do not show up in this bill but they are all in the Department of Livestock and must be complied with.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in support of this bill. A copy of his written statement is attached as Exhibit 2. It was the original intent of the committee that this be three bills -- game farms, bird farms and fur farms -- but the intent of the committee wasn't completely related to the Legislative Council and the three bills were drafted together. The task force is still in agreement with the bill as long as it can be amended.

Senator Smith said there is not enough time to get the amendments drafted into the bill. If the amendments aren't put in in this committee they will be addressed in the House. This committee still has the power to see that those amendments are made in the House. This committee still has the final say on what should or should not be addressed in the bill.

Dave Majors was a member of the game farm task force and concurs with Mr. Flynn's and Mr. Kelly's testimony.

C. Fredrick Frey, a rancher from Missoula, is in support of this bill but it does need some changes.

Dean Peterson was a member of the task force and is in agreement with the gentlemen who have already testified. Their original intent got changed a little but it can be taken care of.

Thomas L. Kempf, Billings, furnished the committee with a copy of a letter from Ward Swanser, a member of the game farm task force. A copy is attached as Exhibit 3. Mr. Kempf said in 1977 he made application for a game farm and \$26,000 and 19 months later he got his permit. If we can alleviate some of the problems he had with this bill he feels it will be justified. Ward Swanser could not be at the hearing today but he explained his problems with the bill, as drafted, in his letter. He requested the committee members and Mr. Flynn and Mr. Kelly to review the comments made in Mr. Swanser's letter.

Mr. Kelly said in looking over Mr. Swanser's letter it looks like we have addressed all of the points mentioned at our meeting this morning.

Senator Smith said when the House Fish and Game has their hearing on this bill there will be more time to plan and address the problems in the bill. He told Mr. Flynn and Mr. Kelly to go ahead and get the amendments prepared for the bill with the understanding that we are letting this bill go over to the House but that the Senate Fish and Game Committee will again review the bill.

Mr. Flynn said they will prepare the amendments and review them with the task force members. He suggested, at the time of the House hearing on this bill, that the House and Senate Fish and Game Committees have a joint hearing.

Les Graham said that the Board of Livestock members will support this bill only if it is amended back to the form originally intended.

DISPOSITION OF SENATE BILL NO. 448: Senator Mohar made a motion that SB 448 do pass with the consideration that there will be amendments and this committee will meet in joint session with the House Fish and Game Committee on the hearing date of this bill. The motion passed unanimously with the members present -- Senators Lane, Tveit, Mohar and Smith.

Senator Mohar made a motion that the committee adopt the Statement of Intent to the bill. The motion carried unanimously with the members present.

DISPOSITION OF SENATE BILL NO. 336: Andrea Merrill furnished the committee members with a copy of the amendments requested by the committee at our last meeting. A copy is attached as Exhibit 4.

Senator Smith told the committee that the amendments have been addressed and were already thoroughly discussed.

Senator Mohar made a motion that we adopt the amendments. The motion passed unanimously with the members present. Senator Jacobson had just previously returned to the meeting and voted

in favor of the motion.

Senator Lane made a motion that SB 336 Do Pass As Amended.
The motion carried unanimously with the members present.

DISPOSITION OF SENATE BILL NO. 344: Senator Smith is concerned there will be confusion with splitting the license. He noted we did have a duck stamp in 1977-78 and it fell flat on its face.

Senator Jacobson made a motion that SB 344 do pass.

Senator Tveit made a substitute motion that SB 344 do not pass.

Senator Mohar said he likes the idea that the state can do very little and raise some revenue.

Senator Lane said people will be paying more money for the license.


Senator Mohar said his understanding is that they will be paying the same amount of money for the license. The revenue money generated will be from the sale of the artwork.

Senator Jacobson said also selling stamps to people collecting them.

Senator Smith does not believe it will be any different than the duck stamp in 77-78.

The vote was taken on Senator Tveit's substitute motion. The motion passed with a vote of 3-2. Senators Mohar and Jacobson voted against the motion.

ADJOURNMENT: The meeting adjourned at 2:30 P.M.



ED B. SMITH

ROLL CALL

FISH & GAME

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/19/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Severson.			✓
Senator Lee			✓
Senator Tveit	✓		
Senator Lane	✓		
Senator Mohar	✓		
Senator Jacobson	Arrived at the meeting late.		
Senator Smith	✓		

Each day attach to minutes.

NAME:

C. FREDRICK FREY

DATE: 2-19-83

ADDRESS:

6855 McClure Rd. Missoula, MT 59802

PHONE:

549-0530

REPRESENTING WHOM?

Self & Game Farm Task Force.

APPEARING ON WHICH PROPOSAL:

SB 448.

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

Members of the Governor's Game Farm Task Force
that developed the criteria and intent of this bill.

Some where along the line, necessary amendments must
be made to reflect the task force's intent, as some
areas were not properly addressed in drafting. I wish
to see the bill passed in whatever means necessary,
as long as amendments are made, whether in committee,
on the Senate Floor or in the House.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: David h. Major DATE: 2/19/83

ADDRESS: 1417 Middle Burnt Fork Rd, Sternsville, Wt

PHONE: 777-3642

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: SB 448

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: I as a member of the Burn Farm Task
Force I support the intent of this bill.
There are some drafting errors & other minor
changes which will need to be made.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STATEMENT OF INTENT
Senate Bill No. 448 [LC 1173]

This bill requires the Department of Fish, Wildlife, and Parks to make rules for game animal farms under section 17, game bird farms under section 32 and fur farms under section 47. It is the intent of the Legislature that these rules address procedural items necessary for a timely and efficient processing of applications and licenses and provide the information necessary for administration of the criteria provided in those sections.

SB 448

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks
February 19, 1983

My name is Jim Flynn, Director of the Department of Fish, Wildlife and Parks. I appear before you today in support of Senate Bill 448.

This bill is the culmination of many hours of hard work by the Game Farm Task Force. This bill remedies many of the problem situations that the Department has encountered in the creation, maintenance, and enforcement of the present game farms in the state.

One of the problems the Department has experienced in the past is making sure that no publicly-owned animals are within the game farm area when the game farm animals are placed within the fenced area. This bill specifically provides for a procedure, satisfactory to the Department, enabling us to spend less time concerned with whether some publicly-owned game animals are being mixed with privately-owned game animals.

There are some errors in the bill which occurred in the bill drafting stage. If the Committee desires the addressing of those at this hearing we would be glad to cooperate. If it is the desire to pass the bill and amend it in the other house, we would be glad to cooperate in that effort under more favorable time frames.

All in all, this bill alleviates many concerns of many diverse groups which have existed for some time. The mere fact that it is before the Committee with the general support it has is meaningful in itself.

LAW OFFICES

MOULTON, BELLINGHAM, LONGO & MATHER, P. C.

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RANDY H. BELLINGHAM
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WILLIAM A. FORSYTHE
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February 18, 1983

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P. O. BOX 2545

FREDRIC D. MOULTON
OF COUNSEL

Mr. Keith Kelly
State of Montana
Department of Agriculture
Agriculture/Livestock Building
Capitol Station
Helena, Montana 59620

Dear Keith:

On Wednesday, February 16, 1983, I received the proposed legislation. Needless to say, I was quite shocked by it and found that it violated the intent of the proposed legislation submitted by the task force and which was agreed to in November, 1982, and which was submitted to us with your letter of January 10, 1983.

At this time I will attempt to point out the discrepancies in the bill and my objections to the changes gratuitously made by draftsmen.

1. Section 1, Para. 4 (page 2) Game Farm Shooting License. Rather than being a license as referred to under Sections 1 through 21, it should read "means the license a gam farm operator must have to hunt" etc.

2. Section 4,(2) (Page 3) line 14. This was redrafted and changed the intent that the department "shall issue a license" to "may issue a license". This is totally and completely unacceptable. We do not want the department to have the discretion to decide when they will or will not issue a license. We are talking about the private property right that every individual has to raise livestock as long as he complies with the other provisions of the Act as was discussed in the task force.

Mr. Keith Kelly
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3. Section 4. Line 16. Page 3. The original bill provided that you would receive an application "when the applicant has fenced the land designated in the application". This was changed to require that you fence first before you can obtain a license. This should be changed back to the old language.

4. Section 4(3). Page 3. Line 22. This was re-written. The task force proposal provided that "the department shall notify the applicant of its decision to approve the applications subject to the required fencing being completed". The change allows the Department to approve or deny the application and if required fencing has not been completed the department may only approve the application subject to completion of fencing. This changed the intent and the task force language should be re-instated.

5. Section 5. Page 4, Line 6. Once again, the draftsman gave discretion as to whether a license would be issued and changed "will" to "may". "Will" should be re-inserted.

6. Section 5(3). Page 4, Line 16. This is a typographical error and a misnomer on behalf of the bill draftsman. Line 16 should read as the old language appeared in our task force bill referring to "game animals" rather than "game farm animals". It should read: ". . . the department shall decide the approximate number of game animals of the species desired to be raised thereon (referred to herein as the 'base number')".

7. Section 7. Page 5, Line 22. This as revised does not provide for an automatic renewal of the license. By inserting the additional language it now allows the license to not be renewed if there has been any violation of the Act. To cover any violations we put in a specific revocation provision to take care of them. What we, as game farmers, are interest in is that we would have an opportunity to correct any alleged violation prior to the time that any license would be forfeited. By changing the language in the manner that they did, the department would be able to sit back and not renew your license by alleging a violation. Line 22, page 5 should read as the task force bill did, as follows: "The Department shall renew the license upon payment of the renewal fee if the licensee has not violated any of the provisions under which it was granted."

8. Section 8(2), Page 6. Line 6. Which provides for inspection. Our proposed draft provided that additional inspections would occur should it be deemed necessary. "Should it be deemed necessary" was replaced by "as it considers necessary." There is a difference in the intent, the latter being that the department has the sole discretion as to whether it will make unreasonable inspections of the property as opposed to where the department must show that there is some reason to make additional inspections. The old language should be reinstated.

9. Section 10(1), Page 6, Line 20. Item no. 1 of section 10 was added. It provides that no person may sell, dispose of or transport a living game farm animal except as provided in this section. I think that is overly broad and should be stricken. What we were attempting to deal with was the transportation in commerce of game farm animals. I may transport a game farm animal on my property, or between two properties owned by me and not have to comply with the Act. Item No. 1 should be deleted.

10. Section 10(2). Page 6, Line 25. Rather than say "attach" the bill of sale or invoice to the game farm animal, I think it should read that the bill of sale or invoice will "accompany" the game farm animal.

11. Section 10(3), Page 7, Line 8. New language has been added that requires a copy of the bill of sale or invoice to be sent to the department within 24 hours of disposition. I think this is unreasonable. The old section merely provided that a copy of the invoice or bill of sale would be delivered to the Department of Livestock and the Department of Fish, Wildlife & Parks. This is adequate. It may be impossible for some people to, within 24 hours, mail to the department. I am particularly thinking of individuals who live way out in the country and someone picks up an animal from their farm. They may not have access to a post office and may not be able to get something in the mail within 24 hours. I think this is an overly technical area which should be deleted.

11. Section 11. Page 7, Line 13. No. 1 of that section is new and should be deleted for the same reason mentioned above. There are adequate provisions made in the balance of the section with regard to sale of game farm parts, meats or by-products.

12. Section 12(1)(c), Page 8, Line 12. This should be deleted. We may not have permanent numbers on all game farm animals and when identified the identification may change. This serves no useful purpose and was added and should be deleted.

13. Section 13. Page 8. Here again, I think the intent of the section on unlawful capture has been changed. The idea was that no person may capture any state owned game animal to be used on a game farm. The draftsman added "or otherwise acquire any game animal in this state for use on a game farm". This could technically be read to prohibit me purchasing animals that Henry Stip might own. That is not the intent and I think we should insert after "game animal" on Line 20 "from the wild", as we had in our original draft proposal.

14. Section 14, Page 8, Line 23. Defining game animal, it should be "game farm animal" rather than "game animal".

15. Section 15, Page 9. On taxation, rather than state that the animals "must" be taxed, state "may" be taxed. I think taxation should be the same as on other livestock and if livestock are taxed so will game farm animals. But there may be no required tax on other livestock or on certain game farm animals such as bear.

16. Section 17, Page 9. I think this is too broad. We set forth certain areas where rule making was allowed. Rule making need not occur in any other areas. I think it should go back to the original definition of rule making and further provide that the rules are for the enforcement of those regulations not the implementation of them. This could mean that no action could be taken until some rules were adopted. This section should be changed back to the original language.

17. Section 19, Page 10. Grandfather clause. This was re-written and called "Current licenses valid." I think the old section should be reinstated in its entirety and this one should be deleted. The old section provided that "All licensed game farm operators shall be entitled to receive a game farm license from the department for the operation of their game farms at such time as this Act becomes effective." This is far different than saying that they "may" receive a game farm license in the manner provided by sections 1 through 18. This could require that they submit a new application in order to obtain a license. That was not our intent. We need the grandfather clause.

18. Identification. Identification was addressed in the original task force bill and has been deleted. I think it should be re-inserted. We had a separate clause entitled "Identification" which provided as follows: "Upon the purchase, sale or transfer of any game farm animal, the licensee must identify those animals removed." This should be added as a new section, say section 21.

19. Turning now to the game bird bill, I have similar objections to it that I had in the game farm bill. Those primarily revolve around Section 3(2), saying that a license "may" be issued rather than "shall" be issued, and implying that they must also previously fence the enclosure. This should be changed exactly as the game farm bill was to put it back as the task force had recommended for game farms, fur farms and bird farms.

20. Section 25. Pages 12 and 13. The same language was changed on the renewal of the license as was changed in the game farm bill, and it should be changed to read as it was in the draft from the task force. Once again, individuals want to have notice of any alleged violations and opportunity to correct them and not allow the department to sit back and deny a license by saying that there is a violation.

Mr. Keith Kelly
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21. Section 32. Rulemaking. The same comments I had on the game farm bill apply to this one.

22. Section 34. Field trials. I note that they left out the definition of "bird field", "receiver field trial", and "pointer-setter field trial". I don't know whether this means anything but it was deleted from the Act.

23. The fur farm bill - The same requirements and changes with regard to obtaining a license subject to fencing and renewal of license and rulemaking apply as apply to the game farm bill and game bird bill.

24. Section 50. Page 21. I believe the last line of the bill should read ". . apply to sections 1 through 19 and 20 through 48" rather than "1 through 18 and 20 through 48. . .".

Unless all of these changes are made, I will have no choice but to oppose the proposed legislation. I think that there has been a substantial modification of the intent of the task force bill. I understand how this could have occurred when I found out that it was Woody ^{4/5/84}~~Woods~~ who re-wrote the bill. Woody used to be the attorney for the Fish and Game Department during the time we were having all of the controversy on the Big Horn Game Ranch.

I would like to have a copy sent to me of any revisions that are made in the bill. I want to be sure that it represents what the task force agreed upon and does not take away any rights that we negotiated. I would also like to be advised of the time when any hearings on the bill come forward before the Senate or the House.

Thank you for your patience in wading through these changes.

Yours very truly,

Ward Swanser

WS:am

cc: Task Force Members
All Montana Game Farm Operators

Amendments to SB 336

1. Title, line 6 through line 7.
Following: "FOR"
Insert: "INCREASED"
Following: "PENALTIES"
Strike: remainder of line 6 through "PROPERTY" on line 7
2. Title, line 8.
Strike: "THROUGH"
Insert: ", "
Following: "81-7-503"
Strike: "AND"
Insert: ", "
Following: "81-7-505"
Insert: "AND 81-7-511,"
3. Page 2, line 1.
Strike: section 2 in its entirety
Renumber: subsequent sections
4. Page 3, line 13.
Strike: "within his own aircraft and"
5. Page 3.
Following: line 19
Insert: "Section 4. Section 81-7-511, MCA, is amended to read:

"81-7-511. Penalties - jurisdiction - revocation of permit. (1) Any person violating any provision of this part who is permitted to engage in aerial hunting pursuant to this part is guilty of a misdemeanor.
(2) A conviction for a violation of subsection (1) is punishable by a fine of not ~~more~~ less than \$500.
(3) Any person who is not permitted to engage in aerial hunting pursuant to this part who violates any provisions of this part is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$250 or more than ~~\$1,000~~ \$1,500. A subsequent conviction under this subsection is punishable by a fine of not less than \$500 or more than ~~\$1,000~~ \$1,500.
(4) The justice court has jurisdiction over violations of this part.
(5) The department may revoke or suspend the permit of anyone violating its terms."
6. Page 3, line 25 through line 2 on page 4.
Following: "livestock." on line 25
Strike: "flying" on line 25 through line 2, page 4

7. Page 3, line 3.
Strike: section 6 in its entirety
Re-number: subsequent section

8. Page 3, line 22.
Strike: "Sections"
Insert: "Section"
Strike: "and 6 are"
Insert: "is"

9. Page 3, line 24.
Strike: "sections 5 and 6"
Insert: "section 5"

Senate BILL NO. 336
Daniel

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE AERIAL
 HUNTING LAWS; INCLUDING A PROHIBITION ON HARASSMENT OF
 LIVESTOCK; PROVIDING FOR ^{IMPOSED} PENALTIES AND FORFEITURE OF
 PERSONAL PROPERTY FOR ILLEGAL HUNTING OF WILD ANIMALS;
 AMENDING SECTIONS 81-7-501 THROUGH, 81-7-503 AND, 81-7-505, AND 81-7-511,
 MCA."

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

Section 1. Section 81-7-501, MCA, is amended to read:
 "81-7-501. Aerial hunting prohibited -- exceptions.
 (1) Except as provided in 81-7-505, no person except an
 employee of the state, its subdivisions, or the federal
 government, acting within the scope of his employment may
 engage in the aerial hunting of wild animals as defined in
 81-7-101 without first obtaining a permit from the
 department of livestock. The permit must specify the
 species of wild animals to be hunted and the geographic
 areas over which aerial hunting may take place.

(2) No person issued a permit as required by this
 section may engage in aerial hunting of wild animals in
 violation of the terms of his permit, the rules promulgated
 by the board of livestock, or the terms of this part."

Section 2. Section 81-7-502, MCA, is amended to read:
 "81-7-502. Rulemaking authority. The department of
 livestock may adopt rules to effectuate the purposes of this
 part and to implement and conduct the aerial hunting permit
 system provided for by this part. Rules made under this
 part may include:
 (1) limits on the number of permits issued for a
 specific geographic area;
 (2) limits on the area, calculated from the normal
 storage location of the permittee's aircraft, in which a
 permittee is authorized to hunt;
 (3) reasonable experience qualifications for pilots
 and aerial hunters;
 (4) standards for issuance of permits to nonresidents
 under 81-7-503;
 (5) standards for issuance of a permit based upon
 actual or potential livestock losses due to predation;
 (6) reports required of permittees; and
 (7) such other matters as are necessary to effectuate
 the purposes of this part and reduce loss to livestock and
 wildlife from predation."

Section 3. Section 81-7-503, MCA, is amended to read:
 "81-7-503. Residency requirement. No person not having
 residence and domicile in Montana may be issued a permit
 provided for in 81-7-501 except when authorized by the board

1 of livestock. Permits issued to nonresidents may be used
2 only.

3 (1) in Montana counties adjacent to the state line
4 that the department of livestock has determined are
5 inadequately serviced by resident permittees; or

6 (2) on real property in Montana owned by the
7 nonresident permittee."

8 Section 4. Section 81-7-505, MCA, is amended to read:

9 "81-7-505. Resident landowners authorized to aerially
10 hunt over their own lands without permit -- conditions. Any
11 landowner having residence and domicile in Montana may
12 engage in the aerial hunting of wild animals, as defined in
13 81-7-101, ~~within his own aircraft and~~ over his own land
14 without a permit, provided he annually notifies the
15 department in writing that he will be engaged in aerial
16 hunting and gives an adequate description of the location of
17 the land over which he will ~~aerially~~ hunt. Such
18 hunting must be in accordance with all rules of the
19 department of livestock."

20 ~~NEW SECTION.~~ Section 5. Prohibition against harassing
21 livestock. While engaged in flying an aircraft, no person,
22 whether or not lawfully authorized to aerially hunt, may
23 knowingly harass, injure, or attempt to injure any livestock
24 except with the express permission of the owner of that
25 livestock. Flying near livestock at an altitude of less

81-7-511, MCA, is amended to read:

Section 4. Section

"privacy" section amended

1 than 500 feet establishes a rebuttable presumption of
2 knowledge of livestock harassment.

3 ~~NEW SECTION.~~ Section 6. Forfeiture of personal
4 property used in illegal aerial hunting or harassment of
5 livestock. (1) Aircraft or other personal property used in
6 the air or on the ground in support of aerial activity in
7 violation of this part or 87-3-126 must be forfeited to and
8 confiscated by the state, along with any carcasses or pelts
9 taken in violation of this part. Whenever property is
10 observed in such illegal use or if there is probable cause
11 to believe that property was devoted wholly or in part to
12 such use, the property must be seized and held by the
13 enforcement officers specified in 81-7-512. Upon conviction
14 in a proceeding in district court in the name of the state
15 against the owner or user of the property, it must be sold
16 at a sheriff's sale under Title 25, chapter 13, part 7.

17 (2) This section does not apply to personal property
18 that has been stolen prior to the illegal use if the lawful
19 owner is not in collusion with a party involved in the
20 illegal use.

21 ~~NEW SECTION.~~ Section 7. Codification instruction.
22 ~~Sections 5 and 6 are intended to be codified as an integral~~
23 part of Title 81, chapter 7, part 5, and the provisions of
24 Title 81, chapter 7, part 5, apply to sections 5 and 6.

-End-

-4-

STANDING COMMITTEE REPORT

February 19, 19 83

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration Statement of Intent, SENATE Bill No. 448

Respectfully report as follows: That Statement of Intent, SENATE Bill No. 448
be adopted.

STATEMENT OF INTENT RE: SB 448

This bill requires the Department of Fish, Wildlife, and Parks to make rules for game animal farms under section 17, game bird farms under section 32 and fur farms under section 47. It is the intent of the Legislature that these rules address procedural items necessary for a timely and efficient processing of applications and licenses and provide the information necessary for administration of the criteria provided in those sections.

DO PASS

STANDING COMMITTEE REPORT

.....February 12..... 19 33.....

PRESIDENT

MR.

FISH AND GAME

We, your committee on

SENATE

Bill No. **448**.....

having had under consideration

SENATE

Bill No. **448**.....

Respectfully report as follows: That

DO PASS

Statement of Intent Attached

STANDING COMMITTEE REPORT

February 19, 19 83

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 336

Respectfully report as follows: That SENATE Bill No. 336

introduced bill, be amended as follows:

1. Title, line 6 through line 7.

Following: "FOR"

Insert: "INCREASED"

Following: "PENALTIES"

Strike: remainder of line 6 through "PROPERTY" on line 7

2. Title, line 8.

Strike: "THROUGH"

Insert: ", "

Following: "81-1-503"

Strike: "AND"

Insert: ", "

Following: "81-7-505,"

Insert: "AND 81-7-511,"

3. Page 2, line 1.

Strike: section 2 in its entirety

Re-number: subsequent sections

XXXXXX

(cont.)

4. Page 3, line 13.

Strike: "within his own aircraft and"

5. Page 3.

Following: line 19

Insert: "Section 4. Section 81-7-511, MCA, is amended to read:

"81-7-511. Penalties - jurisdiction - revocation of permit. (1) Any person violating any provision of this part who is permitted to engage in aerial hunting pursuant to this part is guilty of a misdemeanor.

(2) A conviction for a violation of subsection (1) is punishable by a fine of not more less than \$500.

(3) Any person who is not permitted to engage in aerial hunting pursuant to this part who violates any provisions of this part is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$250 or more than ~~\$1,000~~ \$1,500. A subsequent conviction under this subsection is punishable by a fine of not less than \$500 or more than ~~\$1,000~~ \$1,500.

(4) The justice court has jurisdiction over violations of this part.

(5) The department may revoke or suspend the permit of anyone violating its terms."

6. Page 3, line 25 through line 2 on page 4.

Following: "livestock." on line 25

Strike: "flying" on line 25 through line 2, page 4

7. Page 4, line 3.

Strike: section 6 in its entirety

Renumber: subsequent section

8. Page 4, line 22.

Strike: "Sections"

Insert: "Section"

Strike: "and 6 are"

Insert: "is"

9. Page 4, line 24.

Strike: "Sections 5 and 6"

Insert: "section 5"

And, as so amended

DO PASS

STANDING COMMITTEE REPORT

February 19, 19 .. 83 ..

MR. **PRESIDENT**

We, your committee on **FISH AND GAME**

having had under consideration **SENATE** Bill No. **344**

Respectfully report as follows: That **SENATE** Bill No. **344**

DO NOT PASS
~~**DO PASS**~~

48TH LEGISLATIVE SESSION

COMMITTEE ON FISH AND GAME

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 94	1/27/83	3/12/83	3/12/83				3/12/83		
HB 291	2/4/83	3/17/83	3/17/83						3/17/83
HB 335	3/1/83	3/15/83	3/17/83					3/17/83	
HB 342	1/31/83	3/15/83	3/15/83				3/15/83		
HB 345	2/14/83	3/10/83 3/5/83	3/22/83						3/22/83
HB 377	2/17/83	3/19/83	3/22/83						3/22/83
HB 402	3/1/83	3/5/83	3/5/83				3/5/83		
HB 425	2/7/83	3/17/83	3/17/83				3/17/83		
HB 434	2/10/83	3/10/83	3/10/83					3/10/83	
HB 541	2/16/83	3/10/83	3/10/83					3/10/83	
HB 567	2/14/83	3/17/83	3/17/83				3/17/83		
HB 672	3/1/83	3/5/83	3/5/83				3/5/83		
HB 764	3/1/83	3/12/83	3/12/83				3/12/83		
HB 836	3/1/83	3/19/83	3/22/83				3/22/83		

Use a separate sheet for Senate, House Bills, and Resolutions.