

**MINUTES**

**MONTANA SENATE  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON FISH & GAME**

**Call to Order:** By CHAIRMAN KEN MESAROS, on March 21, 1995, at  
3:00 p.m.

**ROLL CALL**

**Members Present:**

Sen. Kenneth "Ken" Mesaros, Chairman (R)  
Sen. Al Bishop, Vice Chairman (R)  
Sen. Bruce D. Crippen (R)  
Sen. William S. Crismore (R)  
Sen. John R. Hertel (R)  
Sen. Ken Miller (R)  
Sen. Mike Sprague (R)  
Sen. Judy H. Jacobson (D)  
Sen. Terry Klampe (D)  
Sen. Bob Pipinich (D)

**Members Excused:** Senator Forrester

**Members Absent:** None

**Staff Present:** Andrea Merrill, Legislative Council  
Serena Andrew, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 422, SJR 20  
Executive Action: HB 195, SB 422, SJR 20

{Tape: 1; Side: A}

**EXECUTIVE ACTION ON HB 195**

**Motion:**

SENATOR JOHN HERTEL, SD #47, MOORE, MOVED AMENDMENT 19504  
(EXHIBIT #1).

Discussion:

SENATOR HERTEL said the amendment was a compromise worked out by REPRESENTATIVE SWANSON and Page Dringman from Big Timber. It would allow landowners to get up to 20 permits until the moratorium is removed June 30, 1999. At that time they could apply for an outfitter's license and the permits would be reduced back to 10.

SENATOR HERTEL said he felt the amendment would help people to make an adjustment and give them an opportunity to get an outfitter's license. This amendment would bring the bill back to its original intent, and he thought the council would be in favor of it.

SENATOR BOB PIPINICH, SD #29, MISSOULA, asked REPRESENTATIVE SWANSON if she agreed.

REPRESENTATIVE EMILY SWANSON, HD #30, BOZEMAN, said she had met with Ms. Dringman and felt good about the compromise. It was a way to recognize the people who have a business on their own land and it would give them time to plan ahead. She reminded the committee that the amendment stated, "...prior to expiration of the moratorium...."

Vote:

THE MOTION TO APPROVE AMENDMENT NO. 19504 TO HB 195 CARRIED BY UNANIMOUS VOTE OF THE COMMITTEE.

SENATOR TERRY KLAMPE, SD #31, FLORENCE, commented that the moratorium idea was fine, but it assumed that HB 196 would pass. With the passage of HB 196, outfitters would give up the ability to branch out. Amendment 19505 (EXHIBIT #1A) would insert that provision into HB 195.

Motion:

SENATOR KLAMPE MOVED AMENDMENT NO. 19505.

SENATOR PIPINICH commented to SENATOR KLAMPE that this was the same discussion the committee had heard before. Much of the language in the amendment was already in HB 196 and he didn't think the amendment was needed.

SENATOR HERTEL remarked that he thought the subject was adequately covered. He thought the amendment cluttered up the bill and was unnecessary.

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, asked SENATOR KLAMPE if he thought it would be worthwhile to attach the amendment, knowing the bill would go back to the House where more amendments might be made. He asked if SENATOR KLAMPE thought it was worth jeopardizing the bill.

SENATOR KLAMPE said he did.

SENATOR WILLIAM CRISMORE, SD #41, LIBBY, said he had heard people say outfitters hadn't given up anything, and asked why SENATOR KLAMPE thought they should give up something.

SENATOR KLAMPE said the council must have felt they should, because it was included in HB 196. No one could be sure 196 would pass and he wanted it to be done right.

SENATOR BRUCE CRIPPEN, SD #10, BILLINGS, commented that new Section 11 was intended to be codified in Title 37, Chapter 47, and asked if it would be necessary to expand the title of the bill.

ANDREA MERRILL, Legislative Council Staff, said there was something to do with outfitters in the bill (the moratorium). The question usually was whether or not the people who were likely to come for hearings would know what was in the bill. She thought that technically speaking it was all right, but it was a question that really couldn't be answered. She wasn't sure whether or not people would feel they didn't have an opportunity to comment.

SENATOR AL BISHOP, SD #9, BILLINGS, remarked that he didn't think it mattered.

SENATOR SPRAGUE commented that he thought SENATOR KLAMPE had voted yes on the bill as it was written.

SENATOR KLAMPE said the best argument he had heard was that the bill might be drastically amended in the House. He wanted to know if the bill would be destroyed if it went back to the House.

REPRESENTATIVE SWANSON said she resisted the amendment. She had more confidence in the Senate passing HB 195. Also, the provision about lateral expansion of outfitting was fairly controversial. She would prefer not to have to deal with it.

CHAIRMAN KEN MESAROS, SD #25, CASCADE, mentioned that the committee had not voted on HB 195.

SENATOR CRIPPEN commented that if SENATOR KLAMPE were correct and the Senate voted down HB 196, then it would be appropriate to put this amendment into the bill on the floor.

REPRESENTATIVE SWANSON stated that if HB 196 did go down, more than one part of it should be examined. The bill covers the authority of outfitters to operate, and she wasn't sure that could be incorporated into HB 195 if HB 196 were voted down.

SENATOR CRIPPEN said he didn't think it would be possible to put HB 196 into HB 195. He suggested that the floor would be the appropriate place to make substantive changes.

Vote:

THE MOTION TO APPROVE AMENDMENT NO. 19505 FAILED BY AN EIGHT TO TWO VOTE OF THE COMMITTEE.

Motion:

SENATOR PIPINICH MOVED HB 195 BE CONCURRED IN AS AMENDED.

Vote:

SENATOR KLAMPE AND SENATOR FORRESTER VOTED NAY; ALL OTHER COMMITTEE MEMBERS VOTED AYE AND THE MOTION TO CONCUR IN HB 195 AS AMENDED CARRIED.

HEARING ON SJR 20

CHAIRMAN MESAROS RELINQUISHED THE CHAIR TO VICE CHAIRMAN BISHOP FOR PRESENTATION OF SJR 20.

Opening Statement by Sponsor:

SENATOR MESAROS told the committee a Montana resident had recently won the Iditarod dog sled race in Alaska. Doug Swingley was the first person from the lower United States to win that race and he did it in record time. Vic and Elmer were his lead dogs. He felt Mr. Swingley and his team should be recognized by the Fifth-Fourth Session of the Montana Legislature.

Proponents' Testimony:

None

Opponents' Testimony:

None

Closing by Sponsor:

SENATOR MESAROS commented that he hoped the resolution would be supported.

EXECUTIVE ACTION ON SJR 20

Motion:

SENATOR CRIPPEN MOVED SJR 20 DO PASS.

Vote:

THE COMMITTEE VOTED UNANIMOUSLY THAT SJR 20 DO PASS.

**SENATOR MESAROS REASSUMED THE CHAIR.**

**CHAIRMAN MESAROS** called on **Nina Baucus, Chairman of the Private Land/Public Wildlife Advisory Council.**

**MS. BAUCUS** thanked the committee for their support and hoped they would be sure that HB 196 did pass in the Senate. She asked them to see the bill as support for the wishes of the people of Montana.

**CHAIRMAN MESAROS** asked **MS. BAUCUS** to relay the thanks of the committee to the council for reaching the compromise presented to the Governor.

**MS. BAUCUS** commented that if the two bills didn't pass she was sure none of the council members would volunteer for another attempt.

**SENATOR HERTEL** remarked that **MS. BAUCUS** made things happen. He said he couldn't explain the feeling he had at the last meeting of the council. The members had come from many different backgrounds and when the compromise was reached, everyone felt good about it. He was sure it came about because of **MS. BAUCUS'** efforts.

**HEARING ON SB 422**

**Opening Statement by Sponsor:**

**SENATOR KEN MILLER, SD #11, LAUREL,** stated that SB 422 was the committee bill to address a problem being experienced by packing houses processing wild game meat. He said the proponents of the bill would explain the need for SB 422.

**Proponents:**

**LUCKY SIEBERT, Montana Meat Processors' Association and Siebert's, Inc.,** thanked **SENATOR MILLER** and the **Department of Fish, Wildlife & Parks (DFWP)** for understanding there was a problem. When customers fail to pick up wild game meat from a processor, the processor's only option at present is to donate it to charity and he has no way to recoup his costs. One meat processor had over \$5,000 worth of unclaimed products.

**MR. SIEBERT** said he thought the bill was good. It would assist meat processors by giving unclaimed meat to DFWP for their wild game auctions. Any money left after the auction costs would be returned to the meat processor to recover his processing costs. Any remaining funds would go into a special revenue fund to the credit of the department.

If the auction did not result in enough money to pay the processor's costs, the responsible individual would be required

to pay the remaining costs. A person who did not respond to reasonable requests to make payment and/or claim the meat would be subject to an administrative forfeiture of hunting, fishing and trapping privileges until the outstanding charges were paid in full.

**WILLIAM HARRELL**, **Montana Meat Processors' Association**, told the committee he had 1600-1700 pounds of unclaimed game meat left in his freezer and has had even more in the past. He would appreciate support for this bill.

**PAT GRAHAM**, **Director, DFWP**, supported the bill as clarification to the statutes and a way for meat processors to recover some of their costs (**EXHIBIT #2**).

**Opponents:**

None

**Questions From Committee Members and Responses:**

**SENATOR SPRAGUE** asked **Mr. Harrell** if he had talked to Shafer's Meat about this bill or if they were aware of it.

**MR. HARRELL** replied that he hadn't talked to them but believed they were aware of the bill.

**SENATOR SPRAGUE** said the bill was a great idea. He asked if meat processors would advertise the fact that this new law had been passed.

**MR. HARRELL** said he thought they would use it as a way to get people to pick up their meat. He has always had a statement that it is unlawful to abandon game meat on the receipts people are required to sign when they leave meat.

**SENATOR SPRAGUE** asked **Mr. Graham** who would be responsible if a person had meat processed and then found it more expensive than he had expected and couldn't pay for it. **Mr. Graham** replied that was a difficult question to answer. Up to the present time, meat processors have not been able to get rid of abandoned game meat, and he thought revoking hunting privileges might help. Perhaps a limit of something like \$25 could be set, under which hunting privileges would not be lost.

**SENATOR PIPINICH** commented that if a person brought in meat and requested services totaling perhaps \$400, didn't pick it up, and the meat was auctioned for \$200, the processor would still be out a considerable amount of money. He thought the customer's hunting and fishing privileges should be revoked until he paid his bill.

**SENATOR CRIPPEN** said when sausage is ordered, the cost is fairly high. He asked what percentage of game meat was used for sausage as opposed to merely requesting meat be cut and wrapped.

**MR. HARRELL** replied that in his business, most of the processing costs are for sausage products, but he could usually tell his customers how much their bill will be at the time the order was placed. He said he didn't mind donating a certain amount of meat, but somebody had to pay for it.

**SENATOR CRIPPEN** asked how much **Mr. Harrell** lost when processed meat was unclaimed. **Mr. Harrell** said it cost him from \$1.30 to \$1.40/pound to make sausage and he charged \$1.79/pound.

**SENATOR CRIPPEN** asked how much it cost DFWP to run game auctions.

**BOB WINFIELD, Enforcement Division, DFWP**, said hopefully the additional meat from the processors could be incorporated into regular auction sales. Processed meat would not take up as much room as a hanging carcass and it would be less labor and time-intensive than regular game auctions. Also, processed meat should bring in more money than hanging meat. He thought most of the processors' costs could be recovered.

**SENATOR SPRAGUE** said he liked the bill and thought it was needed, but he didn't see why DFWP wanted to get into collections for a particular industry. He thought perhaps a bad credit report would suffice to solve the problem. He didn't like to see the department become a bill collector and he thought it might turn hunters and fishermen against meat processors.

**BOB WINFIELD** said that for the most part, he believed the threat of losing hunting and fishing privileges would force people to make some type of arrangement with a meat processor.

{Tape: 1; Side: B}.

**SENATOR SPRAGUE** asked if this bill were necessary for enforcement purposes. **Mr. Winfield** said it was.

**SENATOR PIPINICH** said he intended to amend the bill. He opposed helping a business recoup its losses. He asked **Mr. Winfield** if the department would support the bill if the portion about collections were omitted. **Mr. Winfield** replied that the department was most interested in preventing meat processors from selling unclaimed game meat to satisfy unpaid bills.

**SENATOR SPRAGUE** asked if the department needed the section restricting hunting and fishing privileges. He wondered if the department would be able to do everything it wanted to without that one line.

**PAT GRAHAM** said it would, but the restriction on hunting and fishing privileges was expected to provide a disincentive to

abandoning processed meat. Removing the restriction would not encumber the department's ability to implement the bill.

**CHAIRMAN MESAROS** commented that line 9, page 2 stated, "The department may administratively revoke 'privileges' under this subsection...." He asked if **SENATOR MILLER** had intended to give enough administrative latitude to revoke hunting, fishing and trapping privileges.

**SENATOR MILLER** said hunting and fishing privileges could only be revoked while the bill remained unpaid. Once the bill had been paid, hunting and fishing privileges would be restored. People do the same thing year after year once the excitement of the hunt is over.

**SENATOR SPRAGUE** suggested that there was a small claims court where meat processors could pursue redress. He couldn't understand why DFWP should be a bill collector. Also, there could be a legitimate dispute over a claim; he thought these matters should be settled in civil court.

**SENATOR MILLER** said at present meat processors can't do that. Also, wild game meat cannot be sold on the open market.

**SENATOR CRIPPEN** said he thought it was possible that there could be an honest disagreement over a bill when an estimated price was given.

**BOB LANE, Chief Legal Counsel, DFWP,** commented that an informal hearing would be held before a license was confiscated, and both parties would be allowed to present their cases. He hoped people would respond to possible loss of hunting and fishing privileges by taking care of their meat processing bills.

**SENATOR CRIPPEN** asked if a ruling against a sportsman could be appealed, and to whom. **Mr. Lane** said it was set up to be an informal contested case and those standards of appeal to a district court would apply.

Closing by Sponsor:

**SENATOR MILLER** told the committee most of the questions he had just heard were considered when writing the bill.

EXECUTIVE ACTION ON SB 422

Motion:

- (1) **SENATOR MILLER MOVED THE BILL.**
- (2) **SENATOR PIPINICH MOVED THE BILL BE TABLED.**



**CHAIRMAN MESAROS** said he wanted some discussion before accepting the motion to table SB 422.

Discussion:

**SENATOR SPRAGUE** commented that he thought the entire question was whether or not DFWP would collect bills for meat processors. He asked if **SENATOR MILLER** would be amenable to not designating DFWP as the collection agency.

**SENATOR MILLER** replied DFWP was needed to control the sale of wild game. He didn't think DFWP should be viewed as "enforcers." The department was selected because it already has auctions set up.

**SENATOR SPRAGUE** asked if **SENATOR MILLER** would be willing to exclude the "collections" part of the bill. **SENATOR MILLER** replied that he would not; without that portion there would be no bill.

**SENATOR JUDY JACOBSON, SD #18, BUTTE,** commented that she thought **SENATOR MILLER** had made a valid point. There was no way to sell wild game without allowing the department to auction it. She said she had never gone to a meat processor who didn't give her a price list. She thought the concept should be tested, and she was fundamentally opposed to allowing meat processors to sell abandoned wild game meat.

**SENATOR CRIPPEN** agreed that meat processors had a real problem, and was sorry they couldn't be allowed to sell the meat themselves. He thought it was an important bill. Even if meat processors were given ownership of the product, they would not be able to sell it. Also, it would cost more to sue than it would be worth.

**SENATOR BISHOP** pointed out that designating DFWP as the collection agency wasn't unique. County attorneys have always helped people collect on unpaid checks.

**SENATOR SPRAGUE** said he has frequently heard people say that DFWP used to be their friend and now its employees wear guns - soon they would be into bill collecting. He thought buying hunting and fishing licenses was a privilege and the department shouldn't be collecting bills.

**SENATOR PIPINICH** commented that he hated to give DFWP more authority. He thought meat processors should be able to collect their own money.

**SENATOR KLAMPE** remarked that he had a slightly different perspective: he thought DFWP had more important things to do.

Motion/Vote:

SENATOR BISHOP CALLED FOR THE QUESTION ON THE DO PASS MOTION. A ROLL CALL VOTE FOLLOWED WITH SEVEN AYE VOTES AND THREE NAY VOTES; THE MOTION CARRIED.

AMENDMENTS TO HB 122

CHAIRMAN MESAROS said SENATOR GROSFIELD wanted to inform the committee of amendments to HB 122, previously tabled by the committee.

SENATOR GROSFIELD told the committee HB 122 was difficult. Amendment No. 4 struck everything after the enacting clause. Section 23-1-110, MCA would be basically rewritten. The original bill left the decision up to whoever attended the meeting. The amendments (EXHIBIT #3) state DFWP would be required to write a public report regarding a project for improvement or development of a fishing access site. Newspaper notices indicating the availability of the report would be required. If requested, public meetings in the affected county would also be required.

SENATOR GROSFIELD said subsection (h) would mandate a summary of compliance with the Montana Environmental Policy Act. The department did work on the Dailey Lake fishing access site south of Livingston that was very unpopular with local people. They appealed to the department and the department admitted it had not done an environmental assessment, but should have. The Dailey Lake project was the reason for subsection (h).

Beginning with item (3), the amendments discuss public meetings. If requested, these meetings would be required within 30 days of the request. Written comments would have to be accepted for 7 days and made part of the record.

Subsection (b) states that if significant negative comment were received, the department should:

- ( i) Discontinue the plans for the project;
  - ( ii) Work with citizens to redesign the project;
  - (iii) Go directly to the commission for its approval at a regularly scheduled meeting;
- (4) Maintenance, weed control and necessary sanitary and safety measures were exempted.

SENATOR GROSFIELD commented that any significant change or development of a fishing access site or state park would be subject to the requirements of this bill. He said he hoped these amendments would help the bill.

CHAIRMAN MESAROS remarked that he would entertain a motion to remove HB 122 from the table for further discussion. If the motion should prevail, the committee would be able to take further action.

Motion/vote:

SENATOR CRISMORE MOVED TO REMOVE HB 122 FROM THE TABLE. TWO SENATORS WERE OPPOSED; THE REMAINDER OF THE COMMITTEE VOTED AYE AND THE MOTION CARRIED.

Motion:

(1) SENATOR CRISMORE MOVED TO CONCUR ON HB 122.

(2) SENATOR HERTEL MOVED TO ADOPT THE AMENDMENTS TO HB 122.

Discussion:

SENATOR KLAMPE asked how REPRESENTATIVE RANEY felt about the amendments to HB 122. SENATOR GROSFIELD replied that REPRESENTATIVE RANEY would like to see it pass in some form.

SENATOR CRIPPEN commented that Mr. Graham had seen the amendments as well as a committee letter (EXHIBIT #4) to the Fish, Wildlife & Parks Commission on basically the same subject.

MR. GRAHAM told the committee everything called for in the bill could be done by the commission without passage of HB 122. The letter asked that the committee be apprised of commission action on the public policy required by this bill and the commission was agreeable. He said he appreciated SENATOR GROSFIELD'S attempts to reach a compromise.

SENATOR CRIPPEN commented that it was unusual the sponsor wasn't present at the hearing. He asked what assurance the committee had that REPRESENTATIVE RANEY would accept the amendments.

SENATOR GROSFIELD replied that he would be happy to get REPRESENTATIVE RANEY from the meeting he was attending.

SENATOR CRIPPEN said he thought the letter set forth the desires of the committee if the commission already had the authority to handle the problem.

SENATOR MILLER remarked that part of the reason for tabling the bill was that DFWP admitted they hadn't followed the rules and he didn't understand why more rules would solve the problem.

SENATOR GROSFIELD said he wasn't sure which rules were involved. There is a process in current law that the amended HB 122 would attempt to change. He said the amendments probably did something quite similar to the suggestions in the committee's letter. He thought there were often bills to put the expressed intentions of state agencies into statute.

SENATOR CRISMORE called for the question.

Vote:

A ROLL CALL VOTE ON THE AMENDMENTS TO HB 122 FOLLOWED, WITH THREE SENATORS VOTING AYE AND SIX VOTING NAY, AND THE MOTION FAILED.

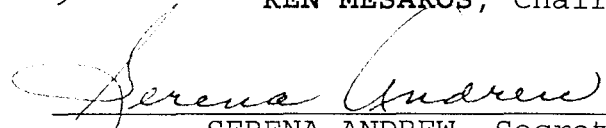
Motion/Vote:

SENATOR MILLER MOVED TO TABLE HB 122, THE MOTION CARRIED, AND HB 122 WAS RETURNED TO THE TABLE.

ADJOURNMENT

Adjournment: The meeting adjourned at 5:05 p.m.

  
KEN MESAROS, Chairman

  
SERENA ANDREW, Secretary

KM/sa

MONTANA SENATE  
1995 LEGISLATURE  
FISH AND GAME COMMITTEE

ROLL CALL

DATE \_\_\_\_\_

3/21/95

[illegible]


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SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 22, 1995

MR. PRESIDENT:


We, your committee on Fish and Game having had under consideration HB 195 (third reading copy -- blue), respectfully report that HB 195 be amended as follows and as so amended be concurred in.


Signed: 

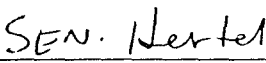
Senator Ken Mesaros, Chair

That such amendments read:

1. Title, line 15.  
Following: "DATES"  
Insert: ", AN APPLICABILITY DATE,"
2. Page 2, line 5.  
Following: "improving"  
Insert: "hunting"
3. Page 2, line 29.  
Following: "**public**"  
Insert: "hunting"
4. Page 3, line 12.  
Following: "for"  
Insert: "hunting"
5. Page 3, line 13.  
Following: "public"  
Insert: "hunting"
6. Page 4, line 22.  
Following: "public"  
Strike: "recreation or"
7. Page 5, lines 8 and 23.  
Following: "public"  
Insert: "hunting"
8. Page 8, line 18.  
Following: "LANDOWNERS"  
Insert: ", outfitters,"
9. Page 11, line 1.  
Following: "than"  
Strike: "10"  
Insert: "20"

 Amd. Coord.

 Sec. of Senate

  
Senator Carrying Bill

661046SC.SPV

10. Page 11, line 2.

Following: "year"

Insert: "prior to expiration of the moratorium established in [section 11]', after which no more than 10 certificates of sponsorship may be submitted in any license year".

11. Page 11, line 7.

Following: "reserved"

Insert: "outfitter-sponsored"

12. Page 12, line 10.

Strike: "INSTRUCTION"

Insert: "instructions"

Following: third "."

Insert: "(1)"

13. Page 12, line 14.

Insert: "(2) If House Bill No. 196 is passed and approved and if it includes a section amending 87-2-511 to revise the process for submission of records by licensed outfitters, then the added language in 87-2-511(2)(b) in this bill is changed to "the resident sponsor"."

"NEW SECTION. Section 16. Applicability. The moratorium on the issuance of outfitter licenses in [section 11] applies only to applications for new licenses filed on or after [the effective date of this section]."

Renumber: subsequent sections.

14. Page 12, line 17.

Strike: "17"

Insert: "18"

15. Page 12, line 18.

Strike: "15"

Insert: "16"

16. Page 12, line 21.

Strike: "AND" through "17"

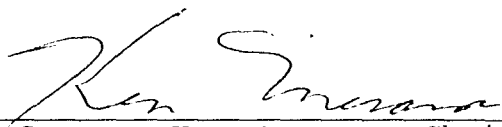
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SENATE STANDING COMMITTEE REPORT


Page 1 of 1  
March 22, 1995


MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration SJR 20 (first reading copy -- white), respectfully report that SJR 20 do pass.

Signed: 

Senator Ken Mesaros, Chair

 Amd. Coord.

 Sec. of Senate

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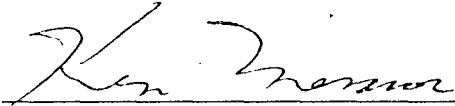


SENATE STANDING COMMITTEE REPORT

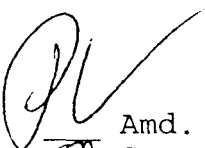
Page 1 of 1  
March 22, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration SB 422 (first reading copy -- white), respectfully report that SB 422 do pass.

Signed: 

Senator Ken Mesaros, Chair

 Amd. Coord.

SA Sec. of Senate

661054SC.SPV

MONTANA SENATE  
1995 LEGISLATURE  
FISH AND GAME COMMITTEE  
ROLL CALL VOTE

DATE 3/21/95 BILL NO. 195 NUMBER \_\_\_\_\_

MOTION: Amend 19505

NAME	AYE	NO
BRUCE CRIPPEN		X
WILLIAM CRISMORE		X
GARY FORRESTER		
JOHN HERTEL		X
JUDY JACOBSON		X
TERRY KLAMPE	X	
KEN MILLER		X
BOB PIPINICH		X
MIKE SPRAGUE		X
AL BISHOP, VICE CHAIRMAN	X	
KEN MESAROS, CHAIRMAN		X

MONTANA SENATE  
1995 LEGISLATURE  
FISH AND GAME COMMITTEE  
ROLL CALL VOTE

DATE \_\_\_\_\_ BILL NO. 422 NUMBER \_\_\_\_\_

MOTION: No force

NAME	AYE	NO
BRUCE CRIPPEN	X	
WILLIAM CRISMORE	X	
GARY FORRESTER		
JOHN HERTEL	X	
JUDY JACOBSON	X	
TERRY KLAMPE		X
KEN MILLER	X	
BOB PIPINICH		X
MIKE SPRAGUE		X
AL BISHOP, VICE CHAIRMAN	X	
KEN MESAROS, CHAIRMAN	X	

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MONTANA SENATE  
1995 LEGISLATURE  
FISH AND GAME COMMITTEE  
ROLL CALL VOTE

DATE 3/21/95 BILL NO. hb 122 NUMBER \_\_\_\_\_

MOTION: Amendment

NAME	AYE	NO
BRUCE CRIPPEN		X
WILLIAM CRISMORE		X
GARY FORRESTER		
JOHN HERTEL	X	
JUDY JACOBSON	X	
TERRY KLAMPE	X	
KEN MILLER		X
BOB PIPINICH		
MIKE SPRAGUE		X
AL BISHOP, VICE CHAIRMAN		X
KEN MESAROS, CHAIRMAN		X

DATE 2/21/95BILL NO. HB 195Amendments to House Bill No. 195  
Third Reading CopyRequested by Rep. Swanson  
For the Committee on Fish & GamePrepared by Doug Sternberg  
March 16, 1995

1. Page 11, line 1.

Following: "than"Strike: "10"

Insert: "20"

2. Page 11, line 2.

Following: "year"Insert: "prior to expiration of the moratorium established in  
[section 11], after which no more than 10 certificates of  
sponsorship may be submitted in any license year"

Amendments to House Bill No. 195  
Third Reading Copy

SENATE FISH AND GAME  
EXHIBIT NO. 1 A  
DATE 3/21/95  
BILL NO. HB 195

Requested by Sen. Klampe  
For the Committee on Fish & Game

Prepared by Doug Sternberg  
March 17, 1995

1. Title, line 14.

Following: "LICENSE;"

Insert: "REVISING CERTAIN POWERS AND DUTIES OF THE BOARD OF  
OUTFITTERS"

Following: "SECTIONS"

Insert: "37-47-201,"

2. Page 11, line 13.

Insert: "Section 10. Section 37-47-201, MCA, is amended to read:

**"37-47-201. Powers and duties of board relating to  
outfitters, guides, and professional guides. The board shall:**

(1) prepare and publish an information pamphlet ~~which that~~ contains the names and addresses of all licensed outfitters. This pamphlet must be available for free distribution as early as possible during each calendar year but not later than the second Friday in March. The pamphlet ~~shall~~ must contain the names and addresses of only those outfitters who have a valid license for the current license year.

(2) cooperate with the federal government in matters of mutual concern regarding the business of outfitting and guiding in Montana;

(3) enforce the provisions of this chapter and rules adopted pursuant to this chapter;

(4) establish outfitter standards, ~~and professional guide standards, and professional guide standards;~~

(5) adopt:

(a) rules of procedure;

(b) rules to administer and enforce this chapter, including ~~but not limited to~~ rules prescribing all requisite qualifications for licensure as an outfitter, guide, or professional guide. ~~These qualifications~~ Qualifications for outfitters must include training, testing, experience in activities similar to the service to be provided, knowledge of rules of governmental bodies pertaining to outfitting, and condition and type of gear and equipment, and the filing of an operations plan.

(c) any reasonable rules, not in conflict with this chapter, necessary for safeguarding the public health, safety, and welfare of those persons using the services of outfitters and ~~for the protection of landowners, the general public, and outfitters' employees, agents, and representatives,~~ including evidence of qualification and licensure under this chapter for any person practicing or offering to practice as an outfitter, guide, or professional guide;

(d) rules specifying standards for review and approval of proposed new operations plans involving hunting use or the proposed expansion of net client hunting use under an outfitter's

existing operations plan in order to determine if the proposal will cause an undue conflict with existing hunting use of the area, constituting a threat to the public health, safety, or welfare. The board may not approve a new operations plan or the proposed expansion of net client hunting use under the existing operations plan if it finds that the proposal will cause an undue conflict with existing hunting use of the area. Approval is not required when part or all of an existing operations plan is transferred from one licensed outfitter to another licensed outfitter. Rules adopted pursuant to this section must provide for solicitation and consideration of comments from hunters and sportspersons in the area to be affected by the proposal who do not make use of outfitter services.

(6) hold hearings and proceedings to suspend or revoke licenses of outfitters, ~~and professional guides, and professional guides~~ for due cause."

Renumber: subsequent sections

3. Page 11, lines 29 and 30.

Strike: "11"

Insert: "12"

4. Page 12, line 17.

Strike: "17"

Insert: "18"

5. Page 12, line 18.

Strike: "15"

Insert: "16"

6. Page 12, line 21.

Strike: "12"

Insert: "13"

Strike: "17"

Insert: "18"

7. Page 12, line 22.

Strike: "SECTION"

Insert: "Sections"

Following: "11"

Insert: "and 12"

TSB422.SP

Senate Bill No. 422  
March 21, 1995  
Testimony presented by Pat Graham  
Montana Fish, Wildlife & Parks  
before the Senate Fish and Game Committee

The Department supports Senate Bill 422. Section 87-3-111 of Montana fish and game law prohibits the sale of game meat or fish, but under 71-3-1505 frozen food plant operators have a lien on meat in their possession for unpaid storage charges. It is unclear how the fish and game statutes and the lien statutes fit together. A legal opinion from our attorneys concluded that storage charges could be recovered by processors, but meat processing charges could not. Because of the conflict and confusion of the laws, prosecutors have been unwilling to charge meat processors who claim they are merely selling the meat to recover their charges.

The conflict in law provides cover for illegal sale of game meat by unscrupulous meat processors. This in turn provides them with a competitive advantage over those operating within the law. Investigators from the Department's undercover unit have discovered meat locker operators who skimmed game meat from their paying customers and later sold it as unclaimed game meat. They have found processors purchasing unlawfully acquired game for later sale. They have also cited processors for adding game meat at little or no cost to sausage sold as pork or beef. In one case where we had a number of sportsmen complaints alleging skimming, the processor had 4,000 pounds of game meat collected during one hunting season. He stated that all of this was unclaimed meat. So long as there is any question that they are entitled to sell any game meat, we will continue to have a problem preventing these kinds of abuses.

Legitimate meat processors have a problem when persons bring in game animals to be processed but fail to pick them up and pay processing charges. The bill permits a meat processor, after reasonable attempts to collect from the person who brought in game animals, to take the processed meat or fish to the Department for sale by public auction. The money collected must be used to pay the Department costs and to pay the reasonable and uncollected charges of the meat processor. Any additional money will be deposited in the Department's special revenue fund. The bill also allows the Department to administratively suspend the hunting, trapping, and fishing privileges of a person who fails to pay the valid charges of a meat processor until those charges are paid. This provision should encourage persons taking their game animals to a meat processor to pay the charges and collect the meat before any need for Department action.



The person who fails to pay will continue to be responsible even if the meat is sold. This should encourage people to take care of the problem as soon as they receive notice from the meat processor. Failure to do so, may result in having their privileges suspended until they pay the costs, losing their game meat or fish, and being liable for the costs.

There is a right to a hearing under this bill. The informal hearing will allow the person bringing in wild game to challenge the validity of the charges being imposed by the meat processor or to raise any other circumstances which would make the suspension of privileges or collection of the charges unfair.

We believe that the threat of suspension of privileges and requirement to pay the charges even though the game meat or fish may have been sold at auction will solve much of the problem meat processors have with persons leaving unclaimed meat with them. The bill provides authority to adopt rules which address the procedures to be followed by commercial meat processors. This will ensure ample notice to persons not claiming their processed game meat or fish and allow them to pay for and reclaim it without penalty.

Amendments to House Bill No. 122  
Third Reading CopyRequested by Sen. Grosfield  
For the Committee on Fish & GamePrepared by Doug Sternberg  
March 21, 1995

1. Title, lines 5 through 7.

Following: "THAT" on line 5

Strike: remainder of line 5 through "DEPARTMENT'S" on line 7

Insert: "PUBLIC NOTICE AND MEETING ARE REQUIRED UNDER CERTAIN  
CIRCUMSTANCES FOR A"

2. Title, lines 8 and 9.

Following: "SITE" on line 8

Strike: remainder of line 8 through "DEVELOPMENT" on line 9

3. Title, line 11

Strike: "UNTIL CERTAIN CONDITIONS ARE MET"

4. Page 1, line 18.

Strike: everything after the enacting clause

Insert: "Section 1. Section 23-1-110, MCA, is amended to read:

**"23-1-110. Improvement or development of state park or  
fishing access site -- required public involvement -- rules. (1)**

The fish, wildlife, and parks commission shall adopt rules establishing a policy ~~whereby~~ in which any proposed improvement or development of a state park or fishing access site that significantly changes park or fishing access site features or use patterns is subject to notice of proposed modifications, both statewide and locally, and to an opportunity for a public meeting and public comment on the advisability and acceptability of the proposal. When a project is proposed, notice must be provided in a newspaper of general circulation in the county where the project is proposed and in adjacent counties at least 60 days before work on the project begins. Notice must indicate the availability of the public report required under subsection (2). The department shall hold a public meeting in any county in which a project is proposed upon the request of any person.

(2) The department shall prepare a public report regarding any project that is subject to the provisions of subsection (1). The report must be available to members of the public by the time of the issuance of the notice required under subsection (1) and must include preliminary conclusions relating to the following aspects of the proposal:

(a) the desires of the public as expressed to the department;

(b) the capacity of the park or fishing access site for development;

(c) environmental impacts associated with the improvement or development;

(d) the long-range maintenance of the improvements;

(e) the protection of natural, cultural, and historical

park or fishing access site features;

(f) potential impacts on tourism; and

(g) site-specific modifications as they relate to the park or fishing access site system as a whole;

(h) a summary of the department's compliance with the provisions of the Montana Environmental Policy Act as it relates to the proposed project; and

(i) potential impacts on existing uses and users.

(3) (a) If a public meeting is requested pursuant to subsection (1), the department shall hold the public meeting within 30 days of the request and shall record each comment regarding the proposed improvement or development of a state park or fishing access site submitted by a person residing in the state of Montana, whether submitted in writing or orally at the public meeting or submitted in writing prior to or within 7 days after the date on which the public meeting is held. The comment record must include a list of those opposing and a list of those supporting the improvement or development.

(b) If significant negative written or oral comment is received pursuant to subsection (3)(a), the department:

(i) may discontinue its plans for the proposed improvement or development;

(ii) may work with the interested citizens included in the comment record to redesign the improvement or development and submit the redesigned improvement or development for public comment and for a public meeting in the manner outlined in subsections (1) and (2); or

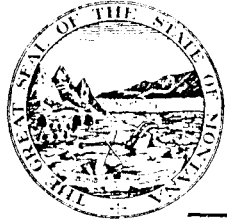
(iii) shall seek approval from the fish, wildlife, and parks commission to proceed with the improvement or development.

(c)(i) Final approval of the fish, wildlife, and parks commission, as required in subsection (3)(b)(iii), must be made after reviewing the comment record provided for in subsection (3)(a) at a regular or special commission meeting that includes an opportunity for receiving comment from the department and the public.

(ii) Adequate notice that consideration of the proposed project or improvement will be on the agenda at the regular or special fish, wildlife, and parks commission meeting must be provided in a newspaper of general circulation in the county where the project is proposed and must also be mailed to each of the proponents and opponents listed in the comment record.

(4) Maintenance, weed control, and necessary sanitary and safety measures are exempt from the requirements of this section."

# MONTANA STATE SENATE



SENATOR KEN MESAROS  
SENATE DISTRICT 25  
HOME ADDRESS:  
2191 MILLEGAN ROAD  
CASCADE, MONTANA 59421

COMMITTEES:  
FISH & GAME, CHAIR  
STATE ADMINISTRATION,  
VICE-CHAIR  
LEGISLATIVE ADMINISTRATION,  
VICE-CHAIR  
EDUCATION & CULTURAL RESOURCES

CAPITOL BUILDING  
HELENA, MONTANA 59620-0500  
PHONE (406) 444-4800  
HOME PHONE (406) 866-3318

SENATE FISH AND GAME

EXHIBIT NO. 4  
DATE 3/21/95  
BILL NO. HB 122

March 24, 1995

Stan Meyer, Chairman  
Montana Fish, Wildlife & Parks Commission  
1420 East Sixth  
Helena MT 59620

Dear Chairman Meyer and Commission Members:

On March 2, 1995, the Senate Fish and Game Committee tabled HB 122, which would have allowed a public appeal process on proposed development of state parks or fishing access sites. While the committee concurred with the Fish, Wildlife & Parks Commission and the Department of Fish, Wildlife & Parks that the particular public appeal process within HB 122 would be difficult to implement, the committee remains very concerned about the need to improve public involvement in proposals to develop state parks and fishing access sites, which are in the public trust.

Proponents of HB 122 expressed dissatisfaction with the way the department addressed the public's concerns over the development of Dailey Lake near Livingston. There have also been other recent situations when citizens have felt their concerns and suggestions have not been adequately addressed. Department testimony on HB 122 suggested a formal process that would allow a person who has commented on a proposed site development to appeal to the department director and, ultimately, to the commission. A decision on such an appeal would be based on the merits of the appeal, as well as the number of appellants. The committee supports this concept and encourages the adoption of such a policy as soon as possible.

The committee is also concerned about adequate initial public review of proposed department projects and suggests that the department and commission explore and adopt improvements in the public involvement process already in place under the provisions of 23-1-110, MCA.

Montana Fish, Wildlife & Parks Commission  
Page 2  
March 24, 1995

The committee respectfully requests that the commission inform the members of the Senate Fish and Game Committee and the members of the House Fish and Game Committee of any commission actions with regard to this important public policy issue.

Thank you for your consideration of our request.

Sincerely,



Ken Mesaros, Chairman  
Senate Fish and Game Committee

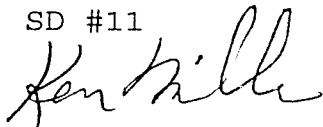
Al Bishop  
Vice Chairman



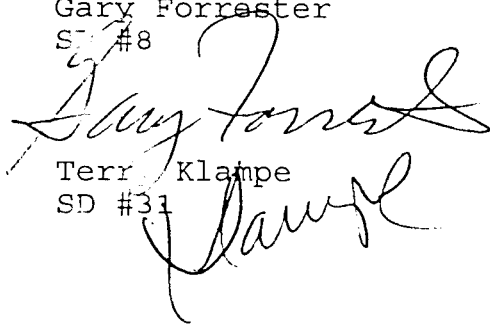
William Crismore  
SD #41



Ken Miller  
SD #11



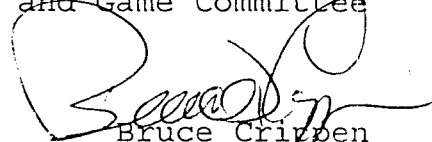
Gary Forrester  
SD #8



Terr Klatke  
SD #31

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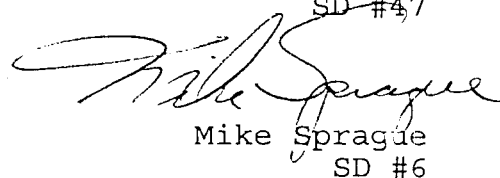
cc: House Fish and Game Committee  
Pat Graham



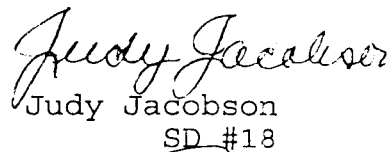
Bruce Crippen  
SD #10



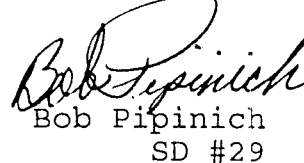
John R. Hertel  
SD #47



Mike Sprague  
SD #6



Judy Jacobson  
SD #18



Bob Pipinich  
SD #29

DATE 3/21/95

SENATE COMMITTEE ON Food & Game

BILLS BEING HEARD TODAY: SB 422, Sps 20

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
H I "Lucky" SEIBERT	MONTANA MEAT PROC ASSOC AND Seibert's inc	422	✓	
William W Harrell	mont meat proc Assoc 4T H DOR MEAT MKT	422	✓	
Bob Lane	FWP	422	✓	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY