

## MINUTES

### MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON FISH & GAME

Call to Order: By Bob Williams, on February 5, 1991, at 3:00 P.M.

#### ROLL CALL

##### Members Present:

Bob Williams, Chairman (D)  
Don Bianchi, Vice Chairman (D)  
John Jr. Anderson (R)  
Eve Franklin (D)  
Lorents Grosfield (R)  
Greg Jergeson (D)  
Dick Pinsoneault (D)  
David Rye (R)  
Paul Svrcek (D)  
Bernie Swift (R)

Members Excused: None

Staff Present: Andrea Merrill (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### Announcements/Discussion:

Roll taken and noted.

Chairman Williams opened the meeting but turned it over to Vice-Chairman Bianchi.

#### HEARING ON HB 91

##### Presentation and Opening Statement by Sponsor:

Representative Gilbert, House District 22, Sidney, Mt., said the bill would prohibit a person who receives a moose, mountain goat, or limited mountain sheep special license from receiving another special license for that species for 7 years. Twenty-two sponsors have signed on the bill.

##### Proponents' Testimony:

Valarie Horton, representing Montana Wildlife Federation.  
Supports HB 91. See Exhibit No. 1.

Pat Graham, Deputy Director, Fish, Wildlife and Parks, supports HB 91. See Exhibit No. 2.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Rye stated that he has a constituent living in Laurel, Mt., who has sent amendments to the bill. See Brad Molnar, Exhibit No. 3.

Senator Svrcek questioned Pat Graham why it would cost more money and why HB 255 was tabled in the House. Mr. Graham stated that HB 255 was tabled without discussion, therefore, he did not know the reason. The reason for the increased cost would be in computer programming in the first year, which would allow the Department to computerize the drawing period and the cost of keeping track of applicants through the course of the seven-year period.

Vice-Chairman Bianchi questioned Representative Gilbert if he had seen the proposed amendments presented by Senator Rye. Representative Gilbert agreed with Senator Rye that it would be in the best interest of the proposed bill not to change it. The old program is impossible to manage.

Vice-Chairman Bianchi questioned Pat Graham if all the big horn ewe sheep licenses were filled when the Department previously had this program. Mr. Graham stated he did not know but could find out. Vice-Chairman Bianchi commented of his concern that there were big horn ewe licenses available and not enough hunters applied for them as they were not willing to give up their opportunity to hunt a ram for seven years just to hunt a ewe. Mr. Graham stated that this bill does not apply to ewe permits.

Closing by Sponsor:

Representative Gilbert stated that HB 255 was tabled without any explanation and suspected that it will be revived later in the session. The funding for HB 91 is not high and the Department does have a increase in fees being requested which will allow more funds to be available. The total cost of the bill is pretty low compared to the fact that we are giving the hunters in the State of Montana what they have requested. I urge your passage of HB 91.

EXECUTIVE ACTION ON HB 91

Motion:

Senator Grosfield made the motion to approve HB 91.

Discussion:

As there was no discussion, Senator Bianchi called for the vote.

Recommendation and Vote:

Unanimous vote to pass HB 91.

HEARING ON SB 182

Presentation and Opening Statement by Sponsor:

Senator Keating, representing Dist. No. 44, Billings, explained that this bill would transfer the authority to enforce statutes restricting possession of wild animals from the Department of Livestock to local health officers. He presented amendments to the bill. See Exhibit No. 4.

Proponents' Testimony:

Judith Gedrose, Bureau Chief, Preventive Health Services Bureau, State of Montana. See Exhibit No. 5.

Pete Frazier, Environmental Health Director and Deputy Health Officer, Cascade Co. See Exhibit No. 6.

Opponents' Testimony:

Joanne Chance, representing herself, is a local health officer, registered sanitarian, and is currently serving as a county sanitarian for Jefferson, Broadwater, and Beaverhead Counties. She is speaking against the bill as she is the sole sanitarian for these three counties. The entire budget for these three counties covering salary, travel and supplies totals \$24,000 yearly. Due to the compensation, services can only be provided on a part-time basis. Many rural counties have no or only part-time sanitarians. There is a large turnover of sanitarians in these rural counties because of the stressful nature of the job and poor compensation.

Over the past few years, county sanitarians have been requested by state agencies to administer additional programs without any compensation. Because of the heavy workload already given to rural sanitarians, the lack of training to handle rabid animals,

no equipment to capture such animals nor the facilities to hold them, I am firmly against passage of SB 182.

The suggestion of counties to increase the mill levy to finance this additional program is not realistic due to the financial crisis being experienced by so many rural counties.

Questions From Committee Members:

Senator Jergeson questioned Senator Keating as to the reason why the bill was written to include fur bearing enterprises. Senator Keating asked Judith Gedrose to respond. She stated that in the past there has been confusion in the enforcement when people said that they had the animals for fur bearing purposes. The Department of Health attorney and the Fish, Wildlife and Parks attorney have discussed and drafted this bill.

Senator Jergeson questioned Senator Keating as to the amendments which would provide for levying up to a mill and will that mill be exempt from Initiative 105. Senator Keating indicated that he didn't know.

Senator Rye requested that Senator Keating respond to Ms. Chance's testimony as he sees this bill as an enabling act that would allow, but not mandate a new program. He feels from her testimony that she does not need any more responsibility, that she is neither funded nor trained to do what the bill suggests. Senator Keating stated that the local health authorities and veterinarians are already doing most of the duties of dealing with rabid animals and felt that a bill should be instigated to legally give them this authority. He was not familiar with rural counties and the multitude of problems that they must deal with.

Pete Frazier, Cascade County Health Officer, concurred with Senator Keating as to the overwork of the county sanitarians. The consensus of the county sanitarians is that they do not like this bill and would not be unhappy if it was killed.

Senator Grosfield questioned Ms. Chance as to who handles rabid animals at this time in her counties. She stated that no one does and luckily she has never been called. She has no idea how to catch rabid animals.

Senator Grosfield asked who pays for taking care of rabid animals. Pete Frazier stated that it was a share situation between the county sheriff's department and the Dept. of Livestock.

Closing by Sponsor:

Senator Keating commented that this is a public health problem and a solution must be found. There must be a watchfulness by state and local governments in this regard. Even though the local health officers do not care for the bill, these are their

amendments that we are offering in hopes of making this program work and have no solution to the problem of overworked rural sanitarians. He urges passage of this bill.

### EXECUTIVE ACTION ON SB 182

#### Motion:

Senator Pinsoneault made the motion to approve SB 182 as amended.

#### Discussion:

Senator Grosfield expressed concern for the ability of counties to fund this program.

Senator Jergeson questioned why the Department of Livestock wishes to divest themselves of the responsibility of handling rabid animals. The question went unanswered as no one from the Dept. of Livestock was present.

#### Amendments, Discussion, and Votes:

Senator Pinsoneault suggested an amendment to No. 5 to state "County commissioners may impose a levy which in their discretion is sufficient to funds raised under this chapter."

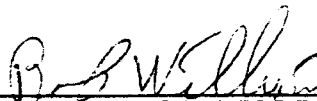
#### Recommendation and Vote:

Senator Grosfield made the motion to table the bill until it could be given further consideration.

The vote was unanimous to table SB 182.

### ADJOURNMENT

Adjournment At:



BOB WILLIAMS, Chairman



JULIA LEVENS, Secretary

HOUSE BILL 91.  
FEBRUARY 5, 1991

SENATE FISH AND GAME

EXHIBIT NO. 1

DATE 2/05/91

BILL NO. HB91

Mr. Chairman, members of the committee. My name is Valerie Horton and I am speaking this afternoon on the behalf of the Montana Wildlife Federation.

The Montana Wildlife Federation stands in support of House Bill 91. We thank Representative Gilbert for introducing this measure.

One of the primary goals of the Federation continues to be assuring that all Montanan's have the maximum opportunity to enjoy our unparalleled wildlife. Representative Gilbert's legislation is another step in that direction.

House Bill 91 clearly addresses a perception among many sportspeople that certain individuals consistently draw special permits over time, while the rest of us wait for years and often lifetimes to obtain these special permits. While removing successful recipients of the permits for goat, sheep and moose from the drawings, does not significantly increase the chances of drawing a tag, this measure does address the psychological duress that many of us face when we remain tagless while our former hunting buddy draws her third moose permit.

Thank you Mr. Chairman for this opportunity to speak to this issue and we urge you to vote for HB91.

SENATE FISH AND GAME  
EXHIBIT NO. ~~2~~ 2  
DATE 2/05/91  
BILL NO. HB 91

HB 91  
February 5, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks  
To Senate Fish and Game Committee

Licenses for moose, sheep and goat are issued by the department through computerized random drawings. Over 26,000 sportsmen apply for 1,600 licenses. Overall, their drawing odds are about one in 15. In a few districts, their drawing odds are in excess of one in a hundred. In these districts, a sportsman would receive one hunting license in a hundred years.

There are, of course, those lucky sportsmen who receive a license two years in a row or several licenses within a few years. That seems unfair to many sportsmen when many applicants will not obtain a license in a lifetime. This was a major area of interest in many of our customer contacts during the department's public involvement process on license fee increases.

An element of fairness could be gained with the passage of HB 91. It would prevent a sportsman from obtaining another license for 7 years. Seven years is reasonable for administrative reasons. A longer period of time would be administratively difficult and costly. A period of less than seven years would make the waiting period ineffective. An additional benefit of the waiting period is the increase of drawing odds for those who can still apply for the drawings.

Montana sportsmen consider our moose, sheep and goat drawings one of the premier attractions of hunting. Obtaining one license produces a lifetime of memories.

We support the concept of HB 91. However, we need to inform you that funding to implement this program and a companion program to conduct earlier moose, sheep and goat permit drawings was to be provided by legislation creating a raffle of a moose, sheep and goat license. That bill, HB 255, was tabled in the House Fish and Game Committee. Thus there is no identified funding to implement HB 91 in our budget.

*Please give to Sen. Rife before 3 PM Fish & Game  
Committee meeting today.*

SENATE FISH AND GAME  
EXHIBIT NO. 2 #3  
DATE 2/5/91  
BILL NO. HB 91

HB 91

February 1991

Testimony presented by Brad Molnar

For all intensive purposes I support the efforts of HB 91. However, I believe that it does not accomplish its mission which is to bring a degree of fairness to relieving some of the most sought after hunting permits in Montana and may even compound the problem. To that end I would offer the following amendments.

1. As adult bighorn ewes are "exempted" also exempt cow moose for already the bull tags draw far more applications as cow tags and I believe that passage of this bill will make the cow tag less desirable and worsen the odds on bull tags; which are astronomical already.

2. That if a person returns an unused tag to the Dept. that his name shall be removed from the "successful applicant" list. In the case of injury etc. this only seems fair. Imagine being a Montana reservist and getting your sheep permit and orders to the Persian Gulf on the same day.

3. In many cases bull elk tags for the Missouri Breaks, Gardiner Late Hunt, Sun River and other areas are far harder to draw than many moose or goat tags. Why can't these areas be identified and include them to this list? Any area where the odds are worse than 10:1 may be a good place to start.

4. Because names change thru marriage and divorce use social security numbers to keep track of successful hunters.

5. Several legislatures ago we changed the law so that instead of non-residents being able to get 10% of the permits for a district they could get 10% of the permits for a region thereby increasing non-resident opportunity and decreasing resident opportunity. In reality HB91 only limits residents and I believe that non-residents can share in this effort. Perhaps we should return to the 10% of a district, or even better, not allow non-residents to draw for permits that have worse than 10:1 odds.

In reality this bill will not allow any statically relevant relief for drawing a coveted tag...nor will any one of my amendments. However, all of them combined will probably get us as close as we're going to get.



Amendments to Senate Bill No. 182  
Introduced (White) Reading Copy

Requested by Senator Keating  
For the Committee on Fish & Game

Prepared by Doug Sternberg  
February 1, 1991

1. Title, line 9.

Following: "OFFICERS"

Insert: ", DOG CONTROL OFFICERS, AND ANIMAL CONTROL OFFICERS"

2. Page 2, lines 12 through 14.

Following: "list" on line 12

Strike: remainder of line 12 through "livestock" on line 14

Insert: "on a case-by-case basis with the concurrence of the  
local health officer and the department of livestock's state  
veterinarian or his designated representative"

3. Page 2, line 20.

Following: "representative"

Insert: "or a local dog control or animal control officer"

4. Page 3, line 3.

Following: "officer"

Insert: ", dog control officer, or animal control officer"

5. Page 3, line 9.

Following: "expenses."

Insert: "A county commission may levy up to 1 mill for rabies  
control under this chapter."

6. Page 3, line 10.

Strike: "the"

Insert: "a"

Following: "officer"

Strike: "under 50-23-103"

Insert: ", dog control officer, or animal control officer"

7. Page 3, lines 10 and 11.

Strike: "by the person"

Following: "from"

Strike: "whom possession of the wild animal was taken"

Insert: "funds generated by the 1-mill levy"

8. Page 3, line 24.

Strike: " the other party the costs,"

Insert: "funds generated by the mill levy authorized under 50-23-  
104"

Following: "expenses"

Strike: ", "

TESTIMONY FOR SB182  
DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES  
PROPOSED LEGISLATION

Chairman Anderson and members of the committee. I am Judith Gedrose, Chief, Preventive Health Services Bureau, Montana Department of Health and Environmental Sciences.

In 1979, a statute was created to prohibit the keeping of foxes, raccoons, bats and skunks. The intent was to lessen the risk of exposure of a human to the universally fatal disease of rabies.

At the time of the creation of the statute, the Department of Health and/or the Department of Livestock was given the charge of enforcing the act.

The number of instances where enforcement is necessary has been small and has decreased as citizens have become aware of the provision. In the few instances where it has been necessary to confiscate an animal, the Departments charged with enforcement have had to ask local public health officials to investigate and local animal control persons to physically impound the animals because neither Department is prepared to do so.

This request is to change the statute to give the enforcement authority to local health officers. They could easily deal with the local animal control people with whom they work on a daily basis and avoid the needless delays of involving the state who in turn relies upon local animal control officers for the impoundment. Transferring the authority to the local units would allow them to use the provision in the law to be reimbursed for their efforts. I would be happy to answer questions you may have.

## TESTIMONY ON SB 182

MR. CHAIRMAN AND COMMITTEE MEMBERS, MY NAME IS PETE FRAZIER, ENVIRONMENTAL HEALTH DIRECTOR AND DEPUTY HEALTH OFFICER WITH THE CITY-COUNTY HEALTH DEPARTMENT IN CASCADE COUNTY.

AT A MEETING OF HEALTH OFFICERS FROM MISSOULA, LEWIS & CLARK, GALLATIN, SILVER BOW, AND CASCADE COUNTIES ON JANUARY 25, 1991, SB 182 WAS DISCUSSED. IT WAS THE CONSENSUS OF THAT GROUP THAT, UNLESS SB 182 WAS AMENDED CONSIDERABLY, THEY COULD NOT SUPPORT THIS BILL SINCE MOST LOCAL HEALTH DEPARTMENTS HAVE NO EQUIPMENT OR FACILITIES FOR IMPOUNDING WILD ANIMALS. THE HEALTH OFFICER'S GROUP ASKED THAT I PROVIDE THEIR AMENDMENTS TO YOU. ON JANUARY 29, 1991, I DISCUSSED AND SENT OUR AMENDMENTS TO SENATOR KEATING. I WILL BRIEFLY DISCUSS EACH AMENDMENT.

SINCE A NUMBER OF OTHER WILD ANIMALS ARE SUSCEPTIBLE TO RABIES OTHER THAN SKUNKS, FOX, RACCOON, AND BATS, AND BECAUSE ADDING ADDITIONAL ANIMALS TO THIS LIST BY ADOPTION OF RULES CAN BE A VERY TIME CONSUMING TASK, WE PROPOSE THE FOLLOWING AMENDMENT: AFTER THE WORD "LIST" ON PAGE 2, LINE 12, DELETE REMAINDER OF LINE 12 AND ALL OF LINES 13 AND 14, AND REPLACE WITH, "...ON A CASE-BY-CASE BASIS WITH THE CONCURRENCE OF THE LOCAL HEALTH OFFICER AND THE DEPARTMENT OF LIVESTOCK'S STATE VETERINARIAN, OR HIS DESIGNATED REPRESENTATIVE."

SINCE MOST LOCAL HEALTH DEPARTMENTS HAVE NO EQUIPMENT OR FACILITIES FOR IMPOUNDING ANIMALS, WE PROPOSE THE FOLLOWING AMENDMENT: AFTER THE WORD "REPRESENTATIVE" ON PAGE 2, LINE 20, ADD, "OR A LOCAL DOG CONTROL OR ANIMAL CONTROL OFFICER" MAY... AFTER THE WORD "OFFICER" ON PAGE 3, LINE 3, ADD, "OR LOCAL DOG CONTROL OR ANIMAL CONTROL OFFICER" AND...

THE CURRENT BILL INDICATES THAT EXPENSES INCURRED BY THE LOCAL HEALTH OFFICER MUST BE PAID BY THE PERSON FROM WHOM POSSESSION OF THE WILD ANIMAL WAS TAKEN. SINCE IT OFTEN BECOMES A TIME CONSUMING PROCEDURE TO ACTUALLY OBTAIN PAYMENT, OFTEN REQUIRING LEGAL ACTION, THUS COSTING MORE TIME AND MONEY OF ANOTHER PUBLIC AGENCY (COUNTY ATTORNEY), WE PROPOSE THE FOLLOWING AMENDMENT: ON PAGE 3, DELETE LINES 9-12 AND REPLACE WITH, "50-23-104. PAYMENT OF EXPENSES. COUNTY COMMISSIONERS MAY LEVY UP TO ONE

(1) MILL FOR RABIES CONTROL UNDER THIS ACT. EXPENSES INCURRED BY LOCAL HEALTH OFFICERS, DOG CONTROL, OR ANIMAL CONTROL OFFICER MAY BE PAID FROM FUNDS GENERATED FROM THIS LEVY." AFTER THE WORD "FROM" ON PAGE 3, LINE 24, DELETE, "THE OTHER PARTY THE COSTS," AND REPLACE WITH "FEES GENERATED UNDER 50-23-104," EXPENSES...

ONE FINAL AMENDMENT DISCUSSED WAS ONE TO ALLOW NECESSARY RABIES VACCINATIONS FOR STRAY ANIMALS IN THE POSSESSION OF LOCAL ANIMAL CONTROL AUTHORITIES TO BE ADMINISTERED BY LOCAL ANIMAL CONTROL PERSONNEL RATHER THAN VETERINARIANS. I DO NOT KNOW IF SUCH AN AMENDMENT PROPERLY MEETS THE TITLE OF THIS BILL, OR UNDER WHAT STATUTE SUCH AN AMENDMENT SHOULD BE PLACED SINCE IT DOES NOT HAVE TO DO WITH THIS STATUTE. IF YOU FEEL SUCH AN AMENDMENT CAN BE MADE IN THIS BILL, AND LEGISLATIVE COUNCIL STAFF CAN PROPERLY DRAFT IT, IT WOULD BE APPRECIATED.

THANK YOU.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 6, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 91 (third reading copy -- blue), respectfully report that House Bill No. 91 be concurred in.

Signed: Bob Williams  
Bob Williams, Chairman

for 2-6-91  
Amd. Coord.

                      
Sec. of Senate