

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION**

#### **SUBCOMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION**

**Call to Order:** By **CHAIRMAN JOHN "SAM" ROSE**, on March 21, 1995,  
at 3:19 P.M.

#### **ROLL CALL**

**Members Present:**

Rep. John "Sam" Rose, Vice Chairman (Majority) (R)  
Rep. Dick Green (R)  
Rep. George Heavy Runner (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Connie Erickson, Legislative Council  
Jaelene Racicot, Committee Secretary

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

**Committee Business Summary:**

Meeting to continue discussion on amendments for SB 389.  
First subcommittee meeting took place 3/20/95.

*{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}*

#### **DISCUSSION ON SB 389**

**Connie Erickson** explained what had transpired and the subcommittee had created a gray bill. The original amendments at the first hearing in the House plus the amendments presented to the committee March 20th were now compiled in the gray bill. **Ms. Erickson** said everything in the gray bill had been agreed upon by all the individuals involved. She asked the committee to read the amendments and the gray bill to make sure everything was correct.

**Paul Sihler**, Department of Fish, Wildlife and Parks (FWP), stated **SEN. TVEIT** had asked about the costs in the last meeting. He said costs came to a grand total of just under \$100,000. **Mr. Sihler** presented the committee with the anticipated FY 96 Expenditures for the Game Farm Program. **EXHIBIT 1**

**Mr. Sihler** handed the committee the costs associated with the Guthrie Sleeping Giant Game Farm Environmental Assessment.

**EXHIBIT 2**

**Dennis Iverson, Montana Game Breeders Association**, stated that they should go back to what they had agreed to in the Senate subcommittee in which he proposed an amendment that would allocate two-thirds of the money to Fish, Wildlife and Parks and one-third to the Department of Livestock. He said they preferred to stay with the Senate fee schedule and drop the amendment allocating all the funding to the Department of Fish, Wildlife and Parks.

**Paul Sihler** disagreed, and didn't like it when people went back on their word. He said not everything was agreed on in the Senate. He thought there was an equality issue and the sportsmen paid over 90% of the game farm costs.

**REP. ROSE** asked if this was the way it came out of the Senate. **Paul Sihler** stated that it was.

**REP. ROSE** asked who presented the amendments. **Paul Sihler** said they were **SEN. PIPINICH'S** amendments.

**Jim Richards, Montana Wildlife Federation**, said no one agreed to the amendments in the Senate and the Department of Livestock had the authority of adjust the per head fee.

**REP. ROSE** asked about the proposal on the fees. **Paul Sihler** said amendment #2 referred to the fees. All money would go to the Department of Fish, Wildlife and Parks which would be \$45,000 annually. **Mr. Sihler** reminded the committee the Department of Livestock had the ability to raise the fees in rule.

**Cork Mortensen, Department of Livestock**, was asked what the cost would be. **Mr. Mortensen** referred to the fiscal note and said the charge per head would be \$5 and that would generate \$17,500.

**Dennis Iverson**, with the gray bill at hand, stated it would remove a great deal of responsibility which would be shifted to the Department of Livestock.

**Paul Sihler** commented stating not much of the authority was leaving the Department of Fish, Wildlife and Parks. They were giving up rule making authority and that authority would go to the Department of Livestock, but FWP would have to do all the work on the ground.

**REP. ROSE** asked **Marc Bridges, Department of Livestock**, who was going to be responsible for the game farms. **Mr. Bridges** said at the present time the way the gray bill was written, all law would fall under the Department of Fish, Wildlife and Parks. He said that was statute 87.

**Paul Sihler** said when Governor Stephens' task force met, they felt both departments needed to be involved.

**REP. ROSE** asked if the Department of Livestock was going to write a ticket out, who would they write that ticket under, FWP or the Department of Livestock? **Marc Bridges** said they would write it under the Department of Fish, Wildlife and Parks, under statute 87.

**Marc Bridges** explained that subsection (2), was "almost" a quote out of title 81. He felt they would have to "bounce back and forth" between the two and thought it might be better to codify the two.

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**Mr. Sihler** thought it would be better to have it written in statute in one place.

**Connie Erickson** said to codify it there would be duplication in 81 and 87. She did not think it would make it any clearer and it would create bulkier codes.

**Paul Sihler** offered an amendment on page 4 and on page 9 as follows: "the Department of Livestock may quarantine or issue a hold order on."

**REP. HEAVY RUNNER** asked the individuals involved to voice the amendments they were or were not in favor of.

**Dennis Iverson** requested to strike the tagging of a calf that died. He said in subsection (c) one would have to identify a dead calf.

**Paul Sihler** requested that **Mr. Iverson's** amendment 5, 6 and 7 would address his concern.

**Dennis Iverson** stated he wanted to address on page 13, subsection 1(b), "If you or your hired hand had been convicted or who has not forfeited a bond of \$100 or for the past 5 years, they can't get a game farm license." He did not like being responsible for the actions of a hired hand and thought it was too restrictive to acquire a game farm license.

**REP. GREEN** agreed with **Mr. Iverson**.

**Dennis Iverson** had a question about the board and whether it was an advisory board or a quasi-judicial board.

**Connie Erickson** stated the amendment **Mr. Iverson** was referring to was given to the committee at the original hearing date of SB 389. She said at the present time there was a game farm advisory council that would serve both the Department of Livestock and Fish, Wildlife and Parks. She said the amendment would create a

quasi-judicial board. The authority of the quasi-judicial board would have the right to hold hearings, order actions, more penalties, etc. She said the game farm people would like to limit the authority of the quasi-judicial board to an appeals board.

**Dennis Iverson** stated they had offered that amendment in the spirit of compromise.

**Paul Sihler** said the game farm people did not trust the commission to make the "right" decision and to treat them fairly. The game farm people wanted independent means of appeal. **Mr. Sihler** stated it already existed in current law what the game farm people wanted. He thought an informal process was needed to "iron things out" between the game farm breeders and the state to solve the problems.

**REP. HEAVY RUNNER** said there was a poor relationship between the Fish and Game and the game farm people and he thought if they tried to legislate the problems between the two groups involved it would only hurt the relationship even more. He felt it was necessary for the groups to learn to work together.

**Dennis Iverson** stated it was a "real big issue" for their industry to have a quasi-judicial board.

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**Dennis Iverson** said he offered the "narrowed version" of a quasi-judicial board and wanted the committee to make the decision.

**REP. HEAVY RUNNER** felt a quasi-judicial board would create more appeals by the game farm owners. He was not in favor of the creation of a quasi-judicial board.

**REP. GREEN** thought within section 4 they could define that the quasi-judicial board was more than an advisory board.

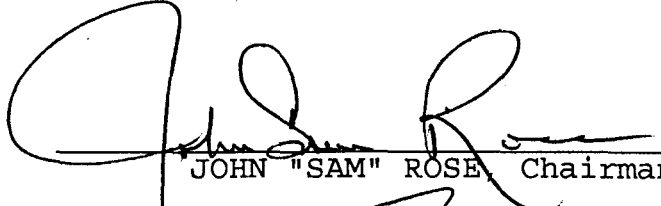
**Bob Bachini** stated he had served on an advisory board for many years and "they had no power at all." He said the departments could listen, but that was as far as they could go.


**Paul Sihler** stated that if they really need a quasi-judicial board, they could address the issue in the next session.

**CHAIRMAN ROSE** stated they could were ready to take the bill before the House Agriculture, Livestock, and Irrigation Committee.

ADJOURNMENT

Adjournment: 4:43 p.m.

  
JOHN "SAM" ROSE, Chairman

  
JAELENE RACICOT, Secretary

JR/jr

Montana Department of Fish, Wildlife and Parks  
 Anticipated FY 96 Expenditures  
 Game Farm Program

<u>Expenditures</u>	<u>Estimated Costs</u>
1 FTE w/Benefits	39,227
Operating Budget	6,000
Subtotal	\$45,227
New License Applications	
1 Complicated Permit (EIS) @ \$20,000 (one-half cost recovered from applicant)	10,000
4 Moderate Permits (EA) @ 6,000	24,000
4 Simple Permits (EA) @ 2,500	10,000
Subtotal	\$44,000
License Renewal, Inspections, Permitting Follow-Up, etc.	
7 Regions @ \$1500/Region	10,500
Subtotal	\$10,500
* GRAND TOTAL	\$99,727

\* NOTE: This figure includes on-going costs only. It does not account for unanticipated costs such as the cost of depopulating game animals surrounding the Elk Valley game farm (FWP costs = \$24,000).

Sample Costs of Permitting a Simple Game Farm

Staff Time		
Regional Personnel	90 hours	1,395.00
Wildlife Division	5 hours	77.50
Legal Staff	10 hours	200.00
Clerical Staff	20 hours	200.00
		\$1,872.50
Other Costs		
Public Meeting		200.00
Phones		50.00
Travel		200.00
Printing/Mailing		200.00
		\$650.00
TOTAL		\$2,522.50

NOTE: As the complexity of a license application increases due to factors such as size and site characteristics, so do the costs. While staff time remains the largest cost, other costs such as helicopter time, travel, printing and supplies also increase.

**Montana Department  
of  
Fish, Wildlife & Parks**

EXHIBIT 2  
DATE 3/21/95  
SB 389



P. O. Box 200701  
Helena, MT 59620-0701  
(406) 444-2452  
FAX: 406-444-4952

October 14, 1994

Mike Vashro  
Montana Wildlife Federation  
P.O. Box 1175  
Helena, Montana 59624

Dear Mike:

In response to your request for information about the department's costs associated with the Guthrie Sleeping Giant Game Farm Environmental Assessment, I have gathered the following information:

<u>Region 3 Staff</u>	<u>Hours</u>	<u>Est. Cost</u>
Subtotal	158	\$ 2,508
<u>Region 3 Operations</u>		
Subtotal		1,411
<u>Field Services Staff</u>		
Subtotal	142	2,074
<u>Field Services Operations</u>		
Subtotal		400
<u>Enforcement Staff</u>		
Subtotal	126	920
TOTAL	426	\$ 7,313

*982 mds*

This is only an estimate of costs and may not include all of the department's expenditures related to this environmental assessment. I may not have contacted everyone involved and some bills are not final at this time.

Sincerely,

Karen Zackheim  
Game Farm Program Coordinator

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Agriculture - Livestock COMMITTEE

Sub Comm  
BILL NO. SB 389

DATE 3/21/95 SPONSOR(S) \_\_\_\_\_

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
MARC BRIDGES	DEPT. OF LIVESTOCK		
Cork Mortensen	Livestock		
Lon Mitchell	Livestock		
Burt Jalden	FWP		
Jim Richard	MWF		
Clarence Siroky	Doh		
Les Graham	mt. G. B. Assn		
DENNIS IVERSON	"		
Bob Spoklie	MT. G. B. ASSN		
Bob Barkum	MT G B Assn		
Janet Ellis	MT Audubon		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.