

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

February 21, 1985

The ninth meeting of the Senate Fish and Game Committee was called to order at 12:30 P.M. on February 21, 1985 by Chairman Max Conover in Room 402 of the Capitol Building.

ROLL CALL: All members were present at roll call, although Senator Yellowtail asked to be excused from the hearing for presentation of a bill at another committee hearing.

Chairman Conover turned the chair over to Senator Lane. He also had to be present at another committee hearing.

CONSIDERATION OF SB 388: Senator Jacobson, District 36, presented this bill to the committee by stating that there was a similar bill presented last session. This bill will allow a disabled person to shoot an animal. She presented an amendment to the committee, which is attached as Exhibit 1, which would allow the disabled person to be there or not to be there when the animal is shot. Many states are addressing recreation for disabled persons in different states, including hunting. She feels there is good reason for this bill. Many people who have hunted all their lives and now are not able to hunt, would still like the opportunity to be able to purchase a license and to have someone obtain the animal for them.

Acting Chairman Lane asked for proponents.

John Jacobson, a physician practising in Butte, is in support of this bill. In Butte big game hunting is a major form of recreation and a major way of obtaining venison. There are a number of people who he has taken care of over the last twelve years who could really use the provisions of this bill. He has heard that this bill may have administrative problems. He is frequently asked to provide disability statements and that is no problem.

Bob Liston, staff support for the Governor's Committee for Employment of the Handicapped, supports this bill. It is a good bill that would provide a disabled person the opportunity to get some cheap meat. Most disabled persons have a lot of expenses that able bodied persons do not have. This bill would help to alleviate some of those costs. He would like to see the bill amended as was suggested by Senator Jacobson. He would also like to see the definition for "disabled person" changed to include disabled persons that are employed.

Senator Conover resumed the chair at 12:45 P.M.

Robert VanDerVere supports this bill. He has talked to Representative Grady and he has indicated he would be willing to give out permits to disabled hunters if this bill passes.

There being no further proponents Chairman Conover opened the hearing for opponents.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in opposition to this bill. A copy of his testimony is attached as Exhibit 2.

There being no further opponents Chairman Conover opened the hearing for questions from the committee.

Senator Smith asked Mr. Flynn if he thought there would be a lot of abuse if this were passed.

Mr. Flynn said our opposition is not based on a concern for abuse. We cannot support the concept of somebody shooting somebody else's game. We supported the bill in the House which allows for a disabled person to shoot from a wheelchair on the right-of-way but we cannot support this concept.

Senator Severson said in putting this together in his mind, the only disabled persons to get game from their wheelchair from a right-of-way would be those hunting in the eastern part of the state for deer but certainly not in the western part of the state.

Mr. Flynn said the legislation in the House specifically authorizes that.

Senator Anderson referred to the part in Mr. Flynn's testimony which referred to a Supreme Court Decision and asked if he felt there could be a problem with this decision in that regard.

Mr. Flynn said he does not think that if this statute is put into effect the Supreme Court words would be null and void. The only reason he put that in his testimony was to emphasize a concept that has carried through the years in the state of Montana.

Senator Lane said there was a similar piece of legislation in the Senate last session.

Senator Jacobson said that legislation was very limited. It only dealt with the blind hunters.

Senator Smith said that Mr. Liston is certainly in a condition that he could shoot an animal from a vehicle.

Mr. Liston said he could if he could get close enough without scaring the animal.

Mr. Smith said he has been a sportsman all his life and has four sons that all have enjoyed hunting all their lives. He thinks if there is some way to provide the disabled person with the same recreation as the rest of us enjoy, he would be more than happy to provide that.

Mr. Liston said he thinks that the bill was drafted for more than just recreational needs. It would also defray the cost of meat in the freezer.

Senator Severson said if you lived in Senator Smith's country you would be guaranteed a deer. In my case the venison that is in the freezer is probably the most expensive meat that is in there.

Senator Jacobson closed by stating that there are a lot of people talking about Representative Harp's bill. She said you will notice that Representative Harp has signed this bill and I have signed his. Both bills are compatible. One is filling the need of someone who wants to get out and hunt. The other is for a disabled person who cannot get out and hunt. There are a lot of elderly people who have always had deer meat in their freezer and now aren't able to hunt. She can understand Mr. Flynn's concerns. She feels that we are not going to know whether this kind of legislation will work unless we try it. We can repeal the legislation in two years if it is not working.

Chairman Conover closed the hearing on SB 388.

ACTION ON SB 334: Chairman Conover asked Senator Jacobson to report what she had found out from the fiscal analyst.

Senator Jacobson said she talked with the legislative fiscal analyst who handles this budget. They looked at the original bill and the figures for last year and applied inflation. She furnished the committee with an amendment, which is attached as Exhibit 3, which is the amount that is recommended by the fiscal analyst. If they are given this amount then the General Fund money should then be reduced by a like amount.

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Senator Smith said we are not changing the overall amount that much.

Senator Jacobson said we are changing it a lot from their calculation of \$14,420 for each biennium.

Senator Smith said we are increasing it about \$1,200 for the first year and \$3,600 for the next year.

Senator Jacobson said that is right and now if you will look at page 3, line 18, we are striking the 50th Legislature and inserting "interim legislative finance committee". This will require the Department of Revenue to go to the interim finance committee with the money from this fund and it will be figured into their total budget. They had talked about striking the words to add personnel as this will be looked at by the subcommittee and there is no reason for that wording in the bill. She also furnished the committee with an amendment submitted by Janet Ellis, which is attached as Exhibit 4. After looking at the cost of processing these forms it was her impression that we shouldn't encourage people to send \$2.00 contributions if it is going to cost \$1.65 to process the form.

Senator Jacobson made a motion to adopt the amendment submitted by Janet Ellis. The motion passed unanimously with members present. Senator Yellowtail was not at the hearing.

Senator Smith called on the Department of Revenue to respond to the information furnished by the fiscal analyst.

Ken Morrison said the most accurate figure we can come up with is the \$14,000 figure. I cannot criticize his figures without looking at his logic. When this was originally estimated we were told we will see what happens and we can change it the next time. He said we are coming back and saying to you our costs are higher than what you gave us.

Senator Severson asked if there actually was extra help put on for this reason.

Ken Morrison said 1/2 FTE.

Senator Severson asked is this workload spread over a relative short period of time or is it spread throughout the year.

Ken Morrison said coding, processing and entering information into the computer began in January and ended in November last year. Ordinarily it would run through August or September.

Senator Jacobson said if the \$14,000 is put into the budget, that amount will be presented to the subcommittee and the subcommittee will reduce the general fund by a like amount.

Senator Smith does not think the program was set up to provide general fund money.

Senator Jacobson said if we continue the way we are we risk having this program pick up too little or too much of this amount.

Senator Smith made a motion to move the amendments furnished by Senator Jacobson. The motion passed unanimously with members present. Senator Yellowtail was not at the hearing.

Senator Jacobson made a motion that SB 334 do pass as amended.
THE MOTION PASSED UNANIMOUSLY.

ACTION ON SB 388: Senator Lane asked if the disabled person could have a different colored deer tag to distinguish them.

Senator Jacobson said she does not envision a special license tag. The license, as is written in the bill, would require the name of the person who is going to shoot the animal on the tag. She does not envision this program entailing a great deal of money or time by the Fish and Game Department. She thinks it has merit and it will not hurt to try this type of a program.

Senator Smith agrees that the Fish and Game Department should be able to come up with some rules and give this program a try.


Senator Lane made a motion to adopt the amendments presented for the bill. The motion passed unanimously.

Senator Jacobson made a motion that SB 388 DO PASS AS AMENDED.

Senator Smith said that he is sure that right now there are some abuses to the Fish and Game law. He does not think this bill will do any worse than what is happening now.

THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT: The meeting adjourned at 2:15 P.M.


MAX CONOVER, Chairman

ROLL CALL

SENATE FISH AND GAME COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 2-21-85

NAME	PRESENT	ABSENT	EXCUSED
22 Senator Anderson	✓		
6 Senator Jacobson	✓		
38 Senator Lane	✓		
31 Senator Severson	✓		
2 Senator Smith	✓		
37 Senator Yellowtail	✓		
Senator Conover	✓		

Each day attach to minutes.

(2-21-85

Senate Fish and Game

SB 388

[illegible]

Amendments to Senate Bill No. 388

Amend SB 388, introduced copy

1. Title, lines 6 and 7.

Following: "LICENSE" on line 6

Strike: "AND IN HIS PRESENCE"

2. Page 2, lines 2 and 3.

Following: "kill" on line 2

Strike: "in the presence of the licensee"

3. Page 2, line 6.

Following: "persons"

Strike: "who will accompany"

Insert: "designated by"

SB 388

Testimony Presented by Jim Flynn, Department
of Fish, Wildlife and Parks

February 21, 1985

The Department appears in opposition to SB 388.

While we certainly understand and sympathize with the right of the disabled, this bill attempts to address that plight to a degree that is unacceptable.

The concept of a person who holds the license doing the harvesting of the animal is one of longstanding in our State. In fact, in 1968, this concept was outlined by our State's Supreme Court when it said: "In Montana, big game hunting is a sport. The licensed sportsman-hunter must kill his own animal; he cannot have it done for him."

When the Department issues a license, we are issuing primarily a recreational opportunity. There is no guarantee of success nor assurance that an animal will be taken. Each individual buys his license with this in mind and does or does not purchase such license depending upon his personal circumstances with regard to hunting.

This legislation would seem to indicate that a special circumstance should be set up to assure that a disabled person who qualifies can have a successful hunt. While we prefer to see individuals have successful hunts, the filling of another's tag is an approach we cannot support.

We request that the committee not approve SB 388 and maintain the integrity of each individual filling the bag limits for his license.

Exhibit 3
Submitted by Senator Jacobson
February 21, 1985

Amend Senate Bill 334 as follows:

1. Page 3, line 15.
Following: "Exceed"
Strike: "\$6,638"
Insert: "\$7,884"
2. Page 3, line 16.
Following: "and"
Strike: "\$4,238"
Insert: "\$7,884"
3. Page 3, line 18.
Strike: "50th Legislature"
Insert: "Interim Legislative Finance Committee"

Amendments to Senate Bill No. 388

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1. Title, lines 6 and 7.
Following: "LICENSE" on line 6
Strike: "AND IN HIS PRESENCE"
2. Page 2, lines 2 and 3.
Following: "kill" on line 2
Strike: "in the presence of the licensee"
3. Page 2, line 6.
Following: "persons"
Strike: "who will accompany"
Insert: "designated by"

STANDING COMMITTEE REPORT

February 21, 1965

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE BILL No. 388

first reading copy (white)
color

**ALLOW DISABLED PERSON TO NAME ANOTHER PERSON TO SHOOT A GAME ANIMAL
FOR HIM**

Respectfully report as follows: That SENATE BILL No. 388

be amended as follows:

1. Title, lines 6 and 7.

Following: "LICENSE" on line 6

Strike: "AND IN HIS PRESENCE"

2. Page 2, lines 2 and 3.

Following: "kill" on line 2

Strike: "in the presence of the licensee"

3. Page 2, line 6.

Following: "persons"

Strike: "who will accompany"

Insert: "designated by"

AND AS AMENDED

DO PASS

~~DO NOT PASS~~
~~XXXXXXXXXX~~

MAX CONOVER,

Chairman.

STANDING COMMITTEE REPORT

February 21, 19 85

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE BILL No. 334

first reading copy (white)
color

REVISING NONGAME WILDLIFE CHECKOFF PROVISIONS AND ADMINISTRATIVE COSTS

Respectfully report as follows: That SENATE BILL No. 334

be amended as follows:

1. Page 2, line 2.
Following: "designate"
Strike: " \$2,"
2. Page 2, line 6.
Following: "designate"
Strike: " \$2,"
3. Page 3, line 15.
Strike: "\$6,638"
Insert: "\$7,884"
4. Page 3, line 16.
Strike: "\$4,238"
Insert: "\$7,884"
5. Page 3, line 20.
Strike: "50th legislature"
Insert: "legislative finance committee"

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

MAX CONOVER

Chairman.