

HOUSE BILL NO. 159

INTRODUCED BY RAPP-SVRCEK, E. SMITH, REAM, COBB,
MOHAR, LANE, YELLOWTAIL, JANET MOORE, CONOVER

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

IN THE HOUSE

January 12, 1985	Introduced and referred to Committee on Fish and Game.
January 15, 1985	Fiscal Note requested.
January 19, 1985	Fiscal Note returned.
February 1, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
February 2, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 4, 1985	Third reading, passed. Ayes, 100; Noes, 0.
	Transmitted to Senate.

IN THE SENATE

February 7, 1985	Introduced and referred to Committee on Fish and Game.
March 8, 1985	Committee recommend bill be concurrred in. Report adopted.
March 11, 1985	Second reading, concurrred in.

March 13, 1985

Third reading, concurred in.
Ayes, 49; Noes, 1.

Returned to House.

IN THE HOUSE

March 14, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 possession at the time of seizure is prosecuted or in which
2 prosecution is pending; and if the person charged with
3 violation of the law is found guilty before said court of
4 violation of the fish and game laws of the state, the money
5 received for the sale of said property shall be paid over to
6 the state treasurer and be deposited by him to the credit of
7 the fish and game fund; but should it be found that the
8 party from whom the same was taken was not guilty of any
9 violation of the fish and game laws of this state, said
10 money shall be paid to the party from whom said birds,
11 animals, fish, or parts or portions thereof were taken. No
12 officer shall be liable for any damage on account of any
13 search, examination, seizure, or sale as herein provided.
14 Where wild animals, game birds, or fish are seized as in
15 this part provided and the person or persons who killed or
16 captured the same cannot be ascertained or where the animals
17 sold were killed pursuant to 87-1-225, then the money so
18 received from the sale of such animals, game birds, or fish
19 shall be paid direct to the state treasurer. The cost of
20 advertising notice of sale, as herein required, shall be
21 paid from the fish and game fund."

22 NEW SECTION. Section 4. Effective date. This act is
23 effective on passage and approval.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN100-85

Form BD-15

In compliance with a written request received January 15, 19 85, there is hereby submitted a Fiscal Note for H.B. 159 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act To Provide For The Sale Or Disposal Of Wild Animals Killed By The Department Of Fish, Wildlife, And Parks Or A Landholder Authorized To Kill Wild Animals Because Of Property Damage; Amending Sections 87-1-226, 87-1-511, And 87-1-513, MCA; And Providing An Immediate Effective Date.

ASSUMPTIONS:

1. Wild animals killed in FY 1985-86 and 1986-87 are estimated to be 300 and 100.
2. Ten percent of the wild animals killed by kill permits will be sold at public sales.
3. Average selling price per wild animal is \$25.
4. Public sale estimated expenses per animal kill are \$20. This includes cost of advertising notice of sale, storage of animals and travel.
5. If animals are donated, estimated expenses per animal kill are \$15. This includes storage of animals and travel.
6. This act is effective upon passage and approval. It is assumed that the effective date is April 1, 1985. Impact on FY 1984-85 revenues and expenditures is insignificant.

FISCAL IMPACT:

	FY 86			FY 87		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Revenue	-0-	750	750	-0-	250	250
Expenditures:	4,050	4,650	600	1,350	1,550	200
Net Effect	(4,050)	(3,900)	150	(1,350)	(1,300)	50

LOCAL IMPACT:

None.

David L. Hunter

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: Jan 19, 1985

APPROVED BY COMM.
ON FISH AND GAME

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

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE SALE OR DISPOSAL OF WILD ANIMALS KILLED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS OR A LANDHOLDER AUTHORIZED TO KILL WILD ANIMALS BECAUSE OF PROPERTY DAMAGE; AMENDING SECTIONS 87-1-226, 87-1-511, AND 87-1-513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. 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 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 rehabilitation services, or charitable institutions shall be

sold as provided in 87-1-511."

Section 2. Section 87-1-511, MCA, is amended to read:

"87-1-511. Sale of confiscated birds and animals. At Except as provided in 87-1-226(1), all birds, animals, fish, heads, hides, teeth, or other parts of any animal seized by any officer or warden or otherwise acquired by a department employee in the scope of his employment shall MAY be sold, under the direction of the director or wardens, at a time, place, and manner so as to receive the highest price. The sale shall be at public auction to the highest and best bidder. The director or his wardens shall publish notice of the time and place of the sale, together with a description of the birds, fish, animals, or parts or portions of animals to be sold, in a newspaper of general circulation published in the county where the sale is to be held. The notice shall be published at least once, and the sale shall not be less than 5 or more than 30 days after the last publication. If the property seized is perishable, it may be sold by those officers without publishing notice of the sale. The property may be sold upon that public notice and under those terms and conditions which in the discretion of the officers seem conducive to securing full value."

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

"87-1-513. Disposition of proceeds of sale. The money obtained upon the sale of such property shall be paid over



1 to the court before whom the person having the same in
2 possession at the time of seizure is prosecuted or in which
3 prosecution is pending; and if the person charged with
4 violation of the law is found guilty before said court of
5 violation of the fish and game laws of the state, the money
6 received for the sale of said property shall be paid over to
7 the state treasurer and be deposited by him to the credit of
8 the fish and game fund; but should it be found that the
9 party from whom the same was taken was not guilty of any
10 violation of the fish and game laws of this state, said
11 money shall be paid to the party from whom said birds,
12 animals, fish, or parts or portions thereof were taken. No
13 officer shall be liable for any damage on account of any
14 search, examination, seizure, or sale as herein provided.
15 Where wild animals, game birds, or fish are seized as in
16 this part provided and the person or persons who killed or
17 captured the same cannot be ascertained or where the animals
18 sold were killed pursuant to 87-1-225, then the money so
19 received from the sale of such animals, game birds, or fish
20 shall be paid direct to the state treasurer. The cost of
21 advertising notice of sale, as herein required, shall be
22 paid from the fish and game fund."

23 NEW SECTION. Section 4. Effective date. This act is
24 effective on passage and approval.

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9 WILD ANIMALS BECAUSE OF PROPERTY DAMAGE; AMENDING SECTIONS
10 87-1-226, 87-1-511, AND 87-1-513, MCA; AND PROVIDING AN
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16 property. (1) The meat of all animals killed or destroyed
17 pursuant to 87-1-225 by the department or the authorized
18 landholder shall be conserved and given to state
19 institutions, school lunch programs, or the department of
20 social and rehabilitation services, or charitable
21 institutions. The department shall provide transportation
22 and distribution of the meat.

23 (2) Any meat not accepted by state institutions,
24 school lunch programs, the department of social and
25 rehabilitation services, or charitable institutions shall be

1 sold as provided in 87-1-511."

2 Section 2. Section 87-1-511, MCA, is amended to read:

3 "87-1-511. Sale of confiscated birds and animals. ~~All~~
4 Except as provided in 87-1-226(1), all birds, animals, fish,
5 heads, hides, teeth, or other parts of any animal seized by
6 any officer or warden or otherwise acquired by a department
7 employee in the scope of his employment shall MAY be sold,
8 under the direction of the director or wardens, at a time,
9 place, and manner so as to receive the highest price. The
10 sale shall be at public auction to the highest and best
11 bidder. The director or his wardens shall publish notice of
12 the time and place of the sale, together with a description
13 of the birds, fish, animals, or parts or portions of animals
14 to be sold, in a newspaper of general circulation published
15 in the county where the sale is to be held. The notice shall
16 be published at least once, and the sale shall not be less
17 than 5 or more than 30 days after the last publication. If
18 the property seized is perishable, it may be sold by those
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