

HOUSE BILL NO. 345

Introduced: 01/18/83

Referred to Committee on Fish & Game: 01/18/83

Hearing: 1/27/83

Report: 02/04/83, Do Pass, As Amended

2nd Reading, 02/08/83, Do Pass, As Amended

3rd Reading, 02/11/82, Do Pass

Transmitted to Senate: 2/11/83

Referred to Committee on Fish & Game: 02/12/83

Hearing: 3/5/83

Report: 3/23/83, Be Not Concurred In

Bill Killed: 3/23/83

1 House BILL NO. 345
2 INTRODUCED BY Spaeth
3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE SALE
6 OR DONATION OF ANIMAL MEAT OR PARTS CONFISCATED OR OTHERWISE
7 ACQUIRED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS;
8 ESTABLISHING A REWARD PROGRAM WITH THE PROCEEDS FOR
9 REPORTING VIOLATIONS OF THE LAWS ADMINISTERED BY THE
10 DEPARTMENT; AMENDING SECTIONS 87-1-511 THROUGH 87-1-513 AND
11 87-1-226, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 87-1-511, MCA, is amended to read:

15 "87-1-511. Sale of confiscated birds and animals. ~~At~~
16 ~~Except as authorized by the director pursuant to commission~~
17 ~~policy, all~~ birds, animals, fish, heads, hides, teeth, or
18 other parts of any animal seized by any officer or warden ~~or~~
19 ~~otherwise acquired by a department employee in the scope of~~
20 ~~his employment~~ shall be sold, under the direction of the
21 director or wardens, at a time, place, and manner so as to
22 receive the highest price. The sale shall be at public
23 auction to the highest and best bidder. The director or his
24 wardens shall publish notice of the time and place of the
25 sale, together with a description of the birds, fish,

1 animals, or parts or portions of animals to be sold, in a
2 newspaper of general circulation published in the county
3 where the sale is to be held. The notice shall be published
4 at least once, and the sale shall not be less than 5 or more
5 than 30 days after the last publication. If the property
6 seized is perishable, it may be sold by those officers
7 without publishing notice of the sale. The property may be
8 sold upon that public notice and under those terms and
9 conditions which in the discretion of the officers seem
10 conducive to securing full value."

11 Section 2. Section 87-1-512, MCA, is amended to read:

12 "87-1-512. Certificate of sale. ~~(1)~~ Upon the sale of
13 ~~property a wildlife carcass~~ as provided in 87-1-511, the
14 officer shall issue a certificate to the purchasing party,
15 certifying that the purchaser has the legal right to be in
16 possession of the ~~property carcass~~ and that anyone so
17 acquiring this ~~property carcass~~ from the state is prohibited
18 from reselling or using the same for any commercial purpose.
19 During an auction only one carcass of either deer, moose, or
20 elk may be purchased per person. At its discretion, the
21 department may donate unsold carcasses to welfare
22 departments, public institutions, or charitable
23 institutions.

24 ~~(2) Upon the sale of any wildlife part as provided in~~
25 ~~87-1-511, the officer shall issue a certificate to the~~

purchasing party, certifying that the purchaser has the legal right to be in possession of the part. The department may donate wildlife parts to public, educational, charitable, or zoological institutions or nonprofit organizations. When wildlife parts disposed of under this section are sold as trophy parts, the department shall mark these parts in such a manner that they can be identified and traced."

Section 3. Section 87-1-513, MCA, is amended to read:

"87-1-513. Disposition of proceeds of sale. (1) The money obtained upon the sale of such property shall be paid over to the court before whom the person having the same in possession at the time of seizure is prosecuted or in which prosecution is pending; and if the person charged with violation of the law is found guilty before said court of violation of the fish and game laws of the state, the money received for the sale of said property shall be paid over to the state treasurer and be deposited by him to the credit of the fish and game fund; but should it be found that the party from whom the same was taken was not guilty of any violation of the fish and game laws of this state, said money shall be paid to the party from whom said birds, animals, fish, or parts or portions thereof were taken. No officer shall be liable for any damage on account of any search, examination, seizure, or sale as herein provided.

Where wild animals, game birds, or fish are seized as in this part provided and the person or persons who killed or captured the same cannot be ascertained, then the money so received from the sale of such animals, game birds, or fish shall be paid direct to the state treasurer. The cost of advertising notice of sale, as herein required, shall be paid from the fish and game fund.

(2) Money received by the department from the sale of wildlife carcasses and parts must be used to establish a statewide reward program to encourage the reporting of violations of fish and wildlife statutes and parks and recreation statutes administered by the department and rules adopted thereunder. No money received under this section may be used for administration of the program."

Section 4. Section 87-1-226, MCA, is amended to read:

"87-1-226. Disposition of meat of animals damaging property. (1) The meat of all animals killed or destroyed pursuant to 87-1-225 by the department or the authorized landholder shall be conserved and given to state institutions, school lunch programs, or the department of social and rehabilitation services, or other charitable institutions. The department shall provide transportation and distribution of the meat.

(2) Any meat not accepted by state institutions, school lunch programs, the department of social and

LC 1086/01

- 1 rehabilitation services, or other charitable institutions
- 2 may be sold as provided in 87-1-511a"

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 345

3 House Fish, Wildlife, and Parks Committee

4

5 A statement of intent is required for this bill because
6 it grants rulemaking authority to the Department of Fish,
7 Wildlife, and Parks to adopt rules in establishing a reward
8 program to encourage the reporting of game violations by
9 earmarking up to \$30,000 a fiscal year of proceeds from the
10 game auctions held by the department.

11 To administer this bill, the department will have
12 regulations or guidelines which would describe standards for
13 the payments, methods of distributing the rewards, and for
14 protecting the anonymity of people providing information.

SECOND READING

HB 345

Approved by Comm.
on Fish and Game

1 HOUSE BILL NO. 345
2 INTRODUCED BY SPAETH
3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE SALE
6 OR DONATION OF ANIMAL MEAT OR PARTS CONFISCATED OR OTHERWISE
7 ACQUIRED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS;
8 ESTABLISHING A REWARD PROGRAM WITH THE PROCEEDS FOR
9 REPORTING VIOLATIONS OF THE LAWS ADMINISTERED BY THE
10 DEPARTMENT; AMENDING SECTIONS 87-1-511 THROUGH 87-1-513 AND
11 87-1-226, MCA."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 Section 1. Section 87-1-511, MCA, is amended to read:
15 "87-1-511. Sale of confiscated birds and animals. ~~At~~
16 ~~Except as authorized by the director pursuant to commission~~
17 ~~policy, all~~ birds, animals, fish, heads, hides, teeth, or
18 other parts of any animal seized by any officer or warden ~~or~~
19 ~~otherwise acquired by a department employee in the scope of~~
20 ~~his employment~~ shall be sold, under the direction of the
21 director or wardens, at a time, place, and manner so as to
22 receive the highest price. The sale shall be at public
23 auction to the highest and best bidder. The director or his
24 wardens shall publish notice of the time and place of the
25 sale, together with a description of the birds, fish,

1 animals, or parts or portions of animals to be sold, in a
2 newspaper of general circulation published in the county
3 where the sale is to be held. The notice shall be published
4 at least once, and the sale shall not be less than 5 or more
5 than 30 days after the last publication. If the property
6 seized is perishable, it may be sold by those officers
7 without publishing notice of the sale. The property may be
8 sold upon that public notice and under those terms and
9 conditions which in the discretion of the officers seem
10 conducive to securing full value."

11 Section 2. Section 87-1-512, MCA, is amended to read:
12 "87-1-512. Certificate of sale. ~~(1)~~ Upon the sale of
13 ~~property a wildlife carcass~~ as provided in 87-1-511, the
14 officer shall issue a certificate to the purchasing party,
15 certifying that the purchaser has the legal right to be in
16 possession of the ~~property carcass~~ and that anyone so
17 acquiring this ~~property carcass~~ from the state is prohibited
18 from reselling or using the same for any commercial purpose.
19 During an auction only one carcass of either deer, moose, or
20 elk may be purchased per person. At its discretion, the
21 department may donate unsold carcasses to welfare
22 departments, public institutions, or charitable
23 institutions.

24 ~~(2) Upon the sale of any wildlife part as provided in~~
25 ~~87-1-511, the officer shall issue a certificate to the~~

~~purchasing party, certifying that the purchaser has the legal right to be in possession of the part. The department may donate wildlife parts to public, educational, charitable, or zoological institutions or nonprofit organizations. When wildlife parts disposed of under this section are sold as trophy parts, the department shall mark these parts in such a manner that they can be identified and traced."~~

Section 3. Section 87-1-513, MCA, is amended to read:

"87-1-513. Disposition of proceeds of sale. (1) The money obtained upon the sale of such property shall be paid over to the court before whom the person having the same in possession at the time of seizure is prosecuted or in which prosecution is pending; and if the person charged with violation of the law is found guilty before said court of violation of the fish and game laws of the state, the money received for the sale of said property shall be paid over to the state treasurer and be deposited by him to the credit of the fish and game fund; but should it be found that the party from whom the same was taken was not guilty of any violation of the fish and game laws of this state, said money shall be paid to the party from whom said birds, animals, fish, or parts or portions thereof were taken. No officer shall be liable for any damage on account of any search, examination, seizure, or sale as herein provided.

Where wild animals, game birds, or fish are seized as in this part provided and the person or persons who killed or captured the same cannot be ascertained, then the money so received from the sale of such animals, game birds, or fish shall be paid direct to the state treasurer. The cost of advertising notice of sale, as herein required, shall be paid from the fish and game fund.

~~(2) Money received by the department from the sale of wildlife carcasses and parts, NOT EXCEEDING \$30,000 IN ANY FISCAL YEAR, must be used to establish a statewide reward program to encourage the reporting of violations of fish and wildlife statutes and parks and recreation statutes administered by the department and rules adopted thereunder. No money received under this section may be used for administration of the program."~~

Section 4. Section 87-1-226, MCA, is amended to read:

"87-1-226. Disposition of meat of animals damaging property. (1) The meat of all animals killed or destroyed pursuant to 87-1-225 by the department or the authorized landholder shall be conserved and given to state institutions, school lunch programs, or the department of social and rehabilitation services, or other charitable institutions. The department shall provide transportation and distribution of the meat.

~~(2) Any meat not accepted by state institutions,~~

1 school lunch programs, the department of social and
2 rehabilitation services, or other charitable institutions
3 may be sold as provided in 87-1-511."

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 345

3 House Fish, Wildlife, and Parks Committee

4
5 A statement of intent is required for this bill because
6 it grants rulemaking authority to the Department of Fish,
7 Wildlife, and Parks to adopt rules in establishing a reward
8 program to encourage the reporting of game violations by
9 earmarking up to \$30,000 a fiscal year of proceeds from the
10 game auctions held by the department.

11 To administer this bill, the department will have
12 regulations or guidelines which would describe standards for
13 the payments, methods of distributing the rewards, and for
14 protecting the anonymity of people providing information.

THIRD READING

HB 345

1 HOUSE BILL NO. 345

2 INTRODUCED BY SPAETH

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE SALE
6 OR DONATION OF ANIMAL MEAT OR PARTS CONFISCATED OR OTHERWISE
7 ACQUIRED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS;
8 ESTABLISHING A REWARD PROGRAM WITH THE PROCEEDS FOR
9 REPORTING VIOLATIONS OF THE LAWS ADMINISTERED BY THE
10 DEPARTMENT; ~~GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT~~
11 ~~OF FISH, WILDLIFE, AND PARKS~~; AMENDING SECTIONS 87-1-511
12 THROUGH 87-1-513 AND 87-1-226, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 87-1-511, MCA, is amended to read:

16 "87-1-511. Sale of ~~confiscated~~ birds and animals. ~~At~~
17 ~~Except as authorized by the director pursuant to commission~~
18 ~~policies, all~~ birds, animals, fish, heads, hides, teeth, or
19 other parts of any animal seized by any officer or warden ~~or~~
20 ~~otherwise acquired by a department employee in the scope of~~
21 ~~his employment~~ shall be sold, under the direction of the
22 director or wardens, at a time, place, and manner so as to
23 receive the highest price. The sale shall be at public
24 auction to the highest and best bidder. The director or his
25 wardens shall publish notice of the time and place of the

1 sale, together with a description of the birds, fish,
2 animals, or parts or portions of animals to be sold, in a
3 newspaper of general circulation published in the county
4 where the sale is to be held. The notice shall be published
5 at least once, and the sale shall not be less than 5 or more
6 than 30 days after the last publication. If the property
7 seized is perishable, it may be sold by those officers
8 without publishing notice of the sale. The property may be
9 sold upon that public notice and under those terms and
10 conditions which in the discretion of the officers seem
11 conducive to securing full value."

12 Section 2. Section 87-1-512, MCA, is amended to read:

13 "87-1-512. Certificate of sale. ~~(1)~~ Upon the sale of
14 property a ~~wildlife carcass~~ as provided in 87-1-511, the
15 officer shall issue a certificate to the purchasing party,
16 certifying that the purchaser has the legal right to be in
17 possession of the property ~~carcass~~ and that anyone so
18 acquiring this property ~~carcass~~ from the state is prohibited
19 from reselling or using the same for any commercial purpose.
20 During an auction only one carcass of either deer, moose, or
21 elk may be purchased per person. At its discretion, the
22 department may donate unsold carcasses to welfare
23 departments, public institutions, or charitable
24 institutions, ~~BUT IT MAY NOT DONATE UNSOLD CARCASSES TO~~
25 ~~SCHOOL LUNCH PROGRAMS.~~

~~(2) Upon the sale of any wildlife part as provided in 87-1-511, the officer shall issue a certificate to the purchasing party, certifying that the purchaser has the legal right to be in possession of the part. The department may donate wildlife parts to public, educational, charitable, or zoological institutions or nonprofit organizations. When wildlife parts disposed of under this section are sold as trophy parts, the department shall mark these parts in such a manner that they can be identified and traced."~~

Section 3. Section 87-1-513, MCA, is amended to read:

"87-1-513. Disposition of proceeds of sale. (1) The money obtained upon the sale of such property shall be paid over to the court before whom the person having the same in possession at the time of seizure is prosecuted or in which prosecution is pending; and if the person charged with violation of the law is found guilty before said court of violation of the fish and game laws of the state, the money received for the sale of said property shall be paid over to the state treasurer and be deposited by him to the credit of the fish and game fund; but should it be found that the party from whom the same was taken was not guilty of any violation of the fish and game laws of this state, said money shall be paid to the party from whom said birds, animals, fish, or parts or portions thereof were taken. No

officer shall be liable for any damage on account of any search, examination, seizure, or sale as herein provided. Where wild animals, game birds, or fish are seized as in this part provided and the person or persons who killed or captured the same cannot be ascertained, then the money so received from the sale of such animals, game birds, or fish shall be paid direct to the state treasurer. The cost of advertising notice of sale, as herein required, shall be paid from the fish and game fund.

~~(2) Money received by the department from the sale of wildlife carcasses and parts, NOT EXCEEDING \$30,000 IN ANY FISCAL YEAR, must be used to establish a statewide reward program to encourage the reporting of violations of fish and wildlife statutes and parks and recreation statutes administered by the department and rules adopted thereunder. No money received under this section may be used for administration of the program. THE DEPARTMENT IS HEREBY GRANTED RULEMAKING AUTHORITY TO ESTABLISH A STATEWIDE REWARD PROGRAM."~~

Section 4. Section 87-1-226, MCA, is amended to read:

"87-1-226. Disposition of meat of animals damaging property. (1) The meat of all animals killed or destroyed pursuant to 87-1-225 by the department or the authorized landholder shall be conserved and given to state institutions, school--lunch--programs, or the department of

1 social and rehabilitation services, or other charitable
2 institutions. The department shall provide transportation
3 and distribution of the meat.

4 (2) Any meat not accepted by state institutions,
5 school---lunch---programs, the department of social and
6 rehabilitation services, or other charitable institutions
7 may be sold as provided in 87-1-511."

-End-