

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE BILL 352

Call to Order: By CHAIRMAN LORENTS GROSFIELD, on April 7, 1995,
at 11:00 A.M.

ROLL CALL

Members Present:

Sen. Lorents Grosfield (R)
Sen. Kenneth "Ken" Mesaros (R)
Sen. Gary Forrester (D)
Rep. Shiell Anderson (R)
Rep. Daniel C. Fuchs (R)
Rep. Emily Swanson (D)

Members Excused: None

Members Absent: None

Staff Present: Serena Andrew, Secretary
Doug Sternberg, Legislative Council Staff

Discussion:

SENATOR LORENTS GROSFIELD, SD #13, BIG TIMBER, told the committee the House amendments had been rejected and new amendments prepared (EXHIBIT #1). SENATOR GROSFIELD said one of his concerns with the amendments had concerned item (b) on page 2 of the House Standing Committee Report (SCR) of March 15:

"...the landowner or agent makes a good faith effort to salvage the carcass or carcasses to retain all parts for disposal by the department;..."

He said he was not sure what the report meant by "salvage," but it could mean the landowner would need to gut the carcass or put it in a cooler. He thought it did not make good sense to tell people they should gut the carcass of an animal possibly carrying a communicable disease.

REPRESENTATIVE SWANSON commented that it appeared the statement "the landowner or agent makes a good faith effort to salvage the carcass or carcasses" would be removed and replaced with "notify the department that a taking has occurred."

DOUG STERNBERG, Legislative Council Staff, told the committee amendment No. 3 would cover **REPRESENTATIVE SWANSON'S** comment and she was correct. The remainder of the sentence under item (b), however, would remain: "to retain all parts for disposal by the department."

SENATOR GROSFIELD stated that he thought it was important to keep "retain all parts for disposal by the department" to make it clear that disposal would be by the department. That statement should make it clear that SB 352 was not a hunting bill.

MR. STERNBERG said that while the House amendments had been rejected, **SENATOR GROSFIELD** had requested retention of amendments 1 through 4 of the House SCR clarifying the fact that the bill applied only to publicly owned, and not privately owned, bison.

Another problem arose in codification instructions, as **REPRESENTATIVE REAM** had pointed out in the House that if SB 312 passed it would transfer primary management of wild bison from the Department of Fish, Wildlife & Parks (DFWP) to the Department of Livestock (DOL) and it would make more sense to have SB 352 in the DOL codes. Amendment No. 6 of the House SCR dated March 15, 1995 would do that.

Another concern was raised by DFWP. They were concerned that they retain enforcement authority for criminal taking of wildlife under the wildlife codes, so amendment No. 2 would say 87-3-130 would not be void but would be amended and retained in the wildlife codes with new subsection 2 regarding supplemental feeding. A new section in the livestock codes would be Amendment No. 6 of the House SCR. Similar sections would be enacted retaining DFWP authority for management of all wildlife species except bison and relating to bison in the livestock codes.

He said Item No. 4 addressed **SENATOR GROSFIELD'S** concerns regarding possibly necessary feeding of wild bison by the DOL for disease control purposes. He wanted to be sure the DOL could not be accused of a violation of the law if feeding were necessary.

Item No. 5 was a clerical change.

Motion: **SENATOR MESAROS MOVED THE AMENDMENTS.**

REPRESENTATIVE SHIELL ANDERSON, HD #25, LIVINGSTON, asked for clarification, as he had arrived late.

MR. STERNBERG said that **SENATOR GROSFIELD** had agreed to concur with amendments 1 through 4 of the House SCR. It was in amendments 5 and 6, the codification instructions, that the problem arose.

SENATOR GROSFIELD asked if it would be necessary to strike amendments No. 5 and 6. **MR. STERNBERG** said he thought it was possible to prepare a conference committee report to reflect the

changes made. The Senate has rejected the House amendments. The report prepared for the present meeting should reflect any of the House SCR amendments the conference committee wanted to accept. Amendments 1 through 4 would be combined.

SENATOR MESAROS agreed amendments 1 through 4 of the House SCR had been included in his motion.

SENATOR GROSFIELD asked if there would ever be times when DFWP would need to do supplemental feeding for disease control or other management purposes.

MR. STERNBERG said there would be. **Bob Lane, Chief Legal Counsel, DFWP** had raised a similar point. The amendments of March 31 only addressed supplemental feeding by DOL. **Mr. Lane** suggested adding similar language regarding DFWP in the supplemental feeding section. **SENATOR GROSFIELD** agreed.

SENATOR MESAROS commented that SB 312 transferred responsibility for disease control in bison to the DOL; therefore, he wondered why the reference to DFWP was necessary.

MR. STERNBERG responded that on occasion DFWP would do supplemental feeding of species other than bison - primarily elk and sometimes deer.

Motion: REPRESENTATIVE SWANSON MOVED THAT THE AMENDMENTS REFLECT THE PROHIBITION ON SUPPLEMENTAL FEEDING DID NOT APPLY TO THE DEPARTMENT OF LIVESTOCK OR THE DEPARTMENT OF FISH, WILDLIFE & PARKS.

SENATOR MESAROS requested the committee act on the first motion.

CORK MORTENSON, EXECUTIVE SECRETARY, DOL, asked that **MARC BRIDGES** of his department, be allowed to address the committee.

MARC BRIDGES, Brands Enforcement Division, DOL, told the committee he thought the way the amendments were set up the bill would be workable.

Vote: SENATOR MESAROS' MOTION TO CONCUR IN THE SET OF AMENDMENTS NUMBERED SB035201 CARRIED BY UNANIMOUS VOTE OF THE COMMITTEE.

Motion/Vote: REPRESENTATIVE SWANSON REITERATED HER MOTION TO MAKE THE SUPPLEMENTAL FEEDING SECTION APPLICABLE TO DFWP AS WELL AS DOL.

Vote: THE MOTION CARRIED UNANIMOUSLY.

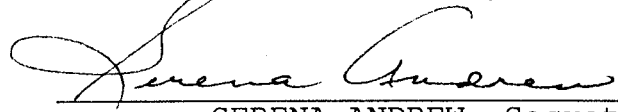
MOTION/Vote: REPRESENTATIVE DAN FUCHS, HD #15, BILLINGS MOVED TO ACCEPT THE BILL AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: The meeting adjourned at 11:30 a.m.



LORENTS GROSFIELD, Chairman



SERENA ANDREW, Secretary

LG/sa

Conference Committee
on SB 352
Report No.1, April 7, 1995

Page 1 of 2

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 352, met and considered:

the reference copy (salmon) of SB 352.

We recommend that SB 352 (reference copy - salmon) be amended as follows:

1. Page 3, line 7.

Strike: "(A)"

2. Page 3, line 9.

Following: "THEN"

Insert: ": (a)"

Strike: "VOID AND"

Insert: "amended to read:

"87-3-130. Taking of wildlife to protect persons or livestock. ~~(1) Nothing in this~~ This chapter may not be construed to impose, by implication or otherwise, criminal liability for the taking of wildlife protected by this chapter if ~~such~~ the wildlife is molesting, assaulting, killing, or threatening to kill any person or livestock. Any person who so takes any wildlife protected by this chapter shall notify the department within 72 hours.

(2) A person may not intentionally provide supplemental feed to game animals in a manner that results in an artificial concentration of game animals that may potentially contribute to the transmission of disease. A person who violates this subsection is guilty of a misdemeanor and is subject to the penalty provided in 87-1-102(1). This subsection does not apply to supplemental feeding activities conducted by the department for disease control purposes." (b)"

3. Page 3, lines 22 and 23.

Following: "TO" on line 22

Strike: remainder of line 22 through "CARCASSES" on line 23

Insert: "notify the department that a taking has occurred"

4. Page 3, line 29.

Following: "87-1-102(1)."

Insert: "This subsection does not apply to supplemental feeding activities conducted by the department for disease control purposes."

ADOPT

REJECT

801336CC.SRF

5. Page 3, line 30.
Strike: "(B)"
Insert: "(3)"

And that this Conference Committee report be adopted.

For the Senate:

Grosfield *Robert Grosfield*
Chair

Mesaros *Ken Mesaros*

Forrester *Ray Forrester*
Amd. Coord.

SP
Sec. of Senate

For the House:

S. Anderson *Alice W. Anderson*
Chair

Fuchs *Daniel Fuchs*

Swanson *Emily Swanson*

Amendments to Senate Bill No. 352
Reference Reading CopyRequested by Sen. Grosfield
For the Conference CommitteePrepared by Doug Sternberg
March 31, 19951. Page 3, line 7.
Strike: "(A)"2. Page 3, line 9.
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Insert: "amended to read:

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Following: "TO" on line 22
Strike: remainder of line 22 through "CARCASSES" on line 23
Insert: "notify the department that a taking has occurred"4. Page 3, line 29.
Following: "87-1-102(1)."
Insert: "This subsection does not apply to supplemental feeding activities conducted by the department for disease control purposes."5. Page 3, line 30.
Strike: "(B)"
Insert: "(3)"

