

HOUSE FISH AND GAME COMMITTEE

February 1, 1983

The meeting was called to order by Chairman Les Nilson in room 420 of the Capitol Building at 12:30 p.m., with all members present.

Chairman Nilson opened the meeting to a hearing on House Bills: 377, 402, and 425.

REPRESENTATIVE JAY FABREGA, District 44, Great Falls, said there is a nongame wildlife account in the earmarked revenue account. 17-2-102, the section that addresses all of the earmarked accounts and things like the general fund monies, and university monies. Everything that is earmarked is covered by that section. All money collected under Section 3 must be deposited in the account. Money in the account must be used by the department to provide adequate funding for the protection, preservation, and propagation of nongame wildlife in Montana. The money is available to the department in the same manner as is provided in 87-1-601. This is a general section of finance for fish and game. Money derived from taxpayer contributions in the account is supplemental to any other funding for nongame wildlife management and may not be used to replace money that would otherwise be used or appropriated for nongame wildlife management. At the present time, the program is being funded by a portion of the license being collected from sports licenses for fishing, hunting, etc. We are having one group of citizens that buy a license for one purpose, supporting a program that has nothing to do with the particular license. There is a group of citizens that I am speaking for today, that would like to voluntarily pay a tax to fund this particular endeavor, which is already in the statutes under section 97-5-104, MCA. This section says the department shall conduct investigations for nongame wildlife in order to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine management measures necessary to maintain the ability to sustain themselves successfully. By funding this program, which in fact is already being funded, we are offering a different method of funding. 87-5-105, states the department may from time to time amend such regulations on the approval of the legislature by adding or deleting therefrom, species or subspecies of nongame wildlife. There is no way that you can take an animal that is now classified as nongame and make it an endangered species without a bill approved by the legislature. The second issue of this bill is the checkoff. This is a way for those citizens who would like to contribute to this fund. Other states, such as Colorado, Utah, Idaho, and Kansas, give that option to taxpayers who are interested in the nongame animals in their states. For information concerning this checkoff process, (see exhibit 1). The checkoff is a rational

means by which taxpayers can make an additional tax contribution for a specific purpose. As it stands now, the very wealthy can make a contribution, but the average citizen that can afford \$5 or \$10, cannot do so on a voluntary basis. Unless you have an organized program mechanized for bulk, it's just not feasible for the department to receive checks and try to process them. There has to be an account set off. This account is the first issue of this bill. It allows them to receive those funds and hold them until the next session of the legislature appropriates them. The income tax checkoff is now used in 20 states, so I think it's a legitimate function of government to address the desire of the citizens of the state. I also believe it has a great deal of value as it relates to the tourist industry. A lot of people in other parts of the country are interested in eyewitnessing a bird or animal. It is necessary to determine where those animals exist in Montana and to provide guides for tourists that have a genuine interest in the small creatures of nature.

PROPONENTS

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written testimony to the committee. (see exhibit 2)

JIM RICHARDS, Montana Wildlife Federation, said we feel there is probably a mutual benefit to game and sportsmen. A source of funding is volunteered to enhance a program which already exists, certainly makes sense to us and would be compatible with our goals.

MARTHA HASSEL, Montana Audubon Council, spoke in behalf of Harriet Marble, Montana Audubon Council President. Written copies of her testimony were submitted. (see exhibit 3)

SENATOR BRUCE D. CRIPPEN, Senate District 33, Billings, said this is important for our state. We are the last of the natural frontier. I think we need to strengthen funding for the game program.

JANET ELLIS, Montana Audubon Council, passed out copies of her testimony and submitted additional information concerning non-game wildlife and endangered species. (see exhibits 4 and 5)

CHAROLETTE HENSON, Helena, said I would like to propose a revision so that the checkoff system could also include a checkoff for money to be added to the income tax statement.

BYRON WEBER, said I have turned a lot of kids on to nongame, studying nature, and values associated with this. I can't

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imagine how the State of Montana could turn it's head to these 600 species. We have to deal with this, we are talking about money for basic research. We have to understand what is going on in the state biologically. You can set precedent for legislatures 50 to 100 years from now.

LOUISE BRUCE, Montana Audubon Council, read a letter from Louis Vero, Greenough, MT. (see exhibit 6)

MERLE ROGNRUD, Montana Chapter of The Wildlife Society, submitted written testimony. (see exhibit 7)

LUCI BRIEGER, Montana Conservation Congress, said our group unanimously endorses this bill. I have submitted a list of environmental groups and working people and a summary of the wildlife caucus report. (see exhibit 8) Members from these groups represent a broad base of support for this bill.

RANDY HOFF, University of Montana Student Chapter of The Wildlife Society, supplied the committee with written copies of his testimony. (see exhibit 9)

E. CARROLL SPECK, Whitehall, said I support the nongame bill. I have about 50 wild ducks, 14 to 15 wild geese, and 50 wood ducks. It is one of the things we citizens can do to support nongame animals without direct taxation.

LARRY COPENHAVER, Great Falls went on record in support of House Bill 377.

WILBUR REHMANN, Helena, submitted a written copy of his concerns as a hunter, angler, conservationist, and private landowner. (see exhibit 10)

Other proponents present to state their support of House Bill 377, were Joe Murphy, Missouri River Chapter, Trout Unlimited, Dave Cole, Prickly Pear Sportsman's Association, representing 175 hunters and fishermen. Rep. Jim Jensen, who wished to second everything stated by Senator Crippen.

OPPONENTS

JO BRUNNER, Women Involved in Farm Economics, presented the committee with a packet of information explaining the views of her group in opposition to House Bill 377. (see exhibit 11)

FRANKLIN GROSSFIELD, Big Timber, stood in opposition to the bill and presented written copies of his testimony. (see exhibit 12).

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LORRAINE GILLIES, Montana Farm Bureau, submitted written copies of her testimony. (see exhibit 13)

ED GRADY, Montana Farm Bureau, said I represent landowners. We are the ones that will suffer the burden of this program. We are in this business to make a living. We don't own all of the land in Montana, but a lot of these animals don't stay on public lands all year around. Ranchers and farmers are trying to make a living. We have enough burdens today. There is not anything in this bill to protect us. Nature has been doing a good job until now. Most of these nongame animals aren't creating a problem now, but if you start funding a program to protect them, you will force more problems and expense down the road. This program will take money from other funds.

WILL BROOK, Montana Stockgrowers and Cowbells, Montana Grazing Association, submitted written testimony and an article concerning the addition of fur bearers to the list of nongame animals. (see exhibit 14)

JOE HELLE, Montana Wool Growers Association, said there was a survey taken in 1980 on fish and game matters. The ratio of public opinion concerning nongame was 4 to 1 against the issue. This was a Montana Outdoor Recreation Survey. Mr. Helle submitted for the information of the committee, THE MONTANA OUTDOOR RECREATION SURVEY, and an article entitled "Wold emerging as a nongame controversy". (see exhibit 15)

KEN HOOVESTOL, Montana Snowmobile Association, stated this bill presents a possible means for land closures and for restrictions on outdoor recreation.

JOHN CONORS, Montana Cattlefeeder's Association, presented written comments in opposition to House Bill 377. (see exhibit 16)

Other proponents who wished to go on record as opposing House Bill 377, were Robert Bushnell, Montana Snowmobile Association, All Kingston, Don Alan, Peter Jackson.

Questions from committee. Rep. Jensen asked Joe Helle if the indication that Montanans had responded 4 to 1 against the non-game programs is correct. The response was yes, it is.

Rep. Jensen said on the last page of the document you passed out, it says respondents also opposed by a ratio of about 4 to 1, increased emphasis on, and funding of the nongame wildlife program. Could you tell me the way in which the question was asked, and if in fact it implied state general revenue, license fee revenues, or voluntary checkoff. Mr. Helle replied that

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survey was conducted by the University of Montana for the Fish, Wildlife, and Parks Department.

Rep. Jensen asked Ms. Bruner about her indicated concern over the limitations this bill would place over landowners or other agencies to deal with rabid bats. Are you telling this committee the bill would overrule the responsibility of the Department of Health to control rabid animals? The response was no, I was just using that as an example.

Rep. Jensen said in your testimony, you referred to two sightings of endangered species which you said were false sightings. Can you tell me how you make a determination between a false and a true sighting? Ms. Bruner replied information was released concerning the wolf that was supposedly sighted, and a letter came out from the Bureau of Land Management telling the administrators of the land in that area that the wolves could not be killed or hunted by any manner except through the department. Another letter later stated it had not been an actual sighting.

Rep. Fabrega closed by saying the opponents to this bill aren't against the bill itself, they are against the program in 1973. There is one way to approach this, and that is to repeal those sections. There are thousands of Montanans who would like to have a convenient opportunity to fund this program.

Rep. Devlin asked Mr. Flynn if any of this money would be used for land acquisition. The answer was I guess if the legislature authorized land acquisition we could, but I would strongly suspect that the chances of it being used for this purpose would be remote at best.

The hearing on House Bill 377 was closed at 1:50 p.m.

HOUSE BILL 402

REPRESENTATIVE RALPH EUDAILY, District 100, Missoula, opened by reading the title of the bill, in explanation. "This bill is an act raising the exception age for fishing and for hunting game birds; eleminating the requirement for disabled persons to have a disability certificate from a medical doctor to qualify for license exception; authorizing the Department of Fish, Wildlife, and Parks to determine disability requirements by rule; establishing half-price license fees for youths 12 years through 14 years of age; and lowering the age at which a youth must purchase a license". This bill is an act revising the exception age. I have four grandsons who would fit into this category, and I am a senior citizen. This doesn't seem very detrimental for either group. I have a statement of intent that was prepared for the bill. (see exhibit 17)

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PROPOSERS

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written copies of his testimony to committee members. (see exhibit 18)

OPPOSERS

SENATOR JUDY JACOBSON, Senate District 42, Butte, said in raising the age from 62 to 65, we are creating further confusion. These people can receive other benefits which apply to a senior citizen at the age of 62. The bill, as it was originally written, had the age at 62, and was amended to 65. If you lower the age, it will increase confusion. People who are now 63 or 64 and have been receiving these benefits would be cut off. I don't feel the impact fiscally is severe enough to warrant the kind of criticism we are going to get.

ROBERT VAN DER VERE, Montana State Senior Citizen Organization, said if you gentlemen would look at the fiscal note on this bill, you would notice assumptions down the line. The fiscal impact will be \$41,000. in 1985. I don't know how they can arrive at this schedule. When you buy your conservation license there is no way of telling if you are going to hunt birds or fish, or if you are just going to hunt deer, elk, and antelope. There is no way to come up with this figure. When you buy the conservation license to fish, you are supposed to get a free bird license and fishing license. You don't get any license at all. Not one cent is spent by the department for a license.

Rep. Eudaily closed by stating I think senior citizens who want to hunt and fish can afford the price of a license. I would have no big objection if the committee wants to consider the difference in ages. If the youth want to hunt the whole thing, they will have to pay a little more, but the user should pay for the benefits derived. Kids have the opportunity to use the license just like dad or grandpa. There is no effective date recommended, I would be happy for Mr. Flynn to recommend that.

Questions from committee. Rep. Ellison asked Mr. Flynn what the fiscal impact would be to the department between the ages of 62 and 65. The answer was it would be reduced by \$41,000.

Chairman Nilson asked Mr. Flynn how he would define the rule cited in the statement of intent, which talks about disabled persons as it applies to fishing and hunting. The response was it specifically requires that you have to have a doctor's

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certificate. Some people are certified by the Veterans Administration or any number of other agencies. We would hope to recognize those types of existing disabilities in the rule-making procedure. The effective date should be March 1, 1984, the license year would end the last day of February.

Chairman Nilson closed the hearing on House Bill 402 at 2:15 p.m.

HOUSE BILL 425

REPRESENTATIVE JIM JENSEN, District 25, St. Ignatius, opened by stating this bill is designed to give the Fish and Game Commission a better ability to allow a special season to be opened and closed on little state notice, and allow the director to manage problems that arise on a fast-moving situation.

PROPOSERS

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written testimony to the committee. (see exhibit 19)

MONS TIEGEN, Montana Stockgrowers and Cowbells, said this is a problem that occurs every year at this time. The department could never launch that hunt fast enough for some of those ranchers that are being trampled over by herds of hungry elk.

ED GRADY, Canyon Creek, said I support the bill because of the benefits to landowners.

ROBERT VAN DER VERE, is recorded in support of House Bill 425.

Rep. Jensen closed by saying this is what is meant by efficient management of government. The ability to respond to citizen needs in a timely manner.

Questions from committee.

Rep. Saunders asked Mr. Flynn what is considered to be a special season. The answer was any season that would have to be instituted other than what you would term a regular season.

Rep. Saunders asked Mr. Flynn whether or not the general public would be able to be well informed in this time limit. The reply was there is not really a chance under the current procedure for public notice.

Rep. Saunders said I was referring to the general public knowledge of any special season existing. Mr. Flynn replied we are in personal contact with the hunters, they are generally aware of the seasons.

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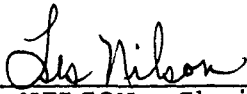
Chairman Nilson closed the hearing on House Bill 425 at 2:25 p.m.

EXECUTIVE SESSION

Rep. Ellison moved House Bill 425, DO PASS, the motion carried unanimoously.

Rep. Jensen moved to direct Dave Cogley, staff attorney, to draft a bill for consideration of the committee for a committee bill to include only eagle feathers, the motion passed unanimously.

Chairman Nilson adjourned the meeting at 2:32 p.m.



LES NILSON, Chairman

Cheryl Fredrickson, secretary



HOUSE *Fish and Game* COMMITTEE

DATE *Feb 1*

SPONSOR J. Jensen

[illegible]

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Fish and Game COMMITTEE

BILL 402

DATE Feb. 1

SPONSOR Endaily

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Tusk and Paine

COMMITTEE

BILL 377DATE Feb. 1SPONSOR Fabrega

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
MERLE ROGNRUD	Helena	Mont. Chap. Wildl. Soc	X	
Brenda Schye	Glasgow	Self		
FIVNIN	HELENA	DEPT FWP	X	
Kerraine Gillies	Philipsburg	Mont. Farm Bureau		X
Ed. G. G. G.	Cheney Creek	Mont. Farm Bureau		X
J. R. R.	Helena	W. I. F. E.		X
Joe Helle	Montana Wool Growers Assn	Dillon, Mont.		X
Luci Brieger	Helena	MT. Conservation Congress	✓	
Janet Ellis	Helena	MT Audubon Council	✓	
Louise Bruce	Helena	MT Audubon Council	✓	
Dave Cole	East Helena	Prickly Pear Sportsmen's Assn.	X	
Jim Rulien	E. Hel	Mont. W. Fed	X	
E. Carroll Spack	Whitehall Box 2048 RR 2	Self	X	
Ken Hooover	Co. Falls	MT. Snowmobile Assn.		X
Bob Culbert	Helena	MT Woolgrowers Assn		X
Bill Asher	Bozeman	APA - FFA - CCA		X
Teri Englund	Helena	Self	X	
Conny B. Dama	Helena	Self	X	
John Carter	Billings	MT. CATTLE FEEDERS ASSN	X	
Charlotte Benson	Helena	Self	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

(over)

AB 377

Glenna Phillips	Kalispell	Mt Logging Assoc - Oppose	
Will Brooke	Helena	grazing dist.	OPPOSE
Wilbur Rehmann	Helena	self	for
Joe Murphy	Helena	Missouri River chapter - Trout Unlimited	For
Robert Bushnell	Helena	Mt Smurthugh Assoc	
Kenneth Morrison	Helena	Dept. of Revenue	
Franklin Grosfield	Big Timber	Ranches	oppose
Teddy Thompson	"	"	<u>oppose</u>
Pat Nichols	Helena	Leot Chance Audubon	FOR
Glenda Bladshaw	"	" " " "	FOR
Sue Jackson	"	" " " "	FOR
Pat Jorgensen	Lambert	Farm	oppose
William E. Clauson	HELENA	SELF	FOR
Kathy Reese	Lambert	Farm	<u>Oppose!</u>
Pat Jorgensen	Lambert	Farm	oppose
Danald Clayton	Helena		
Ray C. ...	67	Upper M. Br. Aud. Soc	For

For the year January 1-December 31, 1982

First Name(s) and Initial(s)		Last Name	Your Social Security Number	Do Not Write in This Space
Home Address (Number and Street or Rural Route)		School District No.	Spouse's Social Security Number	
City, Town or Post Office, and State		Zip Code	County	
YOUR TELEPHONE NUMBER		TELEPHONE NUMBER—The number you furnish will be confidential and should be the one at which you can be reached during our office hours.		
		For Office Use Only		
		#		

Filing Status (Check ONE)

1. ☐ Single
2. ☐ Married filing joint return (Even if only one had income)
3. ☐ Married filing separately. Give spouse's name and social security number _____
4. ☐ Unmarried head of household

Exemptions

- 5a. Number of exemptions on your 1982 federal return _____
- 5b. If line 4 is checked, add one exemption _____
- 5c. Total (Add lines 5a & 5b) ☐

NOTE: YOU MUST ATTACH A COPY OF YOUR FEDERAL RETURN AND SUPPORTING SCHEDULES TO THIS RETURN

INCOME

6. Federal adjusted gross income (Kansas adjusted gross income)

TAX AND CREDIT

7. TAX (Table A, B, C, or D)

8. Kansas income tax withheld (Attach Kansas copies Form W-2)

BALANCE DUE OR REFUND

9. BALANCE DUE (If line 7 is greater than line 8) Interest [Q] _____

Penalty [R] _____

10. REFUND (If line 8 is greater than line 7)

11. KANSAS NON-GAME WILDLIFE IMPROVEMENT PROGRAM. Check if you wish to donate, in addition to your tax liability, () \$1, () \$5, () \$10 or () \$_____ or designate () \$1, () \$5, () \$10 or () \$_____ of your tax refund for this program. If joint return, check if spouse wishes to donate or designate () \$1, () \$5, () \$10 or () \$_____. Enter total on line 11.

[W] Total Wildlife Contribution

I declare under the penalties of perjury that to the best of my knowledge and belief this is a true, correct, and complete return.

For Office Use Only

(Signature of taxpayer)

(Date)

(Signature of preparer other than taxpayer)

(If joint return, BOTH husband and wife must sign even if only one had income.)

(Date)

(Address)

DO YOU WISH TO RECEIVE AN INCOME TAX BOOKLET NEXT YEAR? (SEE INSTRUCTIONS)

☐ Yes ☐ No

MAIL THIS RETURN TO: KANSAS INCOME TAX, TOPEKA, KANSAS 66699

USE KANSAS LAB
Otherwise Print or Type

Attach State Copy of W-2 Here

sign
are

WHO MAY FILE FORM 40A:

Form 40A has been designed for those individuals who have income from salaries, wages, interest, and/or dividends. It is to be used by those individuals who are filing as Kansas residents ONLY.

To assist you in determining if you should file the short form 40A, the following questions have been prepared. If you answer "YES" to any ONE of the questions you must use form 40.

1. Filing Status—	Yes	No
<ul style="list-style-type: none"> ■ If you are filing as single, married filing separately or head of household— <ul style="list-style-type: none"> Is your income more than \$20,000? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you claiming more than 9 exemptions? <input type="checkbox"/> Yes <input type="checkbox"/> No (4 exemptions—single)? <input type="checkbox"/> Yes <input type="checkbox"/> No ■ If you are filing a joint return— <ul style="list-style-type: none"> Is your income more than \$40,000? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you claiming more than 9 exemptions? <input type="checkbox"/> Yes <input type="checkbox"/> No 		
2. Did you file as a qualifying widow(er) on your federal return?	<input type="checkbox"/>	<input type="checkbox"/>
3. Do you have any modifications to your federal adjusted gross income?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will you itemize your deductions?	<input type="checkbox"/>	<input type="checkbox"/>
5. Did you have any income other than salaries and wages, interest and dividends?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will you claim credit for Kansas estimated tax paid?	<input type="checkbox"/>	<input type="checkbox"/>
7. Did you or your spouse earn income in a state other than Kansas?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will you claim any of the following Kansas credits?	<input type="checkbox"/>	<input type="checkbox"/>
Such as: Income taxes paid to other states 337 Liquidation credit Business and job development Solar energy credit Handicapped accessibility Child or dependent care expenses Military retirement credit		
9. Did you use "income averaging" on your federal return?	<input type="checkbox"/>	<input type="checkbox"/>
10. Did you claim any credits against your federal income tax liability?	<input type="checkbox"/>	<input type="checkbox"/>
Such as: Earned income credit Credit for contributions to candidates for public office Credit for the elderly Investment credit Targeted jobs credit Residential energy credit Credit for child and dependent care expenses		

If you answered "No" to all of these questions, you may use the form 40A. But if you answered "Yes" to any ONE of the questions, you must use form 40.

HEADING: If you have received a form booklet with a pre-addressed gummed label, please remove the label from the booklet

cover and place it on form 40A in the space provided. If it is incorrect, please make any necessary corrections directly on the label. If you did not receive a form with a pre-addressed label, please type or print your name, address, social security number, school district number, and county in the spaces provided. Your school district number may be found on the school district list (pages 17 and 18).

LINES 1, 2, 3, AND 4—FILING STATUS: The filing status Kansas is the same as that claimed on the federal income tax return.

LINE 5a-c—EXEMPTIONS: You are entitled to the same number of exemptions as claimed on your federal income tax return. Enter the number of exemptions claimed on your 1982 federal return on line 5a. If you are filing as "Unmarried Head of Household" for Kansas, enter 1 exemption on line 5b. Add lines 5a and 5b and enter the total number of exemptions claimed in the box provided on line 5c.

LINE 6—FEDERAL ADJUSTED GROSS INCOME: Enter on line 6 your federal adjusted gross income reported on your 1982 federal income tax return. This figure is also your Kansas adjusted gross income for use on form 40A. Your tax liability will be based on this figure.

LINE 7—TAX: Enter on line 7 the amount of your tax, determined from the appropriate tax table (Tax Table A, B, C or D).

LINE 8—KANSAS INCOME TAX WITHHELD: Enter on line 8 the total amount of Kansas income tax withheld. Supporting forms W-2's or K-2's must be attached to your return or this credit will not be allowed.

LINE 9—BALANCE DUE: If line 7 is greater than line 8, enter the balance due on line 9.

INTEREST: If you filed your Kansas return after the due date compute the interest at the rate of 1½% per month on the amount of balance due. Enter the amount of interest in the space provided on line 9.

PENALTY: If the return was filed after the due date but within 60 days of the due date, compute the penalty at 10% of the amount of balance due. If the return was filed after 60 days beyond the due date, calculate the penalty at 25% of the amount of the balance due. Enter the amount of penalty in the space provided on line 9. An approved extension of time relieves the taxpayer of the penalty but not the interest. Total the interest, penalty and balance due and enter this amount on line 9.

LINE 10—REFUND: If line 8 is greater than line 7 enter refund on line 10.

LINE 11—TOTAL WILDLIFE CONTRIBUTIONS: Enter on line 11 the total wildlife contribution made by you or you and your spouse. Any refund on line 10 will be reduced by the amount designated for the nongame wildlife improvement program. If your refund claim is decreased upon examination by the Department of Revenue, the wildlife contribution will be reduced by that amount. If your refund is increased upon examination by the Department of Revenue, the total wildlife contribution will remain the same.

You may contribute amounts to the nongame wildlife improvement program in addition to your balance due (line 9), or in addition to your expected refund (line 10). Such additional amount, together with any tax payment, should be remitted by check or money order made payable to "Kansas Income Tax".

Please write your social security number on your check or money order. This will help to insure that your payment is credited to the correct account.

SIGNATURE: You must sign your income tax return. An unsigned return can not be processed. On a joint return, both husband and wife must sign, even if only one has income. A properly signed and completed return requesting a refund is your claim for a refund and further action is necessary. If the return is prepared by someone other than the taxpayer, the return should also be signed by the preparer.

Do you wish to receive an income tax booklet next year? If your return is prepared by a tax practitioner you may not need to receive a tax booklet next year. Many practitioners maintain a supply of tax forms. Please check with your practitioner before you mark the "NO" box. Marking the "NO" box does not relieve the taxpayer of their Kansas income tax filing responsibility.



UTAH RESIDENT LONG FORM INDIVIDUAL INCOME TAX RETURN

UTAH

1982

FORM TC-40

For the year ending December 31, 1982, or other taxable year
beginning _____, 19____, ending _____, 19____*Exhibit 7 HB 377*

Use label, otherwise type or print in black or blue ink	Name (if joint return, give first names and initials of both)		Last Name		Your social security number	
	Present home address (Number and street including apartment number, or rural route)				Spouse's social security number	
	City, town or post office	County	State and ZIP Code	Telephone No.	Occupation	Yours
						Spouse's

Read instructions on page 3 to see if you can use the short form (TC-40S). If you do not qualify to use the short form, you must use this form.

1. FILING STATUS — Check only one A. <input type="checkbox"/> Single, except head of household B. <input type="checkbox"/> Head of Household — Enter qualifying name C. <input type="checkbox"/> Married filing joint return D. <input type="checkbox"/> Married filing separately. Give spouse's social security number in heading above and enter spouse's full name here	2. EXEMPTIONS <table border="1"><thead><tr><th></th><th>Regular</th><th>65 or over</th><th>Blind</th></tr></thead><tbody><tr><td>Yourself</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Spouse</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table> Number of dependent children who lived with you 2B. _____ Number of other dependents 2C. _____ TOTAL EXEMPTIONS CLAIMED 2D. _____		Regular	65 or over	Blind	Yourself	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. ELECTION CAMPAIGN FUND — Check box indicating (1) party to which you wish to make a \$1.00 contribution or, (2) no contribution. Checking box will not increase tax or reduce refund. <table border="1"><thead><tr><th></th><th>Yourself</th><th>Spouse</th></tr></thead><tbody><tr><td>A. American</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>B. Democrat</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>C. Libertarian</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>D. Republican</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>E. No Contribution</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		Yourself	Spouse	A. American	<input type="checkbox"/>	<input type="checkbox"/>	B. Democrat	<input type="checkbox"/>	<input type="checkbox"/>	C. Libertarian	<input type="checkbox"/>	<input type="checkbox"/>	D. Republican	<input type="checkbox"/>	<input type="checkbox"/>	E. No Contribution	<input type="checkbox"/>	<input type="checkbox"/>
	Regular	65 or over	Blind																													
Yourself	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
Spouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
	Yourself	Spouse																														
A. American	<input type="checkbox"/>	<input type="checkbox"/>																														
B. Democrat	<input type="checkbox"/>	<input type="checkbox"/>																														
C. Libertarian	<input type="checkbox"/>	<input type="checkbox"/>																														
D. Republican	<input type="checkbox"/>	<input type="checkbox"/>																														
E. No Contribution	<input type="checkbox"/>	<input type="checkbox"/>																														

4. Federal Return: (Check type of return filed. Attach complete copy with all schedules) ☐ Form 1040 ☐ Form 1040A ☐ 1040 EZ

5. Adjusted Gross Income (from Federal return - see instructions on page 4) 5

6. Deductions: Check type of deduction being used on state return - check only one

- ☐ (A). Itemized Deductions (amount shown on line 28 of Federal Schedule A) or
- ☐ (B). Standard Deduction (for single, married filing jointly and head of household: \$1,300.00 minimum or 15% of line 5 with a \$2,000.00 maximum. For married filing separately: \$650.00 minimum or 15% of line 5, with a \$1,000.00 maximum. Please read instructions for exceptions) 6

7. Exemptions (total exemptions claimed on line 2D times \$750.00) 7

8. Federal Income Tax Determined for the Same Period (see instructions for line 8) 8

9. Interest from U.S. Government Obligations (included in Federal adjusted gross income) 9

10. Retirement Income (complete Schedule B on back of form) 10

11. State Tax Refund (if included as income on Federal return) 11

12. Adoption Expenses and Other Deductions (see instructions; attach explanation) 12

13. Total Exemptions and Deductions (add lines 6 through 12) 13

14. Total Income Less Exemptions and Deductions (line 5 less line 13) 14

15. Add State Income Tax (claimed as an itemized deduction on Federal Schedule A) 15

16. Equitable, Lump Sum and Other Adjustments (see instructions; attach explanation) 16

17. Total Additions (add lines 15 and 16) 17

18. Total Utah Taxable Income (add lines 14 and 17) 18

COMPUTE THE TAX ON AMOUNT ON LINE 18 PER TAX RATE SCHEDULE ON REVERSE OF FORM

19. Utah Income Tax (from Tax Rate Schedules on back of form) 19

20. Credit for Utah Income Tax withheld (attach withholding forms) 20

21. Credit for Income Taxes Paid to Another State (complete Schedule A on back of form) 21

22. Credit for Utah Income Tax Prepaid 22

23. Other Credits (complete Schedule C on back of form) 23

24. Total Credits (add lines 20 through 23) 24

25. Additional Tax Due - If line 19 is larger than 24, subtract line 24 from line 19 and enter balance - PAY THIS AMOUNT 25

26. Refund - If line 24 is larger than line 19, subtract line 19 from line 24 and enter balance 26

27. Utah Nongame Wildlife Fund. I wish to contribute ☐ \$1 ☐ \$5 ☐ \$10 or \$_____ (enter amount), or☐ I do not wish to contribute. Enter contribution amount on line 27 at right 27

28. Net Refund - subtract line 27 from line 26. This amount will be refunded to you. Please allow 90 days for processing 28

Send return and payment to:	UTAH STATE TAX COMMISSION HEBER M. WELLS OFFICE BUILDING SALT LAKE CITY, UTAH 84134	29. Did you file a Utah return for 1981? <input type="checkbox"/> YES <input type="checkbox"/> NO If no, give reason _____	FOR OFFICIAL USE ONLY CODE _____ APPROVAL _____
-----------------------------	---	---	--

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which he has any knowledge.

SIGN
HERE

Your signature _____ Date _____ Preparer's signature (other than taxpayer) _____ Date _____

Spouse's signature (if filing jointly BOTH must sign even if only one had income) _____ Address (and ZIP code) _____ Preparer's Emp. Ident. or Soc. Sec. No. _____

RESIDENT LONG FORM

SCHEDULE A — CREDIT FOR INCOME TAX PAID TO ANOTHER STATE (see instruction for line 21)

1. Federal adjusted gross income (from line 5 of return).....	1			
2. Federal adjusted gross income taxed in State of:	2			
3. Percent that other state gross income bears to total (line 2 divided by line 1, but not over 100%).....	3			%
4. Utah income tax as computed on line 19 page 1	4			
5. Credit limitation (line 4 multiplied by % on line 3)	5			
6. Income tax paid to State of:	6			
7. Credit for income taxes paid to other state: (line 5 or 6, whichever is less)				
Enter here and on line 21, on reverse side	7			

A SIGNED COPY OF THE RETURN FILED WITH THE OTHER STATE(S) MUST BE ATTACHED
BEFORE CREDIT FOR TAXES PAID TO ANOTHER STATE WILL BE ALLOWED

SCHEDULE B — LIST OF RETIREMENT INCOME included in Federal return (see instruction for line 10)

	a. Yourself	b. Spouse
1. Pension & Annuities (show name of employer who contributed to plan) Note: do not include benefits from Utah State Retirement System. See line 6 below.	\$	\$
2. Interest (limited to persons over 65)		
3. Dividends (limited to persons over 65)		
4. Net rental income (limited to persons over 65)		
5. Totals (not to exceed \$4,800 for each person under 65 or \$6,000 for each person 65 or over)		
6. Add benefits from Utah Retirement System Included in Federal Return		
7. Total Retirement Income (line 5 plus 6 for each column) Enter total of columns "a" and "b" on line 10 on front of form	\$	\$

Note: Income from joint ownership must be divided equally between you and your spouse.
However, a pension of one spouse may not be divided between both spouses.

SCHEDULE C — OTHER CREDITS (see instruction for line 23)

1. Mineral Production Withholding Tax Credit (attach forms 675R)	\$
2. Agricultural Off-highway Gas Tax Credit _____ gallons purchased x 11¢	•
3. Agricultural Off-highway Gasohol Tax Credit _____ gallons purchased x 6¢	•
4. Credit for Energy Systems Installation (attach Schedule TC-40E showing energy office approval)	•
5. Credit to Beneficiary of Trust Receiving Accumulation Distribution (attach schedule showing computation, name and residency of trust and Federal Identification Number)	•
6. Total of Other Credits - carry total of lines 1-5 to line 23 on front of return	\$

UTAH TAX RATE SCHEDULES

These schedules (a) and (b) are to be used to determine your income tax from your Utah taxable income

(a) FOR SINGLE TAXPAYER (except head of household) AND
FOR HUSBAND AND WIFE FILING SEPARATE RETURNS:

If the state taxable income is

The tax is

Not over \$750	2¾% of the state taxable income
Over \$750 but not over \$1,500	\$21, plus 3¾% of excess over \$750
Over \$1,500 but not over \$2,250	\$49, plus 4¾% of excess over \$1,500
Over \$2,250 but not over \$3,000	\$84, plus 5¾% of excess over \$2,250
Over \$3,000 but not over \$3,750	\$128, plus 6¾% of excess over \$3,000
Over \$3,750	\$178, plus 7¾% of excess over \$3,750

(b) FOR HUSBAND AND WIFE FILING JOINT RETURN
AND HEAD OF HOUSEHOLD:

If the state taxable income is

The tax is

Not over \$1,500	2¾% of state taxable income
Over \$1,500 but not over \$3,000	\$41, plus 3¾% of excess over \$1,500
Over \$3,000 but not over \$4,500	\$98, plus 4¾% of excess over \$3,000
Over \$4,500 but not over \$6,000	\$169, plus 5¾% of excess over \$4,500
Over \$6,000 but not over \$7,500	\$255, plus 6¾% of excess over \$6,000
Over \$7,500	\$356, plus 7¾% of excess over \$7,500

1981 FORM 104-LONG FORM

COLORADO INDIVIDUAL INCOME TAX RETURN

FOR CALENDAR YEAR 1981 OR FISCAL YEAR ENDING _____

Ex. 1 HB 377

PLACE LABEL HERE	FIRST NAME AND INITIAL		LAST NAME		SOCIAL SECURITY NUMBER	
	YOUR-SELF					
	SPOUSE					
	ADDRESS				SCHOOL DISTRICT NUMBER	
	CITY	STATE	ZIP CODE	COUNTY		

FILING STATUS		①	SINGLE	③	MARRIED FILING COMBINED RETURN	
CHECK ONE		②	MARRIED FILING JOINT RETURN	④	MARRIED FILING ON A SEPARATE FORM	

EXEMPTIONS		(5A)	YOURSELF	65 OR OVER	BLIND	} ENTER NUMBER OF BOXES CHECKED ON 5A AND B ▶	
	(B)	SPOUSE	65 OR OVER	BLIND			

ALWAYS CHECK BLOCK LABELED YOURSELF. CHECK OTHER BLOCKS IF THEY APPLY.

(C) NUMBER OF DEPENDENT CHILDREN AND OTHER DEPENDENTS CLAIMED	(C)	
(D) MENTALLY RETARDED DEPENDENT	(D)	
(6) TOTAL NUMBER OF EXEMPTIONS CLAIMED	(6)	
(7) IF THIS IS A COMBINED RETURN, SHOW NUMBER OF EXEMPTIONS CLAIMED BY: (A) YOURSELF <input type="checkbox"/> (B) SPOUSE <input type="checkbox"/>		

GO TO LINE 8 ON THE BACK OF THE FORM

④2 ADJUSTED GROSS INCOME FROM LINE 28, PAGE 2. IF THIS IS A COMBINED RETURN, SHOW ADJUSTED GROSS INCOME FOR (A) YOURSELF \$ _____, (B) SPOUSE \$ _____, (C) TOTAL ..	■ ④2	\$	
--	------	----	--

TAX				
④3 TAX FROM LINE 41, PAGE 2, OR FROM A TAX TABLE. IF THIS IS A COMBINED RETURN, SHOW TAX FOR (A) YOURSELF \$ _____, (B) SPOUSE \$ _____, (C) TOTAL ..		■ ④3	\$	
④4 CREDIT AGAINST INCOME TAXES FOR 1981 INCOME TAX YEAR, ENTER 16% OF LINE 43		● ④4	\$	
④5 NET NORMAL TAX, LINE 43 MINUS LINE 44		④5	\$	
④6 SURTAX (COMBINED, IF APPLICABLE) FROM THE SURTAX SCHEDULE		● ④6	\$	
④7 TOTAL TAX, ADD LINES 45 AND 46		④7	\$	

CREDITS				
④8 COLORADO INCOME TAX WITHHELD, ATTACH WITHHOLDING FORMS		● ④8	\$	
④9 PROPERTY TAX/RENT/HEAT CREDIT FROM FORM 104 PTC		● ④9	\$	
⑤0 ESTIMATED TAX AND/OR EXTENSION PAYMENTS OR CREDITS		● ⑤0	\$	
⑤1 RESIDENTIAL ENERGY CREDIT OR CREDITS FROM FORM 104 CR		● ⑤1	\$	
⑤2 TOTAL CREDITS, ADD LINE 48 THROUGH 51		⑤2	\$	

REFUND OR BALANCE DUE				
⑤3 IF LINE 52 IS LARGER THAN LINE 47, ENTER AMOUNT COLORADO OWES YOU		⑤3	\$	
⑤4 COLORADO NONGAME WILDLIFE PROGRAM. CHECK IF YOU WISH TO DESIGNATE <input type="checkbox"/> \$1, <input type="checkbox"/> \$5, <input type="checkbox"/> \$10, OR \$ _____ (WRITE IN AMOUNT) OF YOUR TAX REFUND TO THIS PROGRAM. IF THIS IS A JOINT OR COMBINED RETURN, CHECK IF SPOUSE WISHED TO DESIGNATE <input type="checkbox"/> \$1, <input type="checkbox"/> \$5, OR <input type="checkbox"/> \$10, OR \$ _____ (WRITE IN AMOUNT)		● ⑤4	\$	
⑤5 AMOUNT OF OVERPAYMENT (LINE 53 MINUS LINE 54) YOU WISH TO HAVE REFUNDED TO YOU		● ⑤5	\$	
⑤6 IF LINE 47 IS LARGER THAN LINE 52, ENTER THE AMOUNT YOU OWE COLORADO. MAKE CHECK OR MONEY ORDER PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE. INCLUDE PENALTY ● \$ _____ AND INTEREST ● \$ _____, IF APPLICABLE		● ⑤6	\$	
⑤7 AMOUNT OF OVERPAYMENT YOU WISH CREDITED TO 1982 ESTIMATED TAX		● ⑤7	\$	

MAIL TO THE COLORADO DEPARTMENT OF REVENUE 1375 SHERMAN STREET, DENVER, COLORADO 80261		
---	--	--

I DECLARE THIS RETURN TO BE TRUE, CORRECT AND COMPLETE UNDER PENALTY OF PERJURY IN THE SECOND DEGREE

(Your signature)

(Date)

(Spouse's signature, if this is a joint or combined return)

(Date)

(Name of individual or firm preparing return)

(Date)

ATTACH WITHHOLDING FORMS HERE

ATTACH CHECK OR MONEY ORDER HERE

INCOME AND ADJUSTMENTS

A MARRIED COUPLE FILING A COMBINED RETURN MUST COMPLETE ALL THREE COLUMNS. ALL OTHER TAXPAYERS COMPLETE THE "YOURSELF" COLUMN ONLY.

	FEDERAL INCOME	YOURSELF	SPOUSE
⑧ WAGES, SALARIES, TIPS AND OTHER EMPLOYEE COMPENSATION	⑧ \$	\$	\$
⑨ INTEREST AND DIVIDEND INCOME AFTER FEDERAL EXCLUSION	⑨		
⑩ BUSINESS INCOME OR (LOSS)	⑩		
⑪ GAIN OR (LOSS) FROM THE SALE OR EXCHANGE OF PROPERTY	⑪		
⑫ PENSION AND ANNUITY INCOME	⑫		
⑬ RENTS, ROYALTIES, PARTNERSHIPS, ESTATES, TRUSTS, ETC.	⑬		
⑭ FARM INCOME OR (LOSS)	⑭		
⑮ OTHER INCOME, EXPLAIN	⑮		
⑯ TOTAL INCOME, ADD LINES 8 THROUGH 15	⑯ \$	\$	\$
⑰ FEDERAL ADJUSTMENTS (MOVING EXPENSE, ETC.), EXPLAIN	⑰		
⑱ FEDERAL ADJUSTED GROSS INCOME, LINE 16 MINUS LINE 17	⑱ \$	\$	\$

COLORADO MODIFICATIONS

⑲ ADDITIONS (STATE BOND INTEREST, ETC.), ATTACH EXPLANATION	⑲	\$	\$
⑳ TOTAL OF LINES 18 AND 19	⑳	\$	\$
SUBTRACTIONS:			
㉑ UNITED STATES GOVERNMENT INTEREST	㉑	\$	\$
㉒ PENSION/ANNUITY MODIFICATION, STATE SOURCE	㉒		
㉓ INCOME TAX REFUND INCLUDED IN LINE 15	㉓		
㉔ CHILD AND DEPENDENT CARE MODIFICATION	㉔		
㉕ COLORADO INTEREST AND DIVIDEND MODIFICATION	㉕		
㉖ OTHER SUBTRACTIONS, ATTACH EXPLANATION	㉖		
㉗ TOTAL SUBTRACTIONS, ADD LINES 21 THROUGH 26	㉗	\$	\$
㉘ COLORADO ADJUSTED GROSS INCOME, LINE 20 MINUS LINE 27, ENTER HERE AND ON LINE 42 ON THE FRONT OF THE FORM	㉘	\$	\$

TAX COMPUTATION SCHEDULE

COMPLETE LINES 29 THROUGH 41 ONLY IF YOU ARE NOT TAKING YOUR TAX FROM A TAX TABLE.

㉙ ITEMIZED DEDUCTIONS FROM LINE 39 OF SCHEDULE A	㉙	\$	
㉚ LESS STATE AND LOCAL INCOME TAX, LINE 11, SCHEDULE A	㉚		
㉛ COLORADO ITEMIZED DEDUCTIONS, LINE 29 MINUS LINE 30	㉛	\$	\$
㉜ IF DEDUCTIONS ARE NOT ITEMIZED, ENTER COLORADO STANDARD DEDUCTION	㉜		
㉝ FEDERAL INCOME TAX DEDUCTION, ENTER LINE 47, FORM 1040 OR LINE 15a, FORM 1040A. SEE INSTRUCTIONS FOR POSSIBLE ADDITIONAL AMOUNTS TO BE ENTERED	㉝	\$	
㉞ LESS LINE 57, FORM 1040; OR LINE 13c, FORM 1040A	㉞		
㉟ LINE 33 MINUS LINE 34. IF LINE 34 IS LARGER, ENTER ZERO	㉟	\$	
㊱ LESS NONDEDUCTIBLE FEDERAL INCOME TAX	㊱		
㊲ NET FEDERAL INCOME TAX DEDUCTION, LINE 35 MINUS LINE 36	㊲	\$	\$
㊳ NUMBER OF EXEMPTIONS FROM LINE 6 (OR LINE 7) MULTIPLIED BY \$1135	㊳		
㊴ TOTAL OF LINES 31 (OR 32), 37 AND 38	㊴	\$	\$
㊵ COLORADO TAXABLE INCOME, LINE 28 MINUS LINE 39	㊵	\$	\$
㊶ TAX. USE TAX RATE SCHEDULE BELOW. ENTER TAX ON THIS LINE AND ON LINE 43 ON THE FRONT OF THE RETURN	㊶	\$	\$

TAX RATE SCHEDULE

If Your Taxable Income on Line 40 is:		Your Tax is:
Over	But not over	
\$ 0	\$ 1,335	2.5% of Taxable Income
\$ 1,335	\$ 2,670	\$ 33.38 + 3.0% of Excess Over \$ 1,335
\$ 2,670	\$ 4,006	\$ 73.43 + 3.5% of Excess Over \$ 2,670
\$ 4,006	\$ 5,341	\$ 120.19 + 4.0% of Excess Over \$ 4,006
\$ 5,341	\$ 6,676	\$ 173.59 + 4.5% of Excess Over \$ 5,341

If Your Taxable Income on Line 40 is:		Your Tax is:
Over	But not over	
\$ 6,676	\$ 8,011	\$ 233.67 + 5.0% of Excess Over \$ 6,676
\$ 8,011	\$ 9,346	\$ 300.42 + 5.5% of Excess Over \$ 8,011
\$ 9,346	\$ 10,681	\$ 373.85 + 6.0% of Excess Over \$ 9,346
\$ 10,681	\$ 12,017	\$ 453.95 + 6.5% of Excess Over \$ 10,681
\$ 12,017	\$ 13,352	\$ 540.79 + 7.5% of Excess Over \$ 12,017
All over	\$ 13,352	\$ 640.92 + 8.0% of Excess Over \$ 13,352



FORM

40 IDAHO RESIDENT INCOME TAX RETURN

1982

Nonresidents, Part-Year Residents
and certain
Active Duty Military Personnel
USE FORM 43

Amount Remitted

This Space For State Use Only

Ex. 1 HB 377

For the year January 1 - December 31, 1982, or Fiscal Year beginning _____, 1982, ending _____, 1983.

Please
Type
or
Print

NAME (If joint return, give first names and initials of both)

LAST NAME

YOUR SOCIAL SECURITY NUMBER

PRESENT HOME ADDRESS (Number and street, including apartment number, or rural route)

SPOUSE'S SOCIAL SECURITY NUMBER

CITY, TOWN or POST OFFICE, STATE and ZIP CODE

YOUR
OCCUPATIONSPOUSE'S
OCCUPATIONIf you and your tax preparer do not need State income tax forms and instructions mailed to you next year see instructions page 5 and check box ☐ENTER THE NAME AND ADDRESS ON YOUR RETURN FOR 1981. IF NONE FILED, GIVE REASON.
IF YOU HAVE AN OUT-OF-STATE ADDRESS, GIVE THE DATE YOU MOVED FROM IDAHO.SCHOOL DISTRICT IN WHICH YOU RESIDE
(SEE INSTRUCTIONS)

Do Not Write In This Space

A H R F W M

Filing Status

- (Check only ONE box)
- 1 ☐ Single
- 2 ☐ Married filing joint return (even if only one had income)
- 3 ☐ Married filing separately. If spouse is also filing give spouse's social security number in designated space above and enter full name here ▶ _____
- 4 ☐ Unmarried Head of Household. See Federal Instructions to see if you qualify ▶ _____
- 5 ☐ Qualifying widow(er) with dependent child (Year spouse died ▶ 19____). See Federal Instructions.

Exemptions

- 6a Regular ☐ Yourself ☐ Spouse Enter number of boxes checked
- b First names of your dependent children who lived with you Enter Number
- c Number of other dependents (from line 7)
- d TOTAL (add lines 6a, b and c)
- e Age 65 or older ☐ Yourself ☐ Spouse Enter number of boxes checked
- f Blind ☐ Yourself ☐ Spouse
- g TOTAL (add lines 6d, e and f)

PLEASE ATTACH STATE W-2 COPIES HERE

7. OTHER DEPENDENTS

(a) NAME

(b) RELATIONSHIP

(c) MONTHS LIVED IN YOUR HOME, IF BORN OR DIED DURING YEAR, WRITE B or D

(d) DID DEPENDENT HAVE INCOME OF \$1000 OR MORE?

(e) AMOUNT FURNISHED FOR DEPENDENT'S SUPPORT

BY YOU
IF 100% WRITE ALLBY OTHERS
INCLUDING DEPENDENTIDAHO ELECTION CAMPAIGN FUND
I hereby designate \$1 of my Income Tax to the Idaho
Election Campaign Fund (\$2 on Joint Return) as indicated.8. Taxpayer
9. SpouseAMERICAN
1 ☐ 2 ☐DEMOCRATIC
3 ☐ 4 ☐LIBERTARIAN
5 ☐ 6 ☐REPUBLICAN
7 ☐ 8 ☐NO SPECIFIC PARTY
9 ☐ 10 ☐NONE
11 ☐ 12 ☐

Attach Complete Copy of Federal 1040, All Schedules, and Forms W-2

Income - 10. Federal Adjusted Gross Income - Enter amount from Federal Form 1040, Line 32 10

Additions - 11. Federal net operating loss carry-forward included in Line 10

12. Any capital loss carry-forward incurred outside the state before Idaho residency

13. Interest and dividends not taxable under Federal Code (see instructions)

14. Other additions - see instructions and attach explanation

15. TOTAL ADDITIONS. Add Lines 11 through 14

16. Income after additions. Line 10 plus Line 15

Subtractions - 17. Idaho net operating loss carry-forward (losses incurred out of state before Idaho residency was established are not allowed)

18. State income tax refund included in Federal income (not property tax refund)

19. Interest from U.S. government like Series E & H bonds reported as Idaho income

20. Insulation (see instructions)

21. Alternative energy devices (see instructions - enter amount paid below in proper space and enter balance on line 21C)

(a) • \$ _____ X 40% and/or (b) • \$ _____ X 20%, Balance

22. Child Care expense (attach Federal Form 2441)

23. Federal income tax credits for alcohol or gasohol (see instructions)

24. Contributions to State Medical Assistance Account (see instructions)

25. Expenditures for personal care services (see instructions)

26. Deduction for maintaining home for aged (see instructions)

27. Certain retirement annuities and benefits (see instructions)

28. Federal Jobs Credits - WIN Credits (see instructions)

29. Other Subtractions - (see instructions)

30. TOTAL SUBTRACTIONS. Add Line 17 through 29

31. Total IDAHO ADJUSTED INCOME (Line 16 minus Line 30) (Go To Line 32)

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS RETURN, INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE, CORRECT AND COMPLETE. IF PREPARED BY A PERSON OTHER THAN TAXPAYER, HIS DECLARATION IS BASED ON ALL INFORMATION OF WHICH HE HAS ANY KNOWLEDGE.

SIGN
HERE

YOUR SIGNATURE

DATE

SIGNATURE OF PREPARER OTHER THAN TAXPAYER

DATE

SPOUSE'S SIGNATURE (If filing jointly, BOTH must sign even if only one had income)

ADDRESS

32. IDAHO ADJUSTED INCOME (Amount from Line 31)

Tax Computation

- 33a. If you itemize, complete Schedule A (Form 40) Check here ☐ and enter the amount from Schedule A, Line 30. **Caution:** If you have unearned income and can be claimed as a dependent on your parent's return, check here ☐ and see the Instructions. Also see the Instructions if:
- You are married filing a separate return and your spouse itemizes deductions, OR
 - You file Federal Form 4563, OR
 - You are a dual-status alien
- 33b. If you do not itemize, complete worksheet on page 9. Enter the allowable part of your charitable contributions
34. Subtract Line 33a or 33b, whichever applies from Line 32
35. Multiply \$1000 by the total number of exemptions claimed on Line 6g, page 1
36. Subtract Line 35 from Line 34
37. State Income Taxes included under Itemized Deductions, Line 11, Schedule A
38. Net Idaho Taxable Income. Add Line 36 and Line 37. Use the amount on Line 38 to find your tax from the Tax Tables, or to figure your tax from Schedules X, Y or Z. Use Tax Rate Schedules ONLY if Line 38 is more than \$50,000. Otherwise, you MUST USE THE TAX TABLES
39. Tax. Enter tax here and check if from ☐ Tax Tables OR ☐ Tax Rate Schedule

40. Income Taxes paid to other states, see Part I below. (attach copy of other state's return)
41. Political Contributions (see Instructions)
42. Contributions to Educational Institutions (see Instructions)
43. Credit for Production of Ethanol Alcohol (attach Idaho Form 25)
44. Contributions to Youth and Rehabilitation facilities (see Instructions)
45. TOTAL OF LINES 40 thru 44
46. Line 39 minus Line 45, but not less than zero
47. Permanent Building Fund Tax (Read Instructions carefully)
48. TOTAL TAX. LINE 46 PLUS LINE 47
49. I wish to donate ☐ None ☐ \$1 ☐ \$5 ☐ \$10 or \$_____ to the Nongame Wildlife Fund
50. I wish to donate ☐ None ☐ _____ ☐ \$5 ☐ \$10 to the U.S. Olympic Fund. Enter any dollar amount up to \$10, if married filing jointly or up to \$5 for any other filing status
- NOTE: Your donation will either REDUCE the amount of your refund or INCREASE the amount you have to pay
51. Total Tax plus Donations, Line 48 plus Lines 49 and 50

52. Grocery Credit, \$15 per person included on Line 6d, page 1 (Enter Zero if not required to file return. See Instructions)
53. Additional Grocery Credit, \$15 per person, age 65 or older, included on Line 6e, page 1 (Enter Zero if not required to file. See Instructions)
54. Credit for maintaining home for family member aged 65 or over (See Instructions Complete Part II below)
55. Idaho Income Tax Withheld (Attach Form W-2 or 20-W)
56. Tentative payment or Form 51 payment
57. New Jobs Credit. Attach Form 50 (The amount on Line 57 after adding the amount on lines 45, 52, 53 and 54 may not exceed 50% of the amount on Line 39)
58. TOTAL OF LINES 52 THROUGH 57
59. If Line 51 is larger than Line 58, you have a BALANCE TO PAY — Subtract Line 58 from Line 51 and enter here. PAY IN FULL WITH THIS RETURN. Make check or money order payable to Idaho State Tax Commission. A \$10 charge will be made on returned checks
60. If Line 51 is less than Line 58 you have a BALANCE TO BE REFUNDED — Subtract Line 51 from Line 58 and enter here

Part I COMPUTATION OF CREDIT FOR INCOME TAXES PAID ANOTHER STATE OR TERRITORY

NOTE: A copy of the "Other State Return" must accompany this return. See instructions. Complete all lines below.

1. Total Income Adjusted as shown on the other state return
2. Total Income Adjusted as shown on Line 32, Form 40
3. Amount of income being jointly taxed by both Idaho and Other State
4. Line 3 ÷ Line 2 equals _____. Idaho Income Tax as shown on Line 39, _____ x _____ % equals
5. Line 3 ÷ Line 1 equals _____. Net Income Tax as shown on Other States Return _____ x _____ % equals
6. Enter here, and on Line 40, the amount of credit claimed. (See Instructions for Line 40)

Part II CREDIT FOR MAINTAINING A HOME FOR FAMILY MEMBER AGE 65 OR OVER

1. Were you a resident of Idaho for all of the last calendar year? ☐ Yes ☐ No
2. Did you maintain a home for an immediate family member residing in that household during the past calendar year? ☐ Yes ☐ No
3. Did the family member receive more than one-half (½) of his/her support from you? ☐ Yes ☐ No

If you answered "No" to any of the above questions you may not claim the credit. If you marked "Yes" to each of the above questions continue below.

4. List Each Family Member For Whom Claim Is Made	Relationship To Person Filing Return	Date of Birth of Family Member
5. Total amount claimed (\$100 for each qualifying member — not to exceed \$300 for a total of 3 family members). NOTE: No credit is allowed in the name(s) of the person(s) submitting this claim. Enter on Line 54, above		5

Sample tax forms with Nongame Check-offs

Ex. 1 HB 377

Colorado

ATTACH CHECK OR MONEY ORDER HERE

52 TOTAL CREDITS, ADD LINE 48 THROUGH 51	52	\$	
REFUND OR BALANCE DUE			
53 IF LINE 52 IS LARGER THAN LINE 47, ENTER AMOUNT COLORADO OWES YOU	53	\$	
54 COLORADO NONGAME WILDLIFE PROGRAM. CHECK IF YOU WISH TO DESIGNATE <input type="checkbox"/> \$1, <input type="checkbox"/> \$5, <input type="checkbox"/> \$10, OR \$ (WRITE IN AMOUNT) OF YOUR TAX REFUND TO THIS PROGRAM. IF THIS IS A JOINT OR COMBINED RETURN, CHECK IF SPOUSE WISHED TO DESIGNATE <input type="checkbox"/> \$1, <input type="checkbox"/> \$5, OR <input type="checkbox"/> \$10, OR \$ (WRITE IN AMOUNT)	54	\$	
55 AMOUNT OF OVERPAYMENT (LINE 53 MINUS LINE 54) YOU WISH TO HAVE REFUNDED TO YOU	55	\$	
56 IF LINE 47 IS LARGER THAN LINE 52, ENTER THE AMOUNT YOU OWE COLORADO. MAKE CHECK OR MONEY ORDER PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE. INCLUDE PENALTY \$ AND INTEREST \$, IF APPLICABLE	56	\$	
57 AMOUNT OF OVERPAYMENT YOU WISH CREDITED TO 1982 ESTIMATED TAX	57	\$	

MAIL TO THE COLORADO DEPARTMENT OF REVENUE
1375 SHERMAN STREET, DENVER, COLORADO 80261

Utah

19. Utah Income Tax (from Tax Rate Schedules on back of form)	19	
20. Credit for Utah Income Tax withheld (attach withholding forms)	20	
21. Credit for Income Taxes Paid to Another State (complete Schedule A on back of form)	21	
22. Credit for Utah Income Tax Prepaid	22	
23. Other Credits (complete Schedule C on back of form)	23	
24. Total Credits (add lines 20 through 23)	24	
25. Additional Tax Due - If line 19 is larger than 24, subtract line 24 from line 19 and enter balance - PAY THIS AMOUNT	25	
26. Refund - If line 24 is larger than line 19, subtract line 19 from line 24 and enter balance	26	
27. Utah Nongame Wildlife Fund. I wish to contribute <input type="checkbox"/> \$1 <input type="checkbox"/> \$5 <input type="checkbox"/> \$10 or \$ (enter amount), or <input type="checkbox"/> I do not wish to contribute. Enter contribution amount on line 27 at right	27	
28. Net Refund - subtract line 27 from line 26. This amount will be refunded to you. Please allow 90 days for processing	28	
Send return and payment to: UTAH STATE TAX COMMISSION HEBER M. WELLS OFFICE BUILDING	29. Did you file a Utah return for 1981? If no, check reason	<input type="checkbox"/> YES <input type="checkbox"/> NO
		FOR OFFICIAL USE ONLY CODE APPROVAL

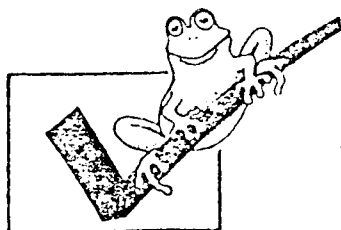
Idaho

44. Contributions to Youth and Rehabilitation facilities (see Instructions)	44	
45. TOTAL OF LINES 40 thru 44	45	
46. Line 39 minus Line 45, but not less than zero	46	
47. Permanent Building Fund Tax (Read Instructions carefully)	47	10 00
48. TOTAL TAX, LINE 46 PLUS LINE 47	48	
49. I wish to donate <input type="checkbox"/> None <input type="checkbox"/> \$1 <input type="checkbox"/> \$5 <input type="checkbox"/> \$10 or \$ to the Nongame Wildlife Fund	49	
50. I wish to donate <input type="checkbox"/> None <input type="checkbox"/> \$5 <input type="checkbox"/> \$10 to the U.S. Olympic Fund. Enter any dollar amount up to \$10, if married filing jointly or up to \$5 for any other filing status NOTE: Your donation will either REDUCE the amount of your refund or INCREASE the amount you have to pay	50	
51. Total Tax plus Donations, Line 48 plus Lines 49 and 50	51	

Kansas

8. BALANCE DUE (If line 7 is greater than line 8) Interest [Q]	Penalty [R]	[S] 9
10. REFUND (If line 8 is greater than line 7)		[T] 10
11. KANSAS NON-GAME WILDLIFE IMPROVEMENT PROGRAM. Check if you wish to donate, in addition to your tax liability () \$1, () \$5, () \$10 or () \$ or designate () \$1, () \$5 () \$10 or () \$ of your tax refund for this program. If joint return, check if spouse wishes to donate or designate () \$1, () \$5, () \$10 or () \$ Enter total on line 11		[W] Total Wildlife Contribution
		For Office Use Only

Illustration by Permission of
New Jersey Nongame Wildlife
Fund



STATE INCOME TAX CHECK-OFF PROGRAMS

FUNDING RESULTS

States with Programs	Year Bill Signed	Tax Year	Totals	Contributors	% of Persons Having Refunds Contributing	Average Contribution
Alabama	1982	----	----	----	----	----
Arizona	1982	----	----	----	----	----
Colorado	1977	1977	350,000	90,000	9.0%	\$3.89
		1978	501,000	118,600	12.0%	4.22
		1979	647,200	129,300	11.9%	5.00
		1980	740,000	139,850	12.7%	5.30
		1981	692,000	124,000	12.4%	5.60
		1981	102,500	22,000	----	4.43
Idaho *	1981	----	----	----	----	----
Indiana	1982	----	----	----	----	----
Iowa	1982	----	----	----	----	----
Kansas	1980	1980	128,788	21,786	3.6%	4.87
		1981	130,193	----	----	----
Kentucky	1980	1980	85,619	13,611	1.2%	6.29
		1981	80,000	11,038	1.3%	7.20
Louisiana	1981	1981	344,198	35,858	2.5%	10.42
Minnesota	1980	1980	569,277	170,177	9.8%	3.39
		1981	624,899	195,503	11.4%	3.20
New Jersey	1981	1981	403,000	100,000	4.8%	4.05
New Mexico	1981	1981	256,000	24,000	4.6%	10.68
New York	1982	----	----	----	----	----
Oklahoma	1981	----	----	----	----	----
Oregon	1979	1979	347,000	94,848	11.5%	3.42
		1980	359,981	97,803	11.1%	3.68
		1981	272,152	65,916	8.1%	4.13
Pennsylvania	1982	----	----	----	----	----
South Carolina	1981	1981	100,000	20,500	2.0%	4.85
Utah	1980	1980	216,594	55,366	16.0%	3.91
		1981	204,726	47,942	14.1%	4.27
Virginia	1981	1981	371,000	61,692	3.4%	5.92
West Virginia	1981	1981	164,649	37,340	7.9%	4.41

*Idaho estimates that 6% of the taxpayers contributed to their nongame wildlife program in its first year.

SURVEY OF STATE NONGAME WILDLIFE
PROGRAMS

Ex. 1 HB 377

49 states now have nongame wildlife programs

<u>Funding Source</u>	<u>Example of State with this Method</u>
Hunting and Fishing License Fees	Montana Wyoming
Sales Tax (1/8 of 1% sales tax)	Missouri
Personalized auto tags	Washington
Shoulder patches	Only Pennsylvania tried this method--they now use an income tax check-off
T-shirt Sales	Michigan uses this in conjunction with hunting and fishing license fees
General Funds	Nebraska Nevada New Jersey used this method initially but now uses the tax check-off method
Wildlife (Nongame) Stamps	Colorado, Pennsylvania and Montana have all tried this method--it failed in each state due to inconvenience. Colorado and Penn. now use an income tax check-off.
Income tax check-off	now used in 20 states (see attached sheets)

DEPARTMENT OF REVENUE

State Capitol Annex
1375 Sherman Street
Denver, Colorado 80261



November 29, 1982

Harriet Marble, President
Montana Audubon Council
P. O. Box 649
Chester, Montana 59522

Dear Ms. Marble:

Mr. James Phelps has requested we contact you concerning the participation by taxpayers in the nongame wildlife check-off and the costs to the Colorado Department of Revenue of operating the program.

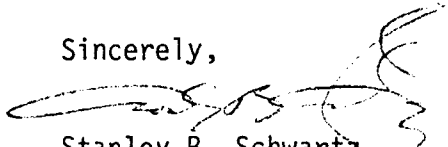
We have not made any specific studies concerning the administrative costs of the wildlife check-off since it is integrated into the overall income tax processing and since no additional personnel have been added as a result of this program.

On an allocated cost basis, it is doubtful that overall administrative costs would exceed several thousand dollars. For example, during the past fiscal year the department processed 126,881 returns with a wildlife check-off amount. Recording an accounting code and the dollar amount represents four data entry keystrokes per return. At an average keystroke rate of 5,000 per hour and an average hourly wage of \$5.87 per hour, the data entry costs would be \$596. Only 571 returns required accounting adjustments largely as a result of taxpayers entering their entire refund on the check-off line instead of the refund line.

There are two factors which contribute to low administrative costs. One is to allow the taxpayers to donate any amount of their refund to the wildlife fund and the second is to accept payments with returns from taxpayers without refunds by treating these payments as overpayments to be credited to the fund.

Enclosed is a summary of the nongame wildlife check-off participation along with a copy of our income tax return. Please advise if you need additional information.

Sincerely,


Stanley B. Schwartz
Chief, Research and Statistics



Ex. 1 HB 377

THE STATE OF UTAH

STATE TAX COMMISSION

SALT LAKE CITY, UTAH 84134

IN REPLY REFER TO:

January 21, 1983

Montana Audubon Council
Box 464
Helena, MT. 59624

Attn: Ms. Louise Bruce

Dear Ms. Bruce:

This is in reply to your questions regarding the Utah non game wild life check-off system.

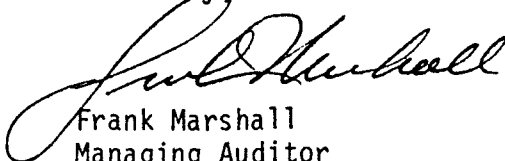
The Utah Tax Commission has administered this fund for three years. The system has turned out to be very simple, with very little cost involved. Most of the work is handled by the computer.

The only costs that have been involved are the cost of printing an extra line on the return, the costs of a small program change on the computer, the key punch expense and the cost of making a monthly journal entry. The costs are so small that we have not even tried to break them out of our normal processing costs.

We have collected \$207,649.83 for 1981 with 48,619 returns checking off a contribution.

I have enclosed a copy of our three 1982 Utah income tax returns as you requested.

Sincerely,



Frank Marshall
Managing Auditor
Income Tax

FM:lh
Enclosures - 3

HB 377

Testimony presented by Jim Flynn, Department of Fish, Wildlife, & Parks

February 1, 1983

I appear today in support of HB 377.

The Department of Fish, Wildlife, & Parks has the statutory responsibility for the management of nongame species in Montana. These obligations and authorities are found in Sections 87-5-101 through 87-5-112, M.C.A. and include:

1. The Department shall conduct ongoing investigations of nongame wildlife.
2. The Department shall issue regulations deemed necessary to manage certain nongame species.
3. The Director shall establish such programs as are deemed necessary for the management of nongame wildlife.

In implementing these charges as well as the others the Department has proposed a budget of \$49,000.00 for this fiscal year. This funds one full time nongame wildlife biologist as well as a part time position part of the year and the accompanying support for clerical assistance, travel, per diem, etc.

Priorities for the nongame effort are identified in a variety of ways. Concerns expressed by the public, deliberate discussions at all levels within the Department, the fact that some species continually turn up in planning documents and Environmental Impact Statements, and federal land managers using indicator species all have an impact upon the program's scope.

A 1975 evaluation of nongame species resulted in a numerical ranking based on biological security, public appeal and on the economic and ecological impact from an increase in a species numbers. This exercise resulted in a list of species of special interest or concern.

In addition the Legislature has given the Department the authority and responsibility to initiate management programs, rules and regulations for species which have been declared to be "in need of management". It is important to note that at this time additions to or deletion from this list must be approved by the Legislature. At the present time, no species is felt to be "in need of management".

The foregoing is a process now on the books and ongoing. The measure before you addresses the funding of that process. We feel this is an important aspect for even though the laws have been with us for some time, funding for the program has not been forthcoming. As a result we have been forced to rely on funding sources which have traditionally been reserved for game species. These include license fees as well as Pitman-Robertson funds derived from excise taxes on firearms and ammunition.

The reactions to our general license fee increase serve as a stimulus to search out those programs which should be supported by other funding sources. The "user pay concept" must be invoked. At the present time there is no way for nonhunters to help pay for the program of which they are the chief beneficiaries.

The fiscal note for HB 377 indicates an income of \$100,000 to \$180,000 from the checkoff system. These figures are arrived at by using the experience of states like Colorado and Oregon. It is probable that these estimates are high and that a more viable figure would be less than \$100,000. This lower figure is based on the comparisons of Montana's rural state to the more urban states of Oregon and Colorado.

If the Department were to receive more funding we would not anticipate adding more staff to our existing personnel. We would expand our operations into the following areas:

1. Development of a centralized data system to record status and distribution of nongame species.
2. Accelerate our schedule of nongame inventories on our Wildlife Management Areas.
3. Conduct nongame research projects in the University System through our stipend program.
4. Conduct status determining investigations of selected species such as ospreys or groups of species such as shore birds.
5. Conduct research with the Department of Agriculture on environmentally safe methods of vertebrate pest control.

In summary, there is a need for nongame activities to be funded by nonhunting license dollars. At the same time there is a need and a statutory responsibility to conduct a program. It would seem that HB 377 would address both needs.



Montana Audubon Council

P.O. Box 649, Chester, Montana 59522

February 1, 1983

Mr. Chairman and Members of the Committee,

This letter is written to support House Bill 377, the nongame funding bill. I am not able to be at this hearing personally, but I wish to have my comments heard.

By now you are more accustomed to citizens opposing further taxation, but we are here today to request that a voluntary levy be established for purposes of great interest to many Montanans. I am referring to HB 377 which would provide a voluntary means of raising funds for Montana's Nongame Program.

I am President of the Montana Audubon Council which has eight chapters and 2400 members in Montana. I also served on the Montana Nongame Advisory Board and became quite familiar with all the various methods by which nongame programs could be and have been funded in the other 50 states. To date 20 states have adopted the voluntary check-off method and it is by far the most common way to fund nongame programs in other states.

Montana has now had the nongame program for 10 years funded by only sportsmen's dollars. We think it is time that hikers, birdwatchers, campers, outdoor photographers and other interested persons contribute to the wildlife resource program in Montana. The voluntary check-off would provide money to the nongame program from these nonhunters who enjoy and use the outdoor resource as much as sportsmen.

The program has been successful in other states and there is no reason that it can't be equally successful in Montana. The Montana Audubon Council would greatly appreciate a "do pass" recommendation from this committee.

Thank you.

Sincerely,

Harriet Marble

Harriet Marble
Montana Audubon Council President

Montana Audubon Council ^{Exhibit 4}

Testimony in support of HB 377

My name is Janet Ellis and I'm speaking in behalf of the Montana Audubon Council in support of HB 377.

The first thing I'd like to discuss is the information sheet I'm passing around that identifies what is and what is not nongame. (SEE ATTACHED SHEET).

The second thing that I'd like to do today is sell a product-- and that product is the nongame program. With over 600 nongame animals in Montana, the current program has worked with only a handful of animals. I wish to discuss in detail some examples of ways the nongame program can benefit Montanans.

1) Our current nongame program has noted that populations of Western Bluebirds in this state have declined in the last 2 decades. ~~because of nesting problems.~~
~~because of nesting problems.~~
An effective management technique that has helped bluebirds in Montana and other states is setting up nesting boxes for them to nest in. Without information on how to build a bluebird box, where to place it and how to take care of it, the program would be ineffective. Bluebird boxes are a simple and effective management tool for helping bluebird populations.

I emphasize the word "management" here because it is a confusing word when talking about nongame animals. The legal definition on "management" in the Montana Nongame and Endangered Species Act is different then the "management" used to discuss what is currently going on with bluebirds. With bluebirds, the word is used to describe a positive tool for helping out these birds. The legal definition, as dicussed by Jim Flynn, gives the Department the authority to make regulations concerning nongame. Before these animals can have such regulations passed for them, however, the Montana Legislature must reclassify these animals from a "nongame animals" to a "nongame animal in need of mangement." I want you to understand that the Department can help animals without this reclassification: but only through education of the public--a tool that is not ~~unsafe~~ dangerous.

2) The second program idea I will discuss is how nongame money can be used to benefit agriculture. Nongame research can,

Ex. 4 HB
377

specifically, be used to find out better ways to control vertebrate pests. I want to specifically talk about how one such program has helped in the control of pocket gophers.

The pocket gopher is a nongame animal that tunnels underground. The problems it causes the agriculture industry begin with broken legs of cattle and horses from stepping in concealed burrows to problem with grain crops, because, as the pocket gopher burrows, it cuts the roots of the plants that are in its path. A large number of pocket gophers can cause significant problems.

Research found a weakness of pocket gophers: they are very territorial and don't like other gophers entering their home base.

And with that knowledge, the burrow-building machine was designed. This machine builds tunnels in the ground intersecting with pocket gopher burrows. The machine then puts down poison bait at regular intervals in these "false" burrows for the pocket gopher to eat. Because the pocket gopher doesn't like intruders, he follows the "false" burrow to find out who is there and ~~xxxx~~ ultimately consumes the poison bait.

The Montana Department of Agriculture currently recommends the use of burrow-building machines to ranchers with significant problems with these animals. This machine is economical and efficient. It is important too because the pocket gopher is the only animal that is likely to consume the poison bait. Without nongame research on this animal this information would not have been discovered.

There are many other ways that the nongame program can benefit Montana that would benefit school children, the visiting tourist and other interested persons. The nongame program has endless possibilities. It is a positive program, with enough restrictions in the present law, to benefit all Montanans.

WHAT IS A NONGAME ANIMAL ?

These animals are not nongame

Game*

Elk
Ducks
Geese
Trout
Bear
Deer

Furbearers

Mink
Marten
Fisher
Otter
Bobcat
Canada Lynx
Beaver
Northern Swift Fox
Wolverine

Predators

Coyotes
Skunks
Weasils
Civet Cats

Endangered Species

Whooping Crane
Black-footed Ferret
Timber Wolf
Peregrine Falcon

These animals are nongame

Nongame*

White Pelican
Pika
Grasshopper Mouse**
Raccoon
Masked Shrew
Snowshoe Hare**
Bison
Big Brown Bat
Western Big-eared Bat
Woodpeckers
Black-tailed Prairie Dog**
Sagebrush Lizard
Golden Eagle***
Western Toad
Yellow Perch
Pumpkinseed
Osprey
Great Blue Heron
Western Meadowlark
Flying Squirrel
White-tailed Cottontail
Least Chipmunk
Sagebrush Vole
Great Horned Owl***
Painted Turtle

*These are not complete lists of animals--they are only examples.

**The Department of Livestock controls these animals when they become pests under 81-1-401 MCA.

***These animals can be destroyed if they destroy livestock or poultry under 87-5-209 MCA.

January 28, 1983

Representative Les Nilson
House Fish and Game Committee
Capitol Building
Helena, MT 59620

RECEIVED
FEB - 1 - 1983
MONTANA

Dear Representative Nilson,

I am chairman of the Montana Rodent Damage Control Council. The council was organized in 1980 to deal with a ground squirrel problem that we have in western Montana. Membership includes landowners and county government officials from 12 western Montana counties.

In 1979, the first year the counties conducted an organized rodent control program, a lot of concern was expressed by the general public that the control methods may have an adverse effect on the environment. To resolve this the council has involved the various conservation groups, the Fish, Wildlife and Parks Department, the University of Montana Cooperative Wildlife Research Unit, and the Montana Department of Agriculture which is responsible for the rodent program at the state level. This process has enabled us to develop a good working relationship with these groups and at the same time address an economic problem for the landowners and the environmental concerns of the public.

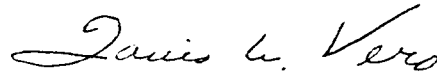
The council discussed at its meeting last December the proposed non-game legislation which is being introduced as House Bill 377. The council went on record with two major points regarding this legislation.

1. We have been assured by the Audubon Society and other conservation groups and the Montana Fish, Wildlife and Parks Department that House Bill 377 will not interfere with the rodent control programs being conducted by the counties and the Montana Department of Agriculture.
2. The non-game program could provide a source of research dollars that would enable us to develop an integrated pest management approach to our rodent control problems. Field rodent research is desperately needed to provide new control methods that will help the landowners and at the same time prevent non-target damage.

Ex. 6 HB 377

The Montana Rodent Damage Control Council looks forward to a continued good working relationship with the groups involved with rodent control and vertebrate pest management and urges your consideration for this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Louis Vero".

Louis Vero
E/L Ranch
Box 24
Greenough, MT 59836

cc: House Fish & Game Committee Members
Audubon Society
Montana Wildlife Federation
Defenders of Wildlife
Montana Department of Agriculture
Montana Fish, Wildlife and Parks Department

WITNESS STATEMENT

Name VERLE ROGNRUD Committee On Fish & Game
 Address 2205 8th Helena Date 2-1-83
 Representing Mont. Chapt. Wild Soc. Support X
 Bill No. 377 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. There are 435 vertebrate nongame wildlife species and more invertebrate ^{species} in Montana, needing management.
2. The 1973 ^{Montana} legislation - Nongame and Endangered Species Act, makes it policy to manage nongame wildlife for human enjoyment, scientific purposes and to insure perpetuation as members of ecosystems.
3. but funds have not been appropriated.
 The Dept. Fish Wildlife & Parks carries out minimal investigations with hunting & fishing license fees & matching federal aid funds but other funding is needed.
4. H.B. 377 proposes a state income tax check off system for taxpayers to voluntarily contribute to nongame management if they wish and 20 other states presently use the system.

The Montana Chapter Council of the Wildlife Society endorses this concept of funding the nongame program in Montana.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Re: H.B. 377

2205 8th Avenue
Helena, Montana
February 1, 1983

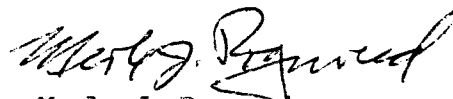
Les Nilson, Chairman
Fish And Game Committee
House of Representatives
State Capitol
Helena, Montana

Dear Mr. Nilson and Members of The Committee:

I wish to present a statement from the Montana Chapter of The Wildlife Society in support of H B 377, The Nongame Wildlife Funding Bill.

Thank you for your consideration of this statement at the Fish and Committee hearing February 1, 1983.

Sincerely yours,



Merle J. Rognrud,
Legislative Committee
Montana Chapter
The Wildlife Society

Attachment: Statement supporting H B 377

STATEMENT
OF
THE WILDLIFE SOCIETY, MONTANA CHAPTER
ON THE NONGAME WILDLIFE FUNDING BILL (HB 377)

Ex. 7

TO THE HOUSE FISH AND GAME COMMITTEE, FEBRUARY 1, 1983

The Chapter Council, acting as the governing body of the Montana Chapter submits the following statement, supporting H.B. 377, Nongame Funding Bill.

WHEREAS, The Montana Chapter of the Wildlife Society is a nonprofit organization of professional wildlife biologists and others dedicated to preserving Montana's wildlife resources and their habitats;

WHEREAS, this Chapter further recognizes that people, as well as wildlife are dependent on their environment and believes that wildlife in its many forms is basic to the maintenance of a quality life for all Montanans;

WHEREAS, there are 435 vertebrate species of nongame wildlife in Montana and many additional invertebrate wildlife species, all of which are members of ecosystems in the state; and

WHEREAS, the 1973 Montana Nongame and Endangered Species Act declares that it is the policy of the State to manage nongame wildlife for human enjoyment, for scientific purposes, and to insure their perpetuation as members of ecosystems, and

WHEREAS, this Act requires the Department of Fish, Wildlife, and Parks shall conduct ongoing investigations of nongame wildlife and shall issue regulations deemed necessary to manage certain nongame wildlife; and

WHEREAS, the legislature has not yet appropriated funds to implement the Act and the current nongame program is funded by hunting and fishing license fees matched with Federal Aid money; and

WHEREAS, The Federal Endangered Species Act and the Federal Fish and Wildlife Conservation Act authorize programs of which the latter is not funded and these programs affect, or could affect species of nongame wildlife in Montana, and the State nongame program needs funding from sources other than hunting and fishing license fees and 20 states presently use the income tax check-off system,

NOW THEREFORE, be it resolved that the Montana Chapter of the Wildlife Society endorses the concept of funding the nongame program of the State of Montana through a voluntary check-off box on the Montana State Income Tax Form to accept donations from State taxpayers who wish to contribute to the nongame wildlife program.

Conservation Groups in Support of HB 377

2-1-83
Exhibit 8
Lucienne Brieger

Alliance for a Nuclear-Free Montana
Alternative Energy Resource Organization
American Fisheries Society
Cabinet Resource Group
Citizens for an MX-Free Montana
Canyon Coalition
Common Cause
Defenders of Wildlife
Elkhorn Citizens Organization
Five Valleys Audubon
Flathead EIC
Flathead Audubon
Flathead Resource Organization
Great Bear Foundation
Headwaters Alliance
Institute of the Rockies
Last Chance Audubon
League of Women Voters
Madison-Gallatin Alliance
Missouri Breaks Protective Association
MEIC
MT Wilderness Association
MT Wildlife Federation
MontPIRG
Nature Conservancy
North Fork Preservation Association
Northwest Citizens for Wilderness
Northern Rockies Action Group
Pintlar Audubon
Rocky Mountain Front Advisory Council
Sierra Club--Yellowstone Valley group
Sierra Club--Last Chance group
Sierra Club--Bitterroot group
Solar Energy Industry Association
Trout Unlimited--West Slope Chapter
Upper Missouri Breaks Audubon
Western Sanders County Involved Citizens
Wildlands and Resources Association
Wilderness Society
Wildlife Society--UM Group
Yellowstone Valley Audubon
Bozeman EIC

Submitted by Luci Brieger, representative of the Montana Conservation Congress

Additional Comments:

Cons. Congress met in Sept. 1982, discussed the issue and a prepared "working paper", and unanimously endorsed the ongoing wildlife funding proposal. Members of the conservation organizations are from all walks of life - agriculture, industry, education, and etc.

White Paper on Non-Game Wildlife

Introduction-Problem Statement

Montana law provides for the management of the State's non-game wildlife. This management responsibility has been placed in the hands of the Mt. Dept. of Fish Wildlife and Parks. However, over the years since the program was established, funding has steadily deteriorated. The Department, not having an earmarked source of funds for this program, as it does for its game programs, has chosen not to seek other major funding sources. So the non-game program hangs on by a slender thread. The greatest reason for supporting a non-game program with adequate funding is that the state could establish a positive rather than a reactive program. With adequate funds a program which seeks out those species which are not presently threatened or endangered and seeks to improve the population is a possibility. At present, a species is threatened or endangered before steps are taken to improve its habitat and thereby increase numbers in the population. Usually, by the time a species is in the shape that it needs to be classified as threatened or endangered, it is just about too late to take corrective measures. Also, because not enough money is spent in learning about non-game species, they can be classified incorrectly as endangered or threatened. Such was the case with the snail darter in Tennessee. This particular case an endangered species stopped construction of a dam, and caused a "black eye" for the endangered species act. The small fish, after further research, was found to be relatively abundant in streams in the region. With adequate funding to begin with, the whole controversy would not have existed. The non-game program could provide an organized means of support for research which is necessary in Montana to provide an understanding of what needs to be managed and how that management can proceed so that non-game species do not become threatened or endangered because of neglect.

well studied

Many people throughout Montana spend thousands of hours gathering information on our non-game wildlife. We need a focus for these volunteers so that their efforts won't be wasted. A non-game program in DFWP could serve as the focus, both for compilation of data and for its dissemination.

Environmental impact statements being written under MEPA or MESA or other statutes require an assessment of a development's impacts on all of the natural environment. Information on game species is readily available throughout the state and can be used easily and cheaply. No such information source exists for non-game species. Since non-game has had relatively little research done on it, it becomes necessary to do research on each project. This method of doing non-game research on a piecemeal basis is extremely costly and inefficient.

WILDLIFE CAUCUS REPORT
1982 CONSERVATION CONGRESS

NON-GAME WILDLIFE

Much concern was expressed in the caucus about the lack of efforts in Montana to promote non-game wildlife. The Montana Department of Fish, Wildlife and Parks is authorized to provide for management of the non-game wildlife but the Department has been reluctant to budget funds for the program because FWP funding primarily is derived from sportsmen's fees.

In order to promote a positive, rather than reactive, program a diversified source of funding for FWP is necessary to allow the Department to fund a non-game program from sources other than sportsmen's license fees. A state income tax check-off appears to be one feasible source of diversified funding for FWP.

Past attempts to pass such legislation were thwarted when the non-game check-off bills became tied up in bogus issues such as promoting coyote and prairie dog protection, or by legislative maneuvering which prevented the bills from reaching the floor of the House. Also, past legislative efforts lacked broad-based support and the Montana Audubon Council became virtually the only advocate.

Broadening the scope of a bill to seek funding for wildlife habitat or habitat improvement may increase the political acceptance of such legislation. Habitat improvement would be more inclusive than just non-game and could be supported by sportsmen, might lessen the opportunity for misinformation which plays on the fears of landowners. In addition members of the caucus recognized that efforts to enhance non-game wildlife and game are mutually beneficial.

The Wildlife Caucus recommended the following actions to promote funding for non-game wildlife:

1. Request the Governor to appoint an Advisory Council for Non-game Wildlife. The Advisory Council would comprise members from conservation, sportsmen, agricultural and resource development organizations. The Advisory Council would have two primary roles: (a) prior to the Legislative session it would prepare legislation that would be acceptable to all the interest groups, and (b) after the session it would have an oversight role to advise the FWP on appropriate expenditure of the funds.

A further benefit of an Advisory Council would be to create a broader base of advocacy for diversified funding.

2. Support efforts to form a private Natural Heritage program aimed at identifying and acquiring lands which are key to protecting non-game wildlife.

Since the Conservation Congress, Jim Phelps of the Montana Audubon Council and Ken Frazier of the Montana Wildlife

Federation met with Governor Schwinden in Billings to pursue the formation of an Advisory Council and to seek the Governor's support for non-game legislation. Jim Phelps has followed up that meeting by writing a letter to Governor advocating a non-game program and an income tax check-off.

Contact persons for non-game wildlife:

Janet Ellis, Montana Audubon Council

Jim Richard, Montana Wildlife Federation

MONTANA CONSERVATION STRATEGY

Participants in the Wildlife Caucus recognized that present and past efforts to achieve specific conservation objectives often fail because: (1) no unified or coordinated conservation strategy exists, (2) no framework exists within which conservation issues may be addressed through planning and direction. In addition, all of our efforts to promote single or local issues will become overshadowed by national and international problems such as population growth, loss of agricultural lands, acid rain, loss of species diversity, poor nutrition and energy needs.

The Wildlife Caucus recommended:

1. That the development of a consolidated, unified Montana Conservation Strategy be adopted as the focus of the 1983 Conservation Congress.
2. That Montana commit to implementing a conservation format patterned after the World Conservation Strategy.

The Conservation Congress acted on the recommendation of the Wildlife Caucus by adopting a resolution to focus the 1983 Congress around the development of a Montana Conservation Strategy.

Contact person for a Montana Conservation Strategy:

Charles Jonkel, U of Montana

Caucus Participants included:

Georgia Frazier, Yellowstone Valley Aud
 Jim Posewitz, DFWP
 Larry Thompson, Aud
 Harriet Marble, Upper Mo Brks Aud
 Janet Ellis, Aud
 Pat Nichols, Aud
 Charles Jonkel, Great Bear Fdn
 Rob Bennetts, Wildlife Soc
 Tom Morrell, "
 Sharon Willows, Canyon Coalition
 Carley McCaulay, Wildlands and Resources
 Jim Richard, MWF

UNIVERSITY OF MONTANA WILDLIFE SOCIETY

Exhibit 9

TESTIMONY IN SUPPORT OF HOUSE BILL 337

Mr. Chairman and members of the Committee:

My name is Randy Hohf and I am speaking on behalf of the University of Montana Student Chapter of the Wildlife Society. The Wildlife Society is a national organization of wildlife biologists dedicated to professionalism in the field of wildlife biology. The student chapter at U. of M. consist of about sixty-five members.

Since I am here to represent biologists, I would like to propose some biological reasons for funding the non-game program.

First, I would like to mention just a few examples of direct benefits to non-game wildlife that could occur if the program is properly funded:

- 1) Placement of nesting boxes for Western bluebirds and other songbirds
- 2) Placement of nesting platforms for Ospreys
- 3) Enhancement of wetlands to benefit shore birds such as sandhill cranes, white pelicans, and great blue herons
- 4) Planting of winter shelterbelts for owls and songbirds
- 5) Identification of food habits of burrowing owls in order to understand their requirements for existing in Montana
- 6) Performance of inventories of these and other species in order to address their long-term management needs
- 7) Identification of indicator species which allow managers to monitor the condition of the physical environment.

Secondly, I would like to talk briefly about endangered species. By providing a data base through inventories of non-game wildlife populations in Montana, we could prevent species from becoming endangered by determining their status and requirements before population levels become dangerously low. We could also prevent species from being placed on the Endangered Species List just because we think they are endangered, when in fact they may not be.

Finally, and most importantly, there is the necessity of preserving nature's ecological balance. Every species plays a specific role in keeping the environment in balance. For example, raptors prey on rodents, and the removal of these birds from the system may allow rodent populations to increase, possibly to the point where they cause crop damage. Woodpeckers and other insectivorous birds help to control populations of forest damaging insects such as spruce budworm and mountain pine beetle.

It is much easier and cheaper to prevent an upset in the balance of the natural world than to try and restore equilibrium after it has been destroyed. The famous wildlife manager and conservationist Aldo Leopold once said:

"To keep every cog and wheel is the first precaution in intelligent management." As professional and future professional wildlife biologists, the members of the U. of M. Wildlife Society urge this committee to support "intelligent management" by funding the non-game program through the tax check-off system. If you have any questions, I will be happy to answer them. Thank you very much.

Good Afternoon Mr Chairman and members of the committee, my name is Wilbur Lehman and I represent myself as a hunter, angler conservationist and private landowner. I speak in support of HB 377 the Non-Game Wildlife Fund Bill. Not in sure you are already aware this bill will change in any way the exist'g authority of State government and the Dept of Fish Wildlife & Parks, this bill merely provides a new source for the current non-game program instead of hunting & 6 licenses fees.

As a hunter I don't mind my fees being used to carry out this program but I would like to see other taxpayers who care about wildlife but may not hunt share in providing funds for this program. I believe that the check-off system as provided in HB 377 does this in a fair and equitable manner.

Briefly I would like to mention concerns of private landowners, being one myself. I have owned and operated an ungated hay unit in Sanders county and I have personal understanding of private property rights and trespass problems.

My farm, near Hot Springs Montana

had a perennial stream flowing through,
a tributary to the Little Bitterroot River.

Most of ~~the~~ our richest and diverse habitats
for wildlife occur ~~along~~ in the so-called riparian
zones, areas near streams or rivers. And that
was most certainly true of my place. There
is an abundance of vegetation and insects which
supported both game- and non-game critters.

Private landowners of Montana have always
valued our riparian areas not only for their
agricultural and livestock values but also for
their aesthetic and wildlife values. Private
landowners are concerned that they may
not be able to control ~~rodents and pests~~
predators and rodents on their lands.

Let me assure that I have read
this bill as a conservationist and a landowner
and I can find no way that it will hamper
or ~~regulate~~ restrict private property rights or
the landowners ability to control pests.

The non-game act of 1973 does not
include animals declared to be predators by
statute or rule. While the act does include ^{some} rodents
landowners may control problem rodents which
the Dept of Livestock has designated by rule.

Further let me assure you that the
act does not allow the DFWP to condemn
land for the purpose of protecting non-game. nor
may the Dept ~~manage~~ manage private lands
under this act.

Now, what does the act do? Very simply it provides a way for landowners who wish to help out and manage wildlife on their property. It allows those landowners, who so desire, away of managing "watchable" wildlife, the owls and hawks, songbirds and shrews and snakes and frogs which inhabit our fields and ponds.

1. The studies proposed under this bill will provide information on how a landowner can improve areas on their property for non-game.

2. The studies might indicate what can be done for wildlife which would be at no cost to the landowner and might benefit their operations. Again the choice to manage their wildlife would be the landowners.

3. Promote public education programs to promote awareness and understanding and increase our scientific knowledge of the world around us.

~~4. There~~

HB 377 is very common sense. It is not a way to turn Montana into a zoo, take over private land or protect our woods. I urge the committee to pass HB 377. Thanks.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS JO BRUNNER AND I REPRESENT THE MEMBERS OF THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION HERE TODAY. MR. CHAIRMAN, OUR MEMBERS, APPROXIMATELY 400 FAMILIES, HAVE DISCUSSED THIS BILL AND WE VOTED OVERWHELMINGLY TO OPPOSE ANY EFFORTS TO ENABLE THE 1973 LAW THAT ALLOWS MANAGEMENT OF NON-GAME SPECIES AND RULES AND REGULATIONS THAT WILL BE MADE AND ENFORCED BY THE FISH, WILDLIFE AND PARKS DEPARTMENT WITH LITTLE OR NO CRITERIA TO FOLLOW FROM OTHER INTERESTS.

IT IS MY INTENT TO ADDRESS MY REMARKS TO THE LAW ITSELF, AND THE FEDERAL NON-GAME FISH AND WILDLIFE CONSERVATION ACT OF 1978 AS IT APPLIES TO THE MONTANA 1973 LAW.

W.I.F.E. WISHES YOU TO UNDERSTAND THAT WHILE WE ARE NOT IN FAVOR OF THE METHOD OF FUNDING PROPOSED IN THIS BILL, IT IS THE ORIGINAL LAW ITSELF THAT IS OUR CONCERN - - - AND PERHAPS OUR MAJOR CONCERN IS THE ALLEGATION THAT THIS LAW AND THE ENFORCEMENT OF THE LAW HAS TO HAVE LEGISLATIVE BLESSINGS BEFORE ANY RULES, REGULATIONS, PROGRAMS, ET CETERA, MAY BE PUT INTO EFFECT. NOT SO!!! ONLY TWICE, AND THEN IN THE SAME SECTION, IS THERE REFERENCE TO LEGISLATIVE APPROVAL. IF YOU WILL TURN TO PAGE 2 OF THE MONTANA LAW I HAVE SUPPLIED YOU WITH, THE BLACK EDGED SHEETS - - MOST PROPHETIC, I BELIEVE - - AND TO 87-5-105 THE BOTTOM PARAGRAPH, PAGE 2, IT SAYS "(1) THE DEPARTMENT SHALL ISSUE MANAGEMENT REGULATIONS." SKIP DOWN A SENTENCE AND IT GOES ON, "THE DEPARTMENT MAY FROM TIME TO TIME AMEND SUCH REGULATIONS ON THE APPROVAL OF THE LEGISLATURE BY ADDING OR DELETING THEREFROM SPECIES OR SUBSPECIES OF NONGAME WILDLIFE." IT DOES VERY CLEARLY NOT SAY THAT THE LEGISLATURE HAS TO APPROVE THE RULES AND REGULATIONS THE DEPARTMENT MAKES -- IT SAYS THAT WHEN A DECISION IS MADE TO ADD OR DELETE A SPECIES OR SUBSPECIES, THE LEGISLATURE MUST APPROVE THAT CHANGE. THAT CHANGE!!!

IF YOU WILL READ ON TO PARAGRAPH 2, IT STATES "THE DEPARTMENT MAY MAKE SUCH CHANGES IN THE PROPOSED REGULATIONS AS ARE CONSISTENT WITH EFFECTIVE MANAGEMENT OF NONGAME WILDLIFE AS DESIGNATED BY THE LEGISLATURE." SO WE HAVE HERE TWO SETS OF RULES, ONE MADE BY THE DEPARTMENT THAT MUST BE CONSISTENT WITH THE DESIGNATED RULES BY THE LEGISLATURE -- AND THOSE TWO SETS OF RULES ONLY HAVE TO BE CONSISTENT -- NOT EXACT, BUT CONSISTENT. A DEFINITION OF CONSISTENT IS - - NOT OUT OF HARMONY, NOT CONTRADICTORY - - SO AS LONG AS THE REGULATIONS ARE NOT CONTRADICTORY TO THE REGULATIONS OF THE LEGISLATURE, THE DEPARTMENT WILL BE ON SAFE GROUND. WE VIEW THIS IN THE SAME LIGHT AS THE LITTLE BOY WHO ATE ALL THE ICE CREAM, BUT DIDN'T TOUCH THE CAKE HIS MOTHER TOLD HIM NOT TO EAT.

WE ARE TOLD OFTEN THAT THE CONNECTION BETWEEN MANAGING AND ENDANGERED ARE SO FAR APART AS TO BE NEARLY UNATTAINABLE -- AND LET ME EMPHASIZE THAT WE ARE NOT OPPOSED TO PROTECTING ENDANGERED SPECIES, OR ANY SPECIES FOR THAT MATTER, WE DO NOT DISCRIMINATE AGAINST A SPECIES SIMPLY BECAUSE IT IS NOT ENDANGERED -- BUT IT IS MY INTENT TO SHOW TO YOU THE PROBLEMS WE HAVE WITH ENABLING OF THE LAW - - - A 10 YEAR OLD LAW - - - 87-5-107 EXPLAINS THE CRITERIA OF ENDANGERED SPECIES. AFTER THE LAW WAS PASSED IN 1973, THAT BY JULY 1, 1973 THE DEPARTMENT SHOULD RECOMMEND TO THE LEGISLATURE THE LIST OF SPECIES AND SUBSPECIES DETERMINED TO BE ENDANGERED AND IN SUBSECTION 2 THAT IT MUST BE REVISED EVERY TWO YEARS THEREAFTER.

87-5-108 CONCERNS THE ESTABLISHMENT OF PROGRAMS - - NOT REGULATIONS, BUT PROGRAMS - - AS ARE DEEMED NECESSARY FOR MANAGEMENT FOR NONGAME AND ENDANGERED WILDLIFE -- IF IT IS NECESSARY TO BUY LANDS AND WATER FOR THE MANAGEMENT OF NONGAME SPECIES, THE DIRECTOR OF THE DEPARTMENT SHALL ESTABLISH SUCH PROGRAMS -- AS ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS SECTION AND SECTION 87-5-109.

WHAT IS SECTION 87-5-109? IF FOR SOME REASON ONE OF THOSE NONGAME,

MANAGED SPECIES GOT OUT OF HAND OR PROVED HARMFUL, DID SOME DAMAGE TO OUR CROPS OR BUILDINGS, SAY A RABID BAT BIT OUR DOG, YOU OR I COULD NOT DESTROY THAT DESIGNATED NONGAME SPECIES BECAUSE THE LAW SAYS THAT -- PAGE 4, LAST PARAGRAPH, LAST SENTENCE -- PROVISIONS FOR REMOVAL, CAPTURE OR DESTRUCTION OF NONGAME WILDLIFE FOR THE PURPOSES SET FORTH ABOVE SHALL BE SET FORTH IN REGULATIONS BY THE DEPARTMENT PURSUANT TO 87-5-104. AND WHAT IS THAT REGULATION? - I'LL READ IT TO YOU. 87-5-104 REGULATIONS TO MANAGE NONGAME WILDLIFE. "THE DEPARTMENT SHALL CONDUCT INVESTIGATIONS ON NONGAME WILDLIFE IN ORDER TO DEVELOP INFORMATION RELATING TO POPULATION, DISTRIBUTION, HABITAT NEEDS, LIMITING FACTORS, AND OTHER BIOLOGICAL AND ECOLOGICAL DATA TO DETERMINE MANAGEMENT MEASURES NECESSARY FOR THEIR CONTINUED ABILITY TO SUSTAIN THEMSELVES SUCCESSFULLY. THE DEPARTMENT SHALL CONDUCT ONGOING INVESTIGATIONS OF NONGAME WILDLIFE." -- WHILE THIS SEEMINGLY HAS LITTLE OR NOTHING TO DO WITH THE PREVIOUS REGULATION, THAT REGULATION CERTAINLY HAS SOMETHING TO DO WITH THE DEFINITION OF WHAT TO TAKE MEANS -- AND IF YOU WILL READ THE HEADING OF 87-5-109, IT SAYS "TAKING OF SPECIES FOR EDUCATIONAL, SCIENTIFIC, OR OTHER PURPOSES," AND THEN TO PAGE 2, PARAGRAPH 7, "TAKE" MEANS TO HARASS, HUNT, CAPTURE, OR KILL OR ATTEMPT TO HARASS, HUNT, CAPTURE, OR KILL WILDLIFE.

87-5-112 ALLOWS THE IMPORTATION OF A SPECIES NOT NATIVE TO OUR STATE FOR MANAGEMENT.

MR. CHAIRMAN, WE HAVE HEARD OFTEN IN THE LAST TWO YEARS THE STATEMENT THAT WE SHOULD PREFER TO WORK WITH STATE RULES AND REGULATIONS AS FAR AS NONGAME MANAGEMENT GOES, AND I ASSURE YOU THAT IF THAT WERE AT ALL POSSIBLE, W.I.F.E. WOULD BE ALL FOR IT. I'M AFRAID THOUGH THAT WISHFUL THINKING WILL NOT MAKE IT SO, OR THAT THE PROPONENTS OF THIS BILL SAYING IT OVER AND OVER WILL MAKE IT SO.

I HAVE GIVEN YOU ALL A COPY OF H.R. 10255, THE FEDERAL NONGAME FISH AND WILDLIFE CONSERVATION ACT OF 1978 -- THE FEDERAL LAW THAT THE

PROPOSERS WOULD HAVE US BELIEVE WE CAN ESCAPE. I AM NOT GOING TO GO THROUGH IT STEP BY STEP BECAUSE I KNOW IT IS LENGTHY AND I REALIZE THAT THERE ARE OTHERS WHO WISH TO TESTIFY ON THIS MATTER, BUT I WOULD ASK THAT YOU DO GO THROUGH IT. I WILL SUMMARIZE THE IDEAS THAT WE SHOULD LIKE YOU TO LOOK FOR.

SECTION 2, PAGE 3 STATES THE PURPOSE OF THE ACT -- TO FINANCIALLY ASSIST THE STATES TO ENABLE THEM TO DEVELOP A NONGAME FISH AND WILDLIFE PLAN - TO GIVE THEM FINANCIAL ASSISTANCE AND TO DIRECT ALL FEDERAL DEPARTMENTS AND AGENCIES TO ASSIST THE STATES IN SUCH EFFORTS. IF YOU TURN TO PAGE 4, PARAGRAPH 4 YOU HAVE THE FEDERAL TERM FOR MANAGEMENT -- PAGE 5, TOP OF THE PAGE, TELLS YOU THAT ANY FISH AND WILDLIFE WITH THE STATE NOT TAKEN FOR SPORT OR FOOD, AND ON LINES 7 AND 8, NOT CONSIDERED ENDANGERED SHOULD BE DEEMED TO BE NONGAME FISH AND WILDLIFE. WHEN YOU GET TO PAGE 6, LINES 7 THROUGH 15, YOU WILL FIND THE PLAN STANDARDS WHICH INCLUDES THE DESIGNATED STATE AGENCY VESTED WITH THE OVERALL RESPONSIBILITY FOR THE DEVELOPMENT OF THE MANAGEMENT PROGRAM -- IN MONTANA, THE FISH, WILDLIFE AND PARK DIRECTOR -- WHO WOULD ALSO IMPLEMENT THE 1973 LAW -- AND IT WOULD SEEM MAKING IT QUITE DIFFICULT TO SEPARATE THE TWO PROGRAMS. IF YOU WOULD SKIP OVER TO PAGE 9, WE COME TO THE NITTY-GRITTY PORTION OF WHY THE TWO LAWS ARE INTERTWINED -- WE COULD NOT GET THE ESTIMATED \$150,000, OR THE STATES' PORTION OF THE ALLOCATED FEDERAL MONEY FOR SUCH PROGRAMS. READING ON YOU WILL FIND THAT OUR STATE MUST SUBMIT A PLAN FOR MANAGEMENT -- NOT FEDERAL MANAGEMENT, BUT STATE MANAGEMENT AND THAT IT CAN BE EITHER APPROVED OR NOT APPROVED. SO IT HAS TO BE ASSUMED IF THE PROPOSERS OF THIS BILL DO TRULY WISH TO DISASSOCIATE OUR STATE PROGRAMS AND DESIGNATION OF OUR SPECIES FROM THE FEDERAL PROGRAMS, THEY INTEND TO CEASE TO PARTICIPATE IN THE FEDERAL PROGRAMS, COMPLETE WITH THE FUNDING.

IT MAY BE OF INTEREST TO YOU TO KNOW THAT IN THE BLM LEWISTOWN DISTRICT,

WHICH TAKES IN MANY, MANY ACRES IN SEVERAL COUNTIES, THERE ARE 57 MAMMALS, THREE OF WHICH ARE ENDANGERED -- SEVERAL ARE GAME ANIMALS, PERHAPS A DOZEN COULD BE CLAIMED AS RODENTS. THERE ARE IDENTIFIED 40 FISH, SEVEN AMPHIBIANS, 13 REPTILES, 257 BIRDS, WHICH INCLUDES THE BALD EAGLE AND PERHAPS A DOZEN GAME BIRDS. THESE ANIMALS AND BIRDS SHARE THIS HUGE AREA -- SOME IN CLOSE PROXIMITY, SOME NOT SO NEAR, BUT TERRITORIES INTERMIX. HOW MANY SPECIES COULD BE "MANAGED" WITHOUT "MANAGING" ALL THOSE IN CLOSE PROXIMITY? IF THIS COULD BE DONE, IF ONLY THE "MANAGED" SPECIES WERE AFFECTED, YOU WOULD FIND LITTLE COMPLAINT FROM AGRICULTURE, BUT WHEN WE CANNOT CONTROL COYOTES KILLING OUR LIVE-STOCK BECAUSE OF A SUPPOSED SIGHTING OF A WOLF - THAT INCIDENTALLY PROVED FALSE -- WHEN WE CANNOT CONTROL GOPHERS OR GRASSHOPPERS BECAUSE OF A SUSPECTED BLACKFOOTED FERRET SIGHTING, WHICH INCIDENTALLY ALSO PROVED FALSE - WHEN IT IS RECOMMENDED THAT WE DO NOT POISON OUR GOPHERS UNTIL AFTER THE MIDDLE OF JULY BECAUSE A GRIZZLY MIGHT EAT ENOUGH OF THEM TO DIE, ALTHOUGH JUST HOW MUCH THAT TAKES HAS NOT BEEN DETERMINED -- AND DESPITE THE FACT THAT BY JULY 15 OUR CROPS ARE RIPENING AND THE GREATER DEGREE OF HARM AND DAMAGE HAS BEEN ACCOMPLISHED BY THE GOPHERS; WHEN WE HAVE RULES AND REGULATIONS REQUESTED THAT DO NOT ALLOW US TO POISON THOSE GOPHERS IN AN EFFECTIVE MANNER OR NEAR A BODY OF RUNNING WATER - REGULATIONS THAT WOULD HAVE VERY EFFECTIVELY ELIMINATED THE 80,000 ACRE IRRIGATION DISTRICT I LIVE ON WITHIN A FEW YEARS TIME -- THEN WE BEGIN TO ADD THEM ALL TOGETHER AND WHETHER IT IS IN RODENT CONTROL, WHICH WE ARE TOLD HAS NOTHING TO DO WITH THIS AT ALL, OR IN ENDANGERED SPECIES ASSOCIATION OR BURROWING OWLS, WHO SPRING AFTER SPRING GET THEIR NESTS DROWNED OUT AND SEEM TO KEEP COMING BACK ANYHOW, OR THE FLOCKS OF BLUEBIRDS WHICH FLY THROUGH OUR COUNTRY EVERY 7 TO 8 YEARS AND WE DON'T SEE AGAIN UNTIL THEIR CLYCE BRINGS THEM AROUND ONCE MORE, WE ADD THEM ALTOGETHER AND WE KNOW WHO IS BEING MANAGED.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I APPRECIATE YOUR ATTENTION FOR THIS TESTIMONY. W.I.F.E. IS SURE THAT YOU ALL DO REALIZE THE IMPORTANCE AGRICULTURE PUTS ON WILDLIFE AND THAT, IN GENERAL, WE ARE INDEED PROTECTORS OF IT. WE DO NOT BELIEVE, HOWEVER, THAT OUR OPERATIONS SHOULD BE MANAGED BY WILDLIFE. WE AGREE THAT WE COULD BE PROJECTING PROBLEMS AND TROUBLE. IF WE ARE GUNSHY, WE HAVE GOOD REASON, AS I AM SURE YOU WELL KNOW. BUT WE DO SUGGEST THAT THE PROPONENTS OF THIS BILL HAVE ONLY SPECULATIONS OF THE DEMISE OF MANY OF THE SPECIES; THAT THEY CAN ONLY GO ON PROJECTED DATA OF HOW MANY OF THOSE SEVERAL HUNDRED SPECIES ARE IN DANGER, OR ARE IN DANGER OF BEING IN DANGER OF EXTINCTION.

W.I.F.E. BELIEVES ALSO THAT AGRICULTURE IS FORCED OVER AND OVER AGAIN TO CHASE ENDLESS IMPROBABLE THEORIES AND WE ARE TIRED OF THIS TYPE OF MANAGEMENT OF AGRICULTURE. AND WE SAY THIS WITH A FIRM CONVICTION -- WHEN THE ORGANIZATIONS AND PEOPLE WHO PUSH FOR LEGISLATION WHERE THE MAJOR CONCERN IS MANAGING LANDS THROUGH THE MANAGING OF SPECIES OF ANIMALS, ET CETERA, WHEN THEY CAN PROVE WITHOUT A DOUBT BY THE SAME CRITERIA THEY HAVE CONSTANTLY PUSHED ON AGRICULTURE, WHEN THEY CAN PROVE THAT THIS LAW WILL NOT BE HARMFUL TO OUR GENERATION -- TO OUR CHILDREN'S GENERATION - TO OUR POSTERITY FOR YEARS TO COME -- THEN WE WILL JOIN THEM. ONLY THEN!!!!

THANK YOU.

- 87-5-402. Posting of notice and additional provisions.
- 87-5-403. Sun River game preserve.
- 87-5-404. Flathead Lake bird preserve.
- 87-5-405. Teton-Spring Creek bird preserve — special archery season.
- 87-5-406. Gates of the Mountains game preserve.

Part 5 — Stream Protection

- 87-5-501. State policy.
- 87-5-502. Notice of construction or hydraulic projects.
- 87-5-503. Investigation of construction plans.
- 87-5-504. Notice of department findings and alternative plans.
- 87-5-505. Arbitration of disputes.
- 87-5-506. Vested water rights preserved and emergency actions excepted.
- 87-5-507. Irrigation projects excepted.
- 87-5-508. Federal actions injuring fish and wildlife.
- 87-5-509. Penalty and restoration.

Part 1

Nongame and Endangered Species

87-5-101. Short title. This part shall be known and may be cited as "The Nongame and Endangered Species Conservation Act".

History: En. Sec. 1, Ch. 461, L. 1973; R.C.M. 1947, 26-1801.

87-5-102. Definitions. As used in this part, the following definitions apply:

(1) "Ecosystem" means a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life.

(2) "Endangered species" means any species or subspecies of wildlife actively threatened with extinction due to any of the following factors:

(a) the destruction, drastic modification, or severe curtailment of its habitat;

(b) its overutilization for scientific, commercial, or sporting purposes;

(c) the effect on it of disease, pollution, or predation;

(d) other natural or man-made factors affecting its prospects of survival or recruitment within the state; or

(e) any combination of the foregoing factors.

(3) "Management" means the collection and application of biological information for the purposes of increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining such levels. The term includes the entire range of activities that constitute a modern scientific resource program including but not limited to research, census, law enforcement, habitat acquisition and improvement, and education. Also included within the term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

(4) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this state. Animals designated by statute or

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regulation of this state as predatory in nature are not classified as nongame wildlife for purposes of this part.

(5) "Optimum carrying capacity" means that point at which a given habitat can support healthy populations of wildlife species, having regard to the total ecosystem, without diminishing the ability of the habitat to continue that function.

(6) "Person" means any individual, firm, corporation, association, or partnership.

(7) "Take" means to harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill wildlife.

(8) "Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal or any part, product, egg, or offspring or the dead body or parts thereof.

History: En. Sec. 2, Ch. 461, L. 1973; amd. Sec. 12, Ch. 417, L. 1977; R.C.M. 1947, 26-1802(3), (part (4)), (5) thru (10).

87-5-103. Legislative policy. The legislature finds and declares all of the following:

(1) that it is the policy of this state to manage certain nongame wildlife for human enjoyment, for scientific purposes, and to insure their perpetuation as members of ecosystems;

(2) that species or subspecies of wildlife indigenous to this state which may be found to be endangered within the state should be protected in order to maintain and to the extent possible enhance their numbers;

(3) that the state should assist in the protection of species or subspecies of wildlife which ~~are deemed to be endangered elsewhere~~ by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment within this state of species or subspecies of wildlife unless such actions will assist in preserving or propagating the species or subspecies.

History: En. Sec. 3, Ch. 461, L. 1973; R.C.M. 1947, 26-1803.

87-5-104. Investigations by department. The department shall conduct investigations on nongame wildlife in order to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine management measures necessary for their continued ability to sustain themselves successfully. The department shall conduct ongoing investigations of nongame wildlife.

History: En. Sec. 4, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1804(part).

87-5-105. Regulations to manage nongame wildlife. (1) On the basis of the determinations made pursuant to 87-5-104, the department shall issue management regulations. Such regulations shall set forth species or subspecies of nongame wildlife which the department deems in need of management pursuant to 87-5-104 through 87-5-106, giving their common and scientific names by species and subspecies. The department may from time to time amend such regulations on the approval of the legislature by adding or deleting therefrom species or subspecies of nongame wildlife.

(2) The department shall by such regulations establish proposed limitations relating to taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment as may be deemed necessary to manage

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such nongame wildlife. The department may make such changes in the proposed regulations as are consistent with effective management of nongame wildlife as designated by the legislature.

History: En. Sec. 4, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1804(part).

87-5-106. Unlawful acts. Except as provided in regulations issued by the department, it shall be unlawful for any person to take, possess, transport, export, sell, or offer for sale nongame wildlife deemed by the department to be in need of management. Subject to the same exception, it shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment nongame wildlife deemed by the department to be in need of management.

History: En. Sec. 4, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1804(3).

87-5-107. List of endangered species. (1) (a) On the basis of investigations on nongame wildlife provided for in 87-5-104 and other available scientific and commercial data and after consultation with other state wildlife agencies, appropriate federal agencies, and other interested persons and organizations but not later than 1 year after July 1, 1973, the department shall recommend to the legislature a list of those species and subspecies of wildlife indigenous to the state which are determined to be endangered within this state, giving their common and scientific names by species and subspecies.

(b) The department shall have authority to recommend that the legislature include any species or subspecies of fish and wildlife appearing on the United States' list of endangered native fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix D) as it appears on July 1, 1973, as well as any species or subspecies of fish and wildlife appearing on the United States' list of endangered foreign fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix A), as such list may be modified hereafter.

(2) The department shall conduct a review of the state list of endangered species within not more than 2 years from its effective date and every 2 years thereafter. The department shall request the legislature to amend the list by such additions or deletions as are deemed appropriate and at such times as are deemed appropriate.

(3) Except as otherwise provided in this part, it shall be unlawful for any person to take, possess, transport, export, sell, or offer for sale and for any common or contract carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on any of the following lists:

(a) the list of wildlife indigenous to the state determined to be endangered within the state pursuant to subsection (1);

(b) any species or subspecies of fish and wildlife included by the department and appearing on the United States' list of endangered native fish and wildlife (part 17 of Title 50, Code of Federal Regulations, appendix D) as it appears on July 1, 1973; and the United States' list of endangered foreign fish and wildlife (part 17 of Title 50, Code of Federal Regulations, appendix A), as such list may be modified hereafter.

(4) Any species or subspecies of wildlife appearing on any of the foregoing lists which enters the state from another state or from a point outside the territorial limits of the United States and which is transported across the

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state destined for a point beyond the state may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(5) In the event the United States' list of endangered native fish and wildlife is modified subsequent to July 1, 1973, by additions or deletions, such modifications, whether or not involving species or subspecies indigenous to the state, may be accepted as binding under subsections (3) and (4) if, after the type of scientific determination described in subsection (1), the department recommends and the legislature accepts such modification for the state.

History: Ap. p. Sec. 5, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; Sec. 26-1805, R.C.M. 1947; Ap. p. Sec. 2, Ch. 461, L. 1973; amd. Sec. 12, Ch. 417, L. 1977; Sec. 26-1802, R.C.M. 1947; R.C.M. 1947, 26-1802(part (4)), 26-1805.

87-5-108. Establishment of programs. (1) The director shall establish such programs, including acquisition of land or aquatic habitat, as are deemed necessary for management of nongame and endangered wildlife. The department shall establish such policies as are necessary to carry out the purpose of this section and 87-5-109.

(2) In carrying out programs authorized by this section, the department may enter into agreements with federal agencies, political subdivisions of the state, or with private persons for administration and management of any area established under this section and 87-5-109 or utilized for management of nongame or endangered wildlife.

(3) The governor shall review other programs administered by him and, to the extent practicable, utilize such programs in furtherance of the purposes of this section and 87-5-109. The governor shall also encourage other state and federal agencies to utilize their authorities in furtherance of the purposes of this section and 87-5-109.

History: En. Sec. 6, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1806(1) thru (3).

87-5-109. Taking of species for educational, scientific, or other purposes. (1) The director may permit the taking, possession, transportation, exportation, or shipment of species or subspecies of wildlife which appear on the state list of endangered species, on the United States' list of endangered native fish and wildlife, as amended and accepted in accordance with 87-5-107(5), or on the United States' list of endangered foreign fish and wildlife, as such list may be modified hereafter, for scientific, zoological, or educational purposes, for propagation in captivity of such wildlife, or for other special purposes.

(2) Upon good cause shown and where necessary to alleviate damage to property or to protect human health, endangered species may be removed, captured, or destroyed but only pursuant to permit issued by the director and, where possible, by or under the supervision of an agent of the department. Endangered species may be removed, captured, or destroyed without permit by any person in emergency situations involving an immediate threat to human life. Provisions for removal, capture, or destruction of nongame wildlife for the purposes set forth above shall be set forth in regulations issued by the department pursuant to 87-5-104.

History: En. Sec. 6, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1806(4). (5).

87-5-110. Department to issue regulations. The department shall issue such regulations as are necessary to carry out the purposes of this part.

History: En. Sec. 7, Ch. 461, L. 1973; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1807.

87-5-111. Enforcement and penalty. (1) Any person who violates the provisions of this part or whoever fails to procure or violates the terms of any permit issued thereunder shall be guilty of a misdemeanor.

(2) Upon a first conviction for a violation under this part, the court may fine the defendant not to exceed \$250. Upon a second such conviction, the defendant may be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 30 days, or both. Upon subsequent such convictions, the defendant shall be fined not less than \$500 or more than \$1,000 and in addition may be imprisoned in the county jail for any term not to exceed 6 months.

(3) Any officer employed and authorized by the director or any peace officer of the state or of any municipality or county within the state shall have authority to enforce the provisions of this part.

(4) Wildlife seized under the provisions of this part shall be held by an officer or agent of the department pending disposition of court proceedings and thereafter be forfeited to the state for disposition as the director may deem appropriate. Prior to forfeiture, the director may direct the transfer of wildlife so seized to a qualified zoological, educational, or scientific institution for safekeeping. The department is authorized to issue regulations to implement this subsection.

History: En. Sec. 8, Ch. 461, L. 1973; amd. Sec. 1, Ch. 359, L. 1975; amd. Sec. 13, Ch. 417, L. 1977; R.C.M. 1947, 26-1808.

87-5-112. Construction. None of the provisions of this part shall be construed to apply retroactively or to prohibit importation into the state of wildlife which may be lawfully imported into the United States or lawfully taken or removed from another state or to prohibit entry into the state or possession, transportation, exportation, processing, sale or offer for sale, or shipment of any wildlife whose species or subspecies is deemed to be threatened with statewide extinction in this state but not in the state where originally taken, if the person engaging therein demonstrates by substantial evidence that such wildlife was lawfully taken or removed from such state; provided that this subsection shall not be construed to permit the possession, transportation, exportation, processing, sale or offer for sale, or shipment within this state of wildlife on the United States' list of endangered native fish and wildlife, as amended and accepted in accordance with 87-5-107(5), except as permitted in the provision by 87-5-107(3) and (4) and 87-5-109(1).

History: En. Sec. 9, Ch. 461, L. 1973; R.C.M. 1947, 26-1809(1).

Part 2

Wild Birds — Regulation of Raptors

87-5-201. Protection of wild birds and their nests and eggs. It is unlawful for a person to hunt, capture, kill, possess, purchase, offer or expose for sale, ship, or transport any wild bird, other than a game bird, or

95TH CONGRESS
1ST SESSION

H. R. 10255

Ex. 11
HB 377

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 1977

Mr. FORSYTHE (for himself, Mr. LEGGETT, Mr. MURPHY of New York, Mr. DINGELL, Mr. BOWEN, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. ANDERSON of California, Mr. BAUMAN, Mr. DE LA GARZA, Mr. BREAUX, Mr. EMERY, Mr. STUDDS, Mr. BONKER, Mr. DORNAN, Mr. McCOIN, Mr. TRIBLE, Mr. HUGHES, and Mr. AKAKA) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To assist the States in developing comprehensive fish and wildlife resource management plans and in implementing such plans with respect to nongame fish and wildlife.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 *That this Act may be cited as the "Nongame Fish and Wild-*
4 *life Conservation Act of 1978".*

5 SEC. 2. DECLARATION OF FINDINGS AND PURPOSE.

- 6 (a) FINDINGS.—The Congress finds and declares the
7 following:

- 8 (1) Fish and wildlife are of ecological, economic,

1 educational, esthetic, historical, recreational, and scien-
2 tific value to the Nation and its people.

3 (2) The improved conservation of fish and wildlife,
4 particularly nongame fish and wildlife, would assist in
5 maintaining a diversity of fish and wildlife and assuring
6 a productive and more esthetically pleasing environment
7 for all citizens.

8 (3) Many citizens, particularly those residing in
9 urban areas, have insufficient opportunity to participate
10 in recreational and other programs designed to foster
11 human interaction with nongame fish and wildlife and
12 thereby are unable to have a greater appreciation and
13 awareness of the environment.

14 (4) Existing State conservation programs for non-
15 game fish and wildlife have been supported largely on
16 the basis of hunting and fishing license revenues and
17 excise taxes on certain hunting and fishing equipment,
18 and these traditional financing mechanisms are neither
19 adequate nor fully appropriate to meet the conservation
20 needs of nongame fish and wildlife.

21 (5) Each State should be encouraged to develop,
22 expand, and maintain, in urban and nonurban areas, and
23 in consultation with the local governments concerned, a
24 management plan for the conservation of fish and wild-

1 life, particularly those species which are indigenous to
2 the State.

3 (b) PURPOSE.—It is the purpose of this Act—

4 (1) to provide financial and technical assistance to
5 the States to enable them to develop comprehensive fish
6 and wildlife resource management plans that are con-
7 sistent with this Act;

8 (2) to provide financial and technical assistance to
9 the States to enable them to implement such manage-
10 ment plans with respect to nongame fish and wildlife;
11 and

12 (3) to direct all Federal departments and agencies
13 (A) to assist the States to develop such management
14 plans; and (B) to the maximum extent practicable, to
15 administer programs under their jurisdiction in a manner
16 consistent with approved management plans.

17 **SEC. 3. DEFINITIONS.**

18 As used in this Act—

19 (1) The terms “conserve”, “conserving”, and
20 “conservation” mean to use such methods and proce-
21 dures which are necessary to ensure, to the extent practi-
22 cable and desirable, the health and productivity of fish
23 and wildlife and their habitats for the educational,
24 esthetic, historical, recreational, and scientific enrich-

1 ment of the public. Such methods and procedures may
2 include any activity associated with scientific resource
3 management, such as research, census, monitoring, law
4 enforcement, habitat acquisition, development and main-
5 tenance, information and education, extension services,
6 propagation, live trapping, and transplantation.

7 (2) The term "designated State agency" means the
8 commission, department, division or other agency of a
9 State which has primary legal authority for the con-
10 servation of fish and wildlife. If any State has placed
11 such authority in more than one agency, such term
12 means each such agency acting with respect to its as-
13 signed responsibilities.

14 (3) The term "fish and wildlife" means any wild
15 vertebrate animal which is in an unconfined state and
16 is valued for cultural, scientific, educational, esthetic, or
17 recreational benefits by the public.

18 (4) The term "management plan" means a compre-
19 hensive fish and wildlife resource management plan re-
20 ferred to in section 4.

21 (5) The term "nongame fish and wildlife" means
22 any fish and wildlife which—

23 (A) is not ordinarily taken for sport or food,
24 except that if under applicable State law, any such

1 fish and wildlife may be taken for sport or food in
2 some, but not all, areas of the State, any of such
3 fish and wildlife within any area of the State in
4 which such taking is not permitted shall be deemed
5 to be nongame fish and wildlife;

6 (B) is not listed as an endangered species or
7 threatened species under the Endangered Species
8 Act of 1973 (16 U.S.C. 1531-1543) ; and

Same
ES 2nd
2nd Sec. 2nd
nongame

9 (C) is not a marine mammal within the mean-
10 ing of section 3 (5) of the Marine Mammal Protec-
11 tion Act of 1972 (16 U.S.C. 1362 (5)).

12 Such term does not include any domesticated animal
13 which has reverted to a feral existence.

14 (6) The term "Secretary" means the Secretary
15 of the Interior.

16 (7) The term "State" means any of the several
17 States, the District of Columbia, the Commonwealth of
18 Puerto Rico, American Samoa, the Virgin Islands,
19 Guam, the Commonwealth of the Northern Mariana
20 Islands, and the Trust Territory of the Pacific Islands.

21 SEC. 4. STANDARDS FOR COMPREHENSIVE FISH AND
22 WILDLIFE RESOURCE MANAGEMENT PLANS.

23 (a) IN GENERAL.—The Secretary may make grants
24 under section 5 to any State for the purpose of assisting

1 such State to develop a comprehensive fish and wildlife
2 resource management plan which is consistent with the
3 plan standards referred to in subsection (b).

4 (b) PLAN STANDARDS.—The Secretary shall prescribe
5 by regulation such standards as the Secretary deems neces-
6 sary and appropriate to provide that management plans de-
7 veloped by the States under this Act result in the conserva-
8 tion of fish and wildlife and their habitats in a systematic
9 and comprehensive manner. The plan standards prescribed
10 under this subsection shall set forth the format in which the
11 plans shall be prepared and shall include, but not be limited
12 to, standards requiring—

13 (1) the vesting in the designated State agency of
14 the overall responsibility for the development of the
15 management plan;

16 (2) the identification of fish and wildlife within the
17 State;

18 (3) the determination of the range and distribution
19 of the populations of significant fish and wildlife identi-
20 fied under paragraph (2) ;

21 (4) the determination of the extent, location, and
22 carrying capacity of significant fish and wildlife habitats;

23 (5) the determination of those actions which must
24 be taken to conserve the fish and wildlife populations
25 and habitats determined under paragraphs (3) and (4) ,

1 and the estimated time and cost required to effect each
2 such action;

3 (6) the determination of priorities for implementing
4 the conservation actions determined under paragraph
5 (5);

6 (7) the monitoring, on a continuing basis, of the
7 fish and wildlife identified under paragraph (2), and the
8 effectiveness of the conservation actions determined under
9 paragraph (5);

10 (8) that plans be for a period of not less than
11 5 years and be based upon projections of the desires
12 and needs of the public for a period of not less than
13 15 years;

14 (9) that plans be updated at intervals of not more
15 than 3 years;

16 (10) that the public be provided reasonable oppor-
17 tunity to make its views known, and considered during
18 the development, revision, and implementation of the
19 plan; and

20 (11) the designated State agency to consult, as
21 appropriate, with local and regional governments in
22 the State during the development, revision, and imple-
23 mentation of the plan.

24 All identifications and determinations required to be made
25 under management plans pursuant to paragraphs (2), (3),

1 (4), (5), and (6) shall be made on the basis of the best
2 scientific evidence available at the time when made.

3 (c) REGULATIONS.—Interim regulations to carry out
4 subsection (b) shall be issued by the Secretary as soon as
5 practicable after the date of the enactment of this Act, but
6 not later than 6 months after such date; except that before
7 proposing such interim regulations, the Secretary shall consult
8 with the States and give them opportunity to submit com-
9 ments with respect to the content of the regulations. Final
10 regulations to carry out subsection (b) shall be issued by
11 the Secretary not later than 18 months after such date of
12 enactment.

13 SEC. 5. GRANTS FOR THE DEVELOPMENT OF MANAGE-
14 MENT PLANS.

15 (a) IN GENERAL.—Any State may apply to the Secre-
16 tary for annual grants under this section to assist the State
17 in developing a management plan.

18 (b) APPLICATIONS.—Application for grants under this
19 section shall be made in such form and manner as the Secre-
20 tary shall by regulation prescribe and shall contain such
21 information as is reasonably necessary to enable the Secre-
22 tary to determine whether the State meets the eligibility
23 requirements set forth in subsection (c).

24 (c) ELIGIBILITY.—No State is eligible for any grant
25 under this section unless the State—

1 (1) gives such assurances as are satisfactory to
2 the Secretary that the State will develop a management
3 plan which is consistent with the standards prescribed
4 under section 4; and

5 (2) submits to the Secretary a preliminary estimate
6 of the cost, and of the time required, to develop the
7 plan.

8 (d) GRANTS.—Subject to section 8, the Secretary
9 may make an annual grant to each State which the Secretary
10 finds to be eligible under subsection (c). Any grant made
11 under this section shall be subject to such terms and condi-
12 tions as the Secretary may impose under section 9.

13 SEC. 6. PLAN APPROVAL.

14 (a) DETERMINATION BY SECRETARY.—(1) Any State
15 which has developed a management plan may apply to the
16 Secretary for approval of the management plan.

17 (2) Application for the approval of a management plan
18 shall be made in such form and manner as the Secretary
19 shall by regulation prescribe and shall contain such informa-
20 tion as is necessary to enable the Secretary to determine
21 whether the management plan proposed by the State meets
22 the plan standards prescribed by the Secretary under sec-
23 tion 4.

24 (3) Upon receipt of an application for approval, the
25 Secretary shall—

(9)

1 (A) make copies of the proposed management plan
2 available for public inspection at such offices of the De-
3 partment of the Interior as he deems appropriate;

4 (B) cause to be published in the Federal Register
5 a notice which—

6 (i) states that application for approval of the
7 management plan has been made,

8 (ii) lists those offices of the Department of the
9 Interior at which copies of the proposed manage-
10 ment plan are available for public inspection, and

11 (iii) invites the submission, within 90 days
12 after the date of the notice, of written comment by
13 the public on the proposed management plan.

14 (4) If the Secretary determines, after taking into ac-
15 count any public comment which may have been submitted
16 under paragraph (3) (B) (iii), that any proposed manage-
17 ment plan—

18 (A) meets the plan standards prescribed under sec-
19 tion 4, the Secretary shall designate the proposed plan
20 as an approved management plan; or

21 (B) does not meet such standards, the Secretary
22 shall, within 120 days after the day on which the ap-
23 plication for approval is received, give the State con-
24 cerned a written statement of the reasons why such

Chickadee Checkoff twists state priorities by creating a revenue refuge for DNR

Ex. 11
HB 377

It does seem rather strange, doesn't it—as one revenue shortfall after another hits the state of Minnesota, as agency after agency is trimming sail and implementing reductions-in-force, as the near-indigent and truly indigent recipients of state largesse find themselves recategorized out of eligibility—that the Department of Natural Resources, relatively speaking, appears to be sitting in the catbird seat?

Appearances aren't everything, to be sure, but what state agency other than the DNR seems to have had, of late, the bucks to produce slick public-service radio and TV spot ads, like the ones bombarding the airwaves now, urging taxpayers to help the department out?

What other state agency these days can boast of an unscathed fledgling program, with a fairly new manager and four assistants about to be hired—assistants whose salaries, like that of the director, will be paid out of the so-called Chickadee Checkoff?

The Chickadee Checkoff is less flippantly known as the Nongame Wildlife Checkoff on the Minnesota income tax form, line 15 of which reads, "If you wish to donate \$1 or more to the Minnesota Nongame Wildlife Fund, fill in the amount here. This will reduce your refund or increase the amount you must pay."

Last year, about 170,000 people—about 10 percent of all Minnesota taxpayers—checked off contributions amounting to \$523,000; the money is being used for land acquisition and to study, manage and preserve the likes of otters, loons, bald eagles, piping plovers and peregrine falcons. And, of course, for the abovementioned salaries.

Those are commendable goals.

But what about the 90 percent of taxpayers who did *not* check off support for non-game wildlife—people who may just as well have preferred that the half-million dollars go to other projects, such as higher education, human services or even overall deficit reduction.

The wildlife checkoff has achieved, for the DNR but for no one else, a kind of privileged station in life, a Special Interest Nirvana. How the DNR entered the lists to the exclusion of all other combatants is one mystery; how it stays there, all alone, is another, particularly when most of us would agree that rescuing one child from being battered, or from ill health, or from



Robert L. Girouard

Personal opinion

substandard housing or mediocre schooling is at least as important as safeguarding the habitat of piping plovers.

You might say, "Well, that's Minnesota for you. People here care about wildlife." Don't they care about anything else? Of course they do.

But it's very easy to transfer crucial human concerns to non-human ones, and to even do so with a fair amount of zealotry. As Eric Hoffer observed, "Faith in a holy cause is to a considerable extent a substitute for the lost faith in ourselves."

We have lost faith in compassion; it is *infra dig*, and *sauve qui peut* is the watchword of the hour.

We have lost faith in all levels of government; their problems appear too hopelessly intractable.

We have lost faith in the American Dream; usurious interest rates, steeply rising energy costs, high unemployment and chronic inflation have been our rude awakening from it.

We have lost faith, in short, in most human endeavor.

But somehow, we think, we can recapture a lost Edenic innocence merely by being kind to small furry and feathered things.

Granted, \$523,000 annually—and perhaps an even higher sum this tax season—is a drop in the bucket when compared with the DNR's total budget; is only a water molecule in that bucket, compared with the state budget as a whole.

But it's the principle of the thing that troubles me—the principle, and the vague, uneasy feeling I have that Minnesotans' romantic, outdoorsy haziness has thrown some other pressing priorities way out of focus, and has distorted the already blurry notion of quality of life into a kind of budgetary inequality of strife.

Minneapolis STAR
3/4/82

HOUSE FISH AND GAME COMMITTEE

Exhibit 12

Testimony on HB 377
Franklin Grosfield February 1, 1983

WHAT IMPACT WILL THIS PROPOSAL HAVE ON PRIVATE LANDOWNERS? MOST OF THE GAME ANIMAL HABITAT IN MONTANA IS ON PRIVATE LAND, AND SO I SUSPECT IS MOST OF THE NON-GAME HABITAT. THEREFORE, A PROPOSAL TO FUND A NON-GAME OR WATCHABLE WILDLIFE PROGRAM WITHIN THE DEPT. OF FISH, WILDLIFE AND PARKS IS OF SOME CONCERN TO ME AS A LANDOWNER.

HOW WILL THIS PROGRAM AFFECT THE RELATIONSHIP BETWEEN RANCHERS AND THE DEPARTMENT? IT'S BAD ENOUGH NOW, SO I DON'T THINK WE SHOULD DO ANYTHING TO MAKE IT WORSE. I CAN'T SEE HOW THIS PROGRAM CAN DO ANYTHING TO IMPROVE THIS RELATIONSHIP. I CAN THINK OF SEVERAL THINGS THAT IT COULD DO TO MAKE IT WORSE.

UNLESS DEPARTMENT POLICY AND DEPARTMENT PERSONNEL UNDERGO A DRAMATIC CHANGE, I'M AFRAID THAT A NON-GAME PROGRAM WOULD SIMPLY BE ANOTHER SOURCE WITHIN THE DEPARTMENT FOR THE GENERATION OF LEGISLATION, LITIGATION AND REGULATION DIRECTED AGAINST THE RANCHING COMMUNITY.

ANOTHER CONCERN IS WHETHER THE DEPARTMENT AT SOME POINT WILL TRY TO EXPAND IT'S LAND ACQUISITION PROGRAM IN ORDER TO PROVIDE NON-GAME RANGE AS IT HAS IN THE PAST FOR GAME RANGES. FOR EXAMPLE, IF THE DEPARTMENT BUYS LAND TO PROTECT ELK, WHY SHOULDN'T IT BUY LAND TO PROTECT RICHARDSON GROUND SQUIRRELS?

ONE ALSO HAS TO WONDER WHAT EFFECT THIS PROPOSAL WILL HAVE ON AGRICULTURE'S NEED TO CONTROL CERTAIN PLANT AND ANIMAL SPECIES WHICH ARE DETRIMENTAL TO FOOD PRODUCTION. WILL IT BECOME MORE DIFFICULT TO CONTROL CROP-EATING RODENTS OR LIVESTOCK-EATING PREDATORS? WILL IT BE HARDER TO CONTROL WEEDS BECAUSE THEY ARE CONSIDERED A VALUABLE SOURCE OF FOOD AND SHELTER FOR NON-GAME WILDLIFE? I SUSPECT THIS COULD VERY WELL BE THE CASE. AND FINALLY, I QUESTION WHETHER THE PROPOSED FUNDING METHOD WILL FINANCE FOR VERY LONG THE KIND OF PROGRAM THAT IT'S PROPONENTS HAVE IN MIND, AND I WONDER HOW LONG IT WILL BE BEFORE THEY'RE BACK HERE WITH AN APPROPRIATIONS REQUEST TO KEEP IT GOING.

Exhibit 13
Opposition to HB 377

Mr. Chairman, Members of the Committee:

For the record, I am Lawrence Bellis - rancher, Montana Farm Bureau Board Member, member of American Farm Bureau Natural and Environmental Resources Committee, and Chairman of the Montana Farm Bureau Natural and Environmental Resources Committee.

I speak in opposition to HB 377, even though funding of a Nongame Wildlife Management Program through a voluntary tax return check-off seems innocuous. Certainly the Agricultural Community ~~has~~ nothing against bluebirds, but we question the validity of a program which may in time cause many of the same problems we have today with game management and pressures from extremists in the environmental-conscious community. Private land owners, as well as public and all state land leases are restricted in their use of the land by regulations to protect and enhance game and endangered species.

In addition to more regulations ^{that would be} ~~and restriction~~ necessary ⁱⁿ to the process of preserving and managing nongame animals, we fear that, in time, a balanced specie population in the eyes of the Dept. may well have become an intolerable nuisance to agriculture.

This program has been functioning since 1974 adequately - please let us not create another monster.

WITNESS STATEMENT

Name Will Brooke Committee On Fish & Game
 Address Helena Date 2/1/83
 Representing Mt. Grazing Assoc / Mt. Stockgrowers Support
Mt. Cowbellies
 Bill No. HB 377 Oppose X
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. HB 377 enables the 1973 Nongame & Endangered species act which would give the Dept. authority to manage
2. land, acquire land, regulate activities which occurs on the land.
3. HB 377 sets a precedence for check-offs for other programs,
4. HB 377 provides a voluntary check off but landowners are often involuntarily ~~are~~ forced to accept nongame wildlife some of which are harmful to agriculture.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

H3 377

JAN 26 1983

Ex. 14

Idaho Falls
The Post-Register
 East Idaho's Home Paper

A-1

Idaho Falls, Idaho, Wednesday, December 8, 1982

Post-Register opinion

Add fur bearers to animal list needing attention

There is a question of which end of the spectrum to start from. And having just \$102,000 to work with, it's a difficult choice.

Idaho Fish and Game Department is trying to decide what to do with the funds it has from the income tax checkoff for non-game animal management.

Naturally enough, the endangered species or rather exotic types of wildlife come to mind. The one most prominently mentioned by the department to date is the Mountain Blue Bird, the state bird, and the caribou herd of northern Idaho that is running out of numbers.

Also mentioned in a public meeting last week were bald eagles and some other animals that are unfamiliar to most people, animals with names that have to be looked up in the dictionary to find out if they are birds, mammals or reptiles.

But there should also be a pitch for animals that are visible, or at least would be visible if numbers were great enough.

And the reason they are not visible is they are trapped out of existence for their valuable furs, or their habitat has been so encroached upon that they have withdrawn into hiding. And if they are to be left to "manage" for themselves, they too could become extinct.

Maybe people are not only contributing to the fund because of their concern for wildlife, but because they want to occasionally see wildlife.

Wouldn't it be fun to happen onto a raccoon, a weaseline, or a marten, or more often a mink, beaver, weasel, fox, or even an ordinary old badger. There is a case for them too — a need for intense management.

Certainly there should be concern for 15 to 20, and still diminishing, caribou in northern Idaho, the only herd left in the continental United States. But how many Idahoans who contribute to the fund are going to benefit or see that herd? Or how many are going to notice, or even recognize if they did see, a white-bill ibis or a crested cormorant?

They would recognize a raccoon or a fox or a beaver. And they would relate to it and enjoy it. But that opportunity is escaping more and more each day with reliability only on the trappers for counts and no management effort from the department for the fur bearers.

Maybe these are the types of animals people have in mind. But they get hardly a mention as candidates to come under the management umbrella.

What happens to
non-game program
Expands to
bald eagles, caribou,
fur bearers.

Ex. 14

Wolves emerging as non-game controversy

By GARY KOWY
Times News Writer

When all Idaho get together and decide to part of the wolf pack, it will be sufficient to support a law that would protect the wolf. Does Idaho have a wolf problem? Yes, it does. The wolf is a native animal and it is a part of the ecosystem. The wolf is a predator and it is a part of the food chain. The wolf is a part of the ecosystem and it is a part of the food chain. The wolf is a part of the ecosystem and it is a part of the food chain.

It is no cause for major alarm because the return of the wolf is based on the premise that Canada is killing the few of the carnivores, forcing the survivors to spread into new areas. This re-invasion of Idaho will take many years to accomplish and it yet remains to be proven whether Idaho's wilderness areas and big game species can support a "viable" wolf population.

The nongame and bird species project is a new effort, sanctioned by the legislature and funded through volunteer donations from the Idaho state income tax form. "Based on the experience of other states," said Martel Morache, who is the non-game species manager, "and on the fact that Idaho had about 400,000 individual returns, we expected that six percent of the taxpayers would participate at \$2 each. We were right on on the six percent figure but the people of Idaho showed they really cared about non-game

species and gave \$103,000." Morache said if that participation continued, his fund would have about \$91,000 annually to spend on "mitigating" the livelihoods of Idaho's non-hunted animals and passerine birds. But it is doubtful whether the idea of wolves in the state crossed the minds of the managers and/or the donors at the time of the project's inception. While wolves are native to the state, they were quickly phased out by white

man when they turned to domestic livestock for their food. Wolves are very susceptible to poison baits and were pretty well erased from Idaho by the turn of the century. "It probably was 30 or 40 years before anything close to a confirmed wolf sighting was made in this state," Morache said. "But in the last four, five, six years, we (the department) have had something over 300 sightings. We estimate there are four to seven wolves in the state now. All

single animals. The sightings have been wolves ranging from the Canadian line down into the Payette National Forest." Morache said that Canada has reduced its poisoning program and has led to an increase of wolves in Idaho. As the surplus increased with wolves being as "territorial" oriented as they are, the excess numbers have been forced into areas — in this case Idaho.

•See WOLF on Page D6

When the project of wolf packs is announced, it will be a controversial issue. Livestockmen are already complaining that the wolf is a threat to their livestock. The wolf is a predator and it is a part of the food chain. The wolf is a part of the ecosystem and it is a part of the food chain. The wolf is a part of the ecosystem and it is a part of the food chain.

When Page D5

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When the wolf becomes a problem, we will take care of that," Morache said. "We have a lot of things that concern me is controlling the carnivores and we would like to see any circumstances, we would like to see any circumstances, we would like to see any circumstances."

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Morache said the wolf ideas was explained to the Idaho Livestock Association and its members last week in Boise and seemed to be accepted without a lot of disquiet. But before progressing to that possible peril, Morache said major questions must be asked and answered. Toward that end, Idaho is considering participating with a University of Montana student and his request for a masters thesis.

The student will spend a year to 18 months in the vast wilderness network of northern Idaho, conducting a study to see whether Idaho has the foundation for a "viable" wolf population. "Right now what we have in Idaho are the pioneers," Morache said, comparing it to the trapper, miner, settler succession that "civilized" the state. "There would have to be the right combination of habitat and food base to keep that population growing

and remain in residence, just as man needed certain things to remain. "The great leveler of all species is how they can do in the winter. The wolves follow big game herds and we believe less than 30 to 100 wolves would not have a big impact on our deer and elk in the wilderness areas. We believe the wolves would follow the big game into these remote wintering areas where they can hunt without interference rather than come out of the mountains into the lower areas where hunters and livestockmen would 'lean' on them," Morache said.

Morache said he doubted that population control by man would be necessary in this case because "any predator population is self limiting by prey numbers and territoriality. We have cougars throughout the state and they give us a good example. In Big Creek, the biggest tributary to the Middle Fork (of the Salmon River) is over 200 square miles but there are no more than 12 to 14 cougars using that range. Predators will not allow their own kind to proliferate beyond that (territoriality) range. We think we would see the same thing if a pack society develops."

Morache said there is already a case where "wolves and cows are living together in Bear Valley" without any damage done to the livestock. "I think that we'd be less than responsible if we failed to give every species a chance to survive — if it is a benefit to humans or to the species itself," Morache said.

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Exhibit 15

MONTANA OUTDOOR RECREATION SURVEY

Prepared for
Montana Department of Fish, Wildlife, and Parks
Helena, Montana

by
Susan Selig Wallwork
Mary L. Lenihan
Paul E. Polzin

Bureau of Business and Economic Research
School of Business Administration
University of Montana
Missoula, Montana 59812

December 1980

Ex. 15
HB 377

..... Respondents strongly favored efforts by the state to maintain fish habitat and to control subdivision activities along rivers with high fishing, scenic or recreational value. The overwhelming approval of this type of subdivision regulation must be interpreted with caution because some respondents may not have been well informed about the topic.

..... When asked about who should control regulatory activities with respect to fishing habitat and the use of recreation waters, respondents always overwhelmingly said the State of Montana.

Hunting and Wildlife Management Programs

..... Forty-eight percent of all survey respondents opposed limiting the number of resident hunters in Montana; 36 percent said they were in favor of such a limit. However, opposition to resident limits was strong among hunters and in the western part of the state.

..... A limit on the number of nonresident hunters was overwhelmingly approved. More than 86 percent said they favored such a limit while only 10 percent were opposed.

..... Among those favoring the restriction of nonresident hunters, most preferred a lower limit than the current number of 17,000 nonresident big game licenses sold annually. Fifty-five percent preferred a lower figure, 32 percent preferred no change, and only 1 percent wanted an increase.

..... Of those favoring a lower limit on the number of nonresident licenses sold, 61 percent favored raising the resident license fee to make up for the revenue lost.

..... The respondents overwhelmingly opposed the idea of requiring a license to hunt small game animals. The opposition was greatest in the rural areas.

✓ Respondents also opposed, by a ratio of about four to one, increased emphasis on and funding of a nongame wildlife program.

Draft
10/21

Checkoff scheme bounty for cause

Cox News Service

GRAND JUNCTION, Colo. — It started as an eleventh-hour scramble to save Colorado's peregrine falcon. Four years later, what some call a gimmick has swept into 21 states and is taking the fund-raising world by its talons.

The scheme is a checkoff box on the state income tax form that allows taxpayers getting a refund to donate a share to a worthy cause.

Much of the bounty so far has gone toward salvaging endangered species of non-game wildlife — the unhunted animals usually neglected by sport-oriented state agencies.

Increasingly, however, the champions of other causes are stepping up to cash in on the deal:

- In Oregon, taxpayers can send refund dollars to either the state's non-game program or the Oregon Arts Commission, which this year collected \$130,000 to help build new museums and other art facilities.

- In Arkansas, sports fans may soon have an expanded football stadium in Little Rock courtesy of a new refund checkoff.

- In Colorado, where it all began, a Nov. 2 ballot proposal would allow taxpayers to divert refunds to a study of how to phase out the Rocky Flats Nuclear Weapons Facility near Denver and convert it to some other function. There's also talk in the state legislature of using the same fund-raising technique to help battered women.

Fundraisers large and small are catching on.

"It seems like a pretty painless way for someone to give," said Eric Wolfe, director of the Denver-based Colorado Open Space Council, which last year used more conventional means to raise \$120,000 for its environmental work.

"I sure wouldn't rule it out. We'd consider anything," said Bill Bent, regional vice president of United Way America in San Francisco, which in 1981 raised \$1.6 billion for its cornucopia of projects.

THERE'S cause for Bent's interest. Federal funding cuts have sent non-profit groups searching for new angels.

Traditional methods — auctions, wine tastings, direct solicitations — are wearing some donors thin, while failing to tap new sources.

Also, the strained national economy is tightening everyone's purse-strings. Burgeoning unemployment rolls in the Midwest and Northeast, for instance, might cause United Way's total collections to drop this year, Bent fears.

What that spells for fundraisers is a desperate need to sharpen skills and be alert for new techniques.

"We're very pleased. It's been all we've had," said John Torres of the non-game checkoff system that funds his program in the Colorado Division of Wildlife.

Since the checkoff's birth

in 1978, Colorado taxpayers have donated \$2.9 million. This year, 12.4 percent of the 994,573 taxpayers getting a refund donated an average of \$5.60 to the fund, for a total collection of \$692,000.

For Torres, it's meant the opportunity to re-establish nine breeding pairs of falcons, 70 river otters previously extinct in the state and other endangered birds and animals.

"We needed a gimmick," said his assistant, Patsy Goodman. "There are so many good causes and no other mechanism was helping us."

Widely publicized and highly applauded, Colorado's non-game program has been mimicked by 20 other states. A spot check shows similar success in raising donations.

Not all, though, has proved easy money and not everyone is pleased.

Torres' success, ironically, has forced him to hound the state legislature to prevent it from cutting his general revenue funds or even withholding the donations. "They've got control over the refunds," he said, "and they can do what they wish."

The \$27,636 collected this year for expanding the Little Rock arena was "disappointing," said state Commissioner of Revenue Charles Ragland. A publicity campaign is needed to make the refund work, he said.

"I don't like what's happening," said Colorado

Sen. Fred Anderson, who was persuaded by wildlife enthusiasts in 1978 to advance legislation creating the nation's first checkoff.

Several befuddled taxpayers have called him, he said, to complain that they'd misread the form and sent all of their refund to the non-game program by mistake.

He's also concerned that more checkoffs would

"clutter up the tax — an occurrence that would prompt the legislature to cancel checkoffs, including game.

That worries Torres. Does the prospect of competition on the form from the anti-activists. "It's very conceivable we'd lose our public support," said.

WITNESS STATEMENT

Name JOHN CONTER Committee On NONE GAME WILDLIFE
 Address 2126 FAIRVIEW PL. Date JAN FEB 1-83
BILLINGS, MT 59112
 Representing MT CATTLEFEEDERS ASS'N Support _____
 Bill No. HB 377 Oppose ✓
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. ^{MORE} OPPOSED TO CREATING ~~ANOTHER~~ REGULATIONS AND A GROUP REGULATING US IN THE CATTLE FEEDING BUSINESS
2. BIRDS IN LARGE QUANTITIES VISIT & BOARD IN FEED LOTS THEY EAT LARGE QUANTITIES OF FEED INTENDED FOR CATTLE - THEY ALSO DESTROY MORE THAN THEY EAT BY SCRATCHING & DEFECATING IN FEED TROUGHS & BINS.
3. BIRDS ARE GREAT DISEASE CARRIERS - MAGPIES - STARLINGS - CROWS & SPARROWS CAN CARRY BLACK LEG - MALIGNANT EDEMA - ANTHRAX & RED WATER. RACCOONS & GROUND SQUIRRELS ARE LEPTOSPIROSIS - WHICH KILLS - CATTLE & HORSES & HOGS. SKUNKS ARE GREAT RABIES CARRIERS - PARTICULARLY BAD WHEN A RABID SKUNK GETS INTO A FEED LOT - WHERE ANIMALS CANNOT GET AWAY -
4. WE ARE DEATHLY AFRAID OF ^{THE} MORE LEGISLATION WHICH IN TURN CAN CAUSE US TO LOSE THE RIGHT TO KILL BIRDS OR OTHER ^{BE} HUNTING ANIMALS WHEN THEY ARE IN OUR PREMISES

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Exhibit 17

MR. SPEAKER

WE YOUR COMMITTEE ON FISH AND GAME, HAVING
HAD UNDER CONSIDERATION HOUSE BILL NO. 402, FIRST
READING COPY WHITE, ATTACH THE FOLLOWING STATEMENT
OF INTENT:

"STATEMENT OF INTENT
HOUSE BILL NO. 402"

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Fish, Wildlife, and Parks. Section 2 of the bill authorizes the department to make rules concerning disabled persons and exemptions to fishing and game bird license requirements.

The legislature contemplates that the rules should address the following subjects as well as others:

- (1) A definition of "disabled" as it applies to persons meeting license requirements for fishing and hunting game birds;
- (2) Documents that would, of themselves, be adequate certification of disability.

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

February 2, 1983

I appear today in support of HB 402. This bill addresses the area of discounted licenses within the Department and would, if passed, consolidate the categories and simplify some of the complexities which now exist.

At present discount licenses are now available to senior citizens, young persons age 12-14, and to the disabled. Within these three categories, the Department issues eight separate special discount licenses. The intent of HB 402 is to reduce that number to the issuance of three special discount licenses.

In the senior citizen's category, under present law, residents 65 and older may purchase half price deer and elk licenses. In addition residents 62 and older may fish and hunt birds for the price of a Conservation License.

The confusion over two different ages for qualifying, one at 65 and one at 62, needs to be addressed. HB 402 would set that standard at 65.

In the disabled category, under present law, a person must be certified as disabled by a physician and then receives a free lifetime fishing license. This procedure has two shortcomings. The first is that even though a person might be certified as disabled by the Veteran's Administration or Social Security, for example, that person must still be certified as disabled by a Doctor. In some cases this is an imposition.

The second is that, at times, it is questionable whether or not the disability is deserving of a lifetime free fishing privilege.

The bill before you would first of all require that proof of disability be furnished annually, it would allow the Department to establish rules so that certifications already in place could be used, and finally it would allow that disabled person to hunt birds and fish for the price of a Conservation License.

In the youth category, under present law, young people under 15 years of age may fish for free, may hunt birds for \$2.00, may hunt deer for \$2.00, and may hunt elk for \$2.00. These latter three categories all require a Conservation License also.

HB 402 is intended to allow youth under 12 years of age to fish for free. Youth between the ages of 12 and 14 may fish and hunt birds for the price of a Conservation License and may purchase a half price license to hunt deer and elk with a Conservation License.

As a result of the bill, one category of license would be the Conservation License and free fishing and bird hunting privileges. This would apply to senior citizens 65 and older, youth 12 through 14, and the disabled.

A second category would be half price deer for senior citizens 65 and older as well as youth 12 through 14.

A third category would be half price elk for senior citizens 65 and older as well as youth 12 through 14.

In the case of the senior citizen the 62 and 65 age figures need to be resolved. We are recommending 65 in order to be consistent to our revenue needs.

In the case of the disabled if they only fish they will pay more, but if they fish and hunt birds they will pay less. We also feel that an annual license is not unrealistic.

In the case of youth, those 12 through 14 will now pay to fish where they didn't before. However, if they fish and hunt birds they will pay less than they previously did. Those 12 through 14 will pay more to hunt deer and elk than previously.

We are aware that in this consolidation, under some circumstances, some of these people may pay more for hunting or fishing. We have taken those circumstances into account. However, just as with our general license fee proposal, we feel that it is necessary for each sportsman afield to assume some of the burden before us.

We urge your support of HB 402.

Ex. 18

COMPARISON OF NUMBER OF LICENSES NOW ISSUED AND PROPOSED IN HB 402

<u>Now</u>		<u>Proposed</u>
3	Senior Citizens	
1	Disabled	3
4	Youth	
<hr/>		<hr/>
8		3

HB 425

Testimony presented by Jim Flynn, Department of Fish, Wildlife, & Parks

February 1, 1983

Under present law only the Fish and Game Commission can open or close a hunting season. This is an accepted principle of our Fish and Game Laws and one that is widely supported by all Montanans.

However, this principle does have its problems when it comes to Special Seasons and those problems have resulted in HB 425 being brought before you.

In addition to the regular Big Game Seasons each year the Department conducts a number of Special Seasons. These Special Seasons are normally the result of potential or occurring game damage to a landowner's crops.

The sequence of events which occur are: the landowner contacts the Department with his complaint; the Department at the field level reviews the situation and makes a recommendation to Helena that a Special Season is necessary to address the problem; the Helena office then attempts to engage at least three Commissioners in a conference call to seek their unanimous consent to conduct the recommended Special Season. If the Commission agrees, the Season is authorized and conducted.

The problem we have is the amount of time it often takes to get in touch with at least three of the Commissioners. Each of these individuals is conducting his own livelihood as a private citizen and in so doing is not always available.

This reality coupled with the need, particularly in dealing with Game Damage situations, for a rapid response results in an unsatisfactory situation.

In addition, it is seldom, if ever, that the Commission does not accept the Department's recommendation for these seasons.

As a result, HB 425 has been introduced to allow the Commission the authority, if they choose to exercise it, to have the Director open and close Special Seasons. We feel this bill could save time in establishing Special Seasons and that it would not infringe upon the authorities of the Commission.

We urge your support of HB 425.

WITNESS STATEMENT

Name Charles van Hook Committee On F & G
Address 517 Waukesha Date Feb 1, 83
Representing Mont. Environ. Info. Center Support →
Bill No. HB 377 Non-Game Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Support income tax refund check-off
2. for funding Non game management program
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Larry Copeland Committee On Fish & Game
Address 3424 1st Ave S. G.F. MT Date Feb. 1, 19
Representing Umba Aud. Soc. Support ✓
Bill No. HB 377 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Represent 375 members of all walks of life
2. All would like to actively support Non-Game wildlife by this method
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Franklin Grosfield Committee On _____
Address Big Timber Date Feb 1 1983
Representing _____ Support _____
Bill No. HB 377 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

STANDING COMMITTEE REPORT

February 1,

83

..... 19.....

SPEAKER:

MR.

FISH AND GAME

We, your committee on

having had under consideration **HOUSE** Bill No. **425**

first reading copy (white)
color

"AN ACT TO PROVIDE THAT THE FISH AND GAME COMMISSION MAY
AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE,
AND PARKS TO OPEN OR CLOSE SPECIAL SEASONS UPON 12 HOURS'
NOTICE; AMENDING SECTION 87-1-304, MCA."

Respectfully report as follows: That..... **HOUSE** Bill No. **425**

~~DO-PASS--~~

STANDING COMMITTEE REPORT

1 of 2

February 3, 1983

SPEAKER:

MR.

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 345

first reading copy (white)
color

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

HOUSE 345

Respectfully report as follows: That..... Bill No.....

be amended as follows:

1. Page 4, line 9.

Following: "parts"

Insert: "not exceeding \$30,000 in any fiscal year."

AND AS AMENDED

DO PASS

STATEMENT OF INTENT ATTACHED