

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 22, 1985

The meeting of the Fish and Game Committee was called to order by Chairman Bob Ream on January 22, 1985, at 3:13 p.m. in room 317 of the State Capitol.

ROLL CALL: All members were present except Representative Cobb who was excused by Chairman Ream.

CONSIDERATION OF HOUSE BILL NO. 136: Representative Ellison, District 81, McLeod, sponsor of House Bill No. 136 at the request of the Department of Fish, Wildlife, and Parks, stated that the Department has some problems with boat licensing. Mr. Flynn of the Department of Fish, Wildlife, and Parks will go into these problems with the committee in detail. Mr. Flynn also has one minor amendment to offer of a technical nature. Representative Ellison stated that the problem at the present time, is that the fine for not licensing a boat is so minimal that people would rather pay the fine than license their boat. The law is on the books that people should pay their license fee, but they are not doing this at the present time. Representative Ellison said that if this law is on the books, then it should be enforced.

PROPOSONENTS: Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, a proponent of this bill, gave a copy of his testimony to each committee member. (See Exhibit No. 1)

No further proponents spoke in favor of this bill, and there were no opponents to House Bill No. 136.

DISCUSSION OF HOUSE BILL NO. 136: Representative Eudaily asked Mr. Flynn that if they eliminated the provision of the \$10 fine, how does that automatically fit in under the general penalty provision. Mr. Flynn replied that the failure to register is probably covered in the general statutes.

Representative Jenkins noted that on a \$10 fine the money is distributed \$7.50 to the courts and \$2.50 to the department. He asked Mr. Flynn where the money would go and how it would be distributed on a \$15 to \$500 range fine. Mr. Flynn replied that he knows where a major

portion of that money goes, and he would share that with the committee. Mr. Flynn stated that any fine money collected by the department goes to offset the department's contribution to the Wardens' Retirement Fund. He explained how this worked in detail to the committee. Representative Jenkins then wanted to know, how the court costs came into this, and are the court costs set by law. Mr. Flynn replied that he honestly did not know, but he assumed that it was a cost that the court assesses to his department for processing any case.

There being no further questions from the committee, Representative Ream asked Representative Ellison to close. In closing, Representative Ellison stated that instead of the fines coming out of the sportsman's dollar they will be coming out of the violator's dollar.

The hearing on House Bill No. 136 was closed.

CONSIDERATION OF HOUSE BILL NO. 159: Representative Paul Rapp-Svrcek, District 51, Thompson Falls, sponsor of House Bill No. 159, at the request of the Department of Fish, Wildlife, and Parks, stated that this bill is very nearly a housekeeping measure which adds to the list of eligible receivers of meat that the department has come into its possession. It adds charitable institutions to that list and it also allows the department to sell the meat that has come into their possession.

PROPOSERS: Mr. Flynn, Director of the Department of Fish, Wildlife, and Parks, a proponent of this bill, gave a copy of his testimony to each committee member. (See Exhibit No. 2) Mr. Flynn also explained the amendment that was included in his testimony.

Robert Van Der Vere, a concerned citizen lobbyist, said that he doesn't see anything wrong with this bill and is in full favor of it.

No further proponents spoke in favor of this bill, and there were no opponents to House Bill 159.

DISCUSSION OF HOUSE BILL NO. 159: Representative Jenkins wanted to know why, as Mr. Flynn's written statement noted, you are not allowed to have wild game in the same cooler where you have beef or pork. He also wanted to know why the department can sell game

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when you can not sell beef or pork to the public without federal inspection. Mr. Flynn replied that he honestly did not know the answer to that question. He stated that they do it, they have done it, and nobody has ever "rung their bell" so to speak. Representative Jenkins also wanted to know if the Departments' main objective was to add charitable organizations on to this bill, and otherwise just clear up the language of the existing law. Mr. Flynn replied that that was correct. Representative Jenkins also wanted to know that if the Department allows the ranchers to kill game animals that are causing damage to their property, will the department then come and remove these animals from the ranchers place. Mr. Flynn said that that would be how the process would work. He also said that the kill permit would be issued and everything would progress the same to the time the animal was distributed in the community. Under the present law, the game animals have to be distributed to certain programs, and what the Department is asking is to have some other options open to include needy individuals or public auction, if necessary. Representative Jenkins wanted to know if the Department will allow the rancher to kill the wild game if he has a kill permit, or if the Department has to have one of its people come out and kill the animal. Mr. Flynn replied that they do it both ways.

Representative Grady wanted to know if the amendment should also be on page 2, line 6, as well as, page 1, line 24, changing the word shall to may. Mr. Flynn stated that he was correct.

Representative Phillips stated his concern about the cost of holding public auctions and wanted to know if anyone had explored the idea that some entrepreneur might want to come in and process this game. Mr. Flynn replied that this was another legal area and there is another statute which says that you can not make a profit from the parts of game animals.

Representative Jenkins wanted to know if the Department has any estimation of how much game charitable institutions can use; and if a charitable organization, such as the Salvation Army in Montana, can export this game to the Salvation Army in another state. Mr. Flynn replied that if the Salvation Army can not use the game itself, then his Department will ask for the name of a local family that can use the meat. Their goal is to get the meat distributed locally and keep it in the State of Montana. Representative Jenkins wanted to know

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if the Department had to process the meat before it was delivered. Mr. Flynn replied that they do not pay for any processing.

Representative Hanson read from House Bill No. 159, page three, lines 4 through 11, and wanted to know who the "said parties" were, as referred to in this part of the bill. Mr. Flynn said that they were amending the law as it pertains to kill permits. The law that Representative Hanson was reading was the law that references the animals that his Department confiscates from the fish and game violation situations. If the party being prosecuted is found not guilty, then the department will refund them the money received from the auction sale.

There being no further questions from the committee, Representative Ream asked Representative Rapp-Svrcek to close. Representative Rapp-Svrcek stated that he would ask the committee to look favorably on House Bill 159.

The hearing on House Bill No. 159 was closed.

EXECUTIVE SESSION: Representative Grady made a motion that House Bill No. 136 DO PASS. Representative Ellison moved that House Bill No. 136 be amended like the amendment handed in by Mr. Flynn. (See Exhibit No. 1) Representative Rapp-Svrcek seconded the motion. Researcher Dave Cogley, stated that he would like to suggest that on line 11, page 2, change the word "change" to transfer. Representative Ellison stated that he would like to amend his first motion to include the changes noted by Researcher Dave Cogley. Representative Eudaily stated that the title would also have to be changed to make this bill amendment consistent. Representative Ellison stated that he would also like to include the title change in his amendment. Representative Eudaily seconded the motion, and it carried unanimously. The motion on the floor DO PASS AS AMENDED was voted on, and passed unanimously.

HOUSE BILL NO. 159: Representative Jenkins made a motion that House Bill No. 159 DO PASS. The motion was seconded. Representative Rapp-Svrcek moved to amend House Bill No. 159 like the amendment handed in by Mr. Flynn. (See Exhibit No. 2)

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Representative Eudaily said he had a problem with the amendment on page 2. He believes it should remain "shall" instead of may.

Researcher Cogley said that section 1 of the bill, is dealing with meat from animals which were killed because they were destroying property; and the second section deals with animals which were confiscated, so they are two different types of animals. He stated that it would be consistent to leave it "shall".

Further discussion followed concerning the amendment. Chairman Ream decided not to take executive action on this bill today and asked Representative Rapp-Svrcek to clear up the misunderstanding so executive action could be taken on Thursday.

There being no further business before the Committee, the meeting was adjourned at 4:00 p.m.

A handwritten signature in cursive script that reads "Bob Ream". The signature is written in dark ink and is positioned above a horizontal line.

BOB REAM, Chairman

DAILY ROLL CALL

Fish and Game COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-22-85

[illegible]

STANDING COMMITTEE REPORT

JANUARY 22

19 25

PAGE 1 OF 2

SPEAKER

MR.

FISH AND GAME

We, your committee on

HOUSE

having had under consideration Bill No. **136**

FIRST

reading copy (**WHITE**)
color

**20-DAY GRACE PERIOD FOR MOTORBOAT NUMBERS DISPLAY;
MISDEMEANOR PENALTY**

HOUSE

136

Respectfully report as follows: That..... Bill No.

BE AMENDED AS FOLLOWS:

1) Title, line 7.

Strike: "CHANGE"

Insert: "TRANSFER"

Following: "OWNERSHIP"

Insert: "FROM A REGISTERED BOAT DEALER OR MANUFACTURER"

2) Page 2, line 11.

Strike: "change"

Insert: "transfer"

DO PASS

FISH AND GAME COMMITTEE
HOUSE BILL NO. 136
PAGE 2 OF 2

- 3) Page 2, line 12.
Following: "motorboat"
Insert: "from a registered boat dealer or manufacturer"
- 4) Page 2, line 14.
Strike: "change"
Insert: "transfer"
- 5) Page 2, line 18.
Strike: "change"
Insert: "transfer"

AND AS AMENDED
DO PASS

Exhibit #1
1-22-85
H.B.# 136

HB 136

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

January 22, 1985

HB 136 would amend the boating laws to allow a 20-day grace period for the operation of newly purchased boats before they are required to be registered. This will conform with the statutes covering other motor vehicles, such as cars, trucks, trailers and snowmobiles.

There is need for an amendment to the bill to make it completely accurate. On page 2, line 12, after "motorboat," and before "the" the words from a registered boat dealer or manufacturer should be inserted.

This amendment is necessary because current state law allows a reasonable amount of time between the change of ownership between individuals before the boat is required to be registered.

In addition to the grace period, HB 136 also addresses the subject of the penalty for failure to register a motorboat.

At its inception, this law provided for judicial discretion to levy a fine in the range of \$15.00-\$500.00. Some years back a special section of the law was enacted that set the fine at \$10.00. This allowed individuals with larger and more expensive boats to risk paying a number of fines and still pay out less than if they had licensed their boats.

HB 136 would delete this special provision and allow fines to be levied in the \$15.00-\$500.00 range. We would anticipate this would encourage individuals to register and license their boats with their county treasurers.

I would point out that of the current \$10.00 fine, \$7.50 goes to the county for court costs, leaving only \$2.50 for the department to cover its cost of issuing and processing the citation.

Exhibit #2

1-22-85

H.B.#159

HB 159

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

January 22, 1985

Under present law, game animals harvested under a game damage permit must be distributed to a state institution, school lunch program or the Department of Social and Rehabilitation Services.

HB 159 would propose to allow the department to still consider those options for distributing game animals, but to broaden our options to include needy individuals or public auction, if necessary.

When the present law was first enacted, the named facilities were willing recipients of the game animals available. However, in recent years this has changed.

As an example, state health requirements will not permit domestic beef and wild game to be kept in the same cooler and butchered at the same time. As a result, institutions and rest homes more and more frequently cannot accept wild game when it is available because of the domestic beef present in their systems.

Welfare departments can and will disperse some game meat to clients, but are not set up to handle fresh meat in more than a single animal or two at a time. On the other hand, rescue missions, Salvation Army facilities, friendship centers, etc. can often handle surplus animals not readily disposable elsewhere. They also serve a needy clientele, but don't always qualify as state institutions.

In addition, we frequently find that we have the carcass in a location some distance from a recipient under present law. To comply with the present law mandates that considerable transportation costs be incurred to transport a few or even one carcass. The alternative is to store a few carcasses until you have a number and then the storage gets to be a cost item.

and on line 24 page 1

We would suggest that line 6 on page 2 be amended to may rather than shall be sold. The department recently seized a large amount of salmon canned in campgrounds along Flathead Lake. Health Department officials warned against selling this, as it had the potential of toxic contamination by salmonella bacteria. Also, at the completion of scientific data gathering, such as fish netting, the licensed fishermen are allowed to share the take when conditions are such that logic precludes other means of disposal.

HB 159 would give us some needed flexibility and it would be our intent to still utilize institutions and rest homes as much as possible and then utilize needy families as a second source with public auction being a last resort.

VISITOR'S REGISTER

HOUSE FISH AND GAME

COMMITTEE

BILL NO. 136

DATE 1-22-85

SPONSOR ELLISON

[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 No. 159

DATE 1-22-85

SPONSOR RAPP-SVRCEK

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.