

HOUSE FISH AND GAME 2-10 COMMITTEE

ROLL CALL VOTE -----

	Date: No: HB 377 AMEND #3	Date: No: HB 377	Date: No: HB 661	Date: No:	Date: No:	Date: No:
DAILY	XXX	NO	YES			
DEVLIN	YES	NO	YES			
ELLISON	YES	NO	YES			
HANSON	YES	NO	YES			
HART	NO	YES	NO			
JENSEN	YES	YES	NO			
MANUEL	YES	NO	YES			
MUELLER	YES	YES	YES			
NISBET	YES	YES	NO			
PHILLIPS	YES	YES	YES			
REAM	NO	YES	NO			
RYAN	YES	NO	YES			
SAUNDERS	YES	YES	YES			
SWIFT	YES	NO	YES			
VELEBER	YES	YES	NO			
SPAETH	YES	YES	NO			
NILSON	NO	YES	NO			

DPAA DO NOT PASS 9-7

HOUSE FISH AND GAME COMMITTEE

February 10, 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, except Representative Daily, who was excused.

Chairman Nilson opened the meeting to a hearing on House Bill: 661.

REPRESENTATIVE ROBERT REAM, District 93, Missoula, said the Nongame and Endangered Species Act that is in our Montana statutes, has been there since 1973. Over that time period, there has been a lot of controversy. One of the ways to get around controversy is to sit down and talk about it. I view this bill, to establish a nongame advisory council, as one mechanism, one approach. I am proposing this with that in mind; I am open to change in structure or concept. Section two of this bill says that there shall be a nongame advisory council appointed by the governor, consisting of six people. Two members representing the agricultural industry, two members representing the wildlife conservation interests, a professional biologist, and somebody representing industry. Perhaps these terms can be defined further. The council would serve two-year terms and meet twice annually to prioritize and give direction to the nongame wildlife programs of the Fish, Wildlife, and Parks Department. Citizen councils do provide a valuable service. I am not saying that we need them for all kinds of programs in the state, but when we do have one that is as controversial as this one has been, and one that is relatively new, I think the advisory council would be of value, whether or not the bill we heard last week passes.

PROPOSERS

JANET ELLIS, Montana Audubon Council, said we support House Bill 661 with it's creation of an advisory council for Montana's nongame wildlife program. 10 years ago, this program was created for a portion of our wildlife that is often ignored. It was created for the wildlife, as well as for the public good. 10 years later, we feel that this program could benefit from more public input. Montana's nongame wildlife program has spent the last 10 years fulfilling it's legislative mandate to conduct ongoing investigations. These investigations have involved inventories and habitat studies of birds and mammals. The audubon council feels that at this time, the nongame program could benefit from positive programs that are more visible to the public eye. We feel that with a balanced citizen advisory council, this program would have more public input and hence be directed toward programs that would benefit more people in the state. This committee is aware of the concerns expressed that the nongame program could harm certain groups in Montana by passing certain regulations,

HOUSE FISH AND GAME COMMITTEE MINUTES
February 10, 1983, page 2

even though nongame animals cannot be protected without legislative approval. The citizens advisory council is designed to bring concerned parties together and have them steer the program toward more public good. The group can also determine how the program can benefit their respective interest groups. Agriculture is on the committee, and agriculture is perhaps interested in having more work done on environmentally safe control of rodents. Industry may want the program to work on a centralized data base, so that when it is required to do an environmental impact statement for development projects, information will be centralized and the data will be easier to obtain. Wildlife interest groups would ask the program to work on educational material for the general public. The advisory council will not be an expensive program. The people on the council are just paid expenses to come to Helena twice a year. It's greatest threat seems to be that it would open doors of communication and make interested parties put more positive energies into a program that is good for Montana. It is for this reason that the Montana Audubon Council supports House Bill 661.

KEN KNUDSON, Montana Wildlife Federation, said we support House Bill 661. Any time you arrange for people of diverse interests to sit down and discuss their concerns, in the long run, there will probably be positive results. The Montana Wildlife Federation feels that the makeup of the council proposed in this bill would provide a beneficial quorum to discuss the desires and concerns of wildlife, agricultural, and industrial interests. Such discussions will help set the future of Montana nongame wildlife, and provide valuable exposure to the policies and programs associated with the management of nongame wildlife.

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written copies of his testimony to the committee. (see exhibit 1)

OPPONENTS

DARREL HANSON, Ashland, said I don't think anybody has the right to come out on our ranches and tell us what we are doing wrong. I don't believe we have to have another bill like this to spend money and to order the ranchers to do what they are already doing. I don't want somebody to step in on my business.

Rep. Ream closed by saying there are some species covered under other programs. The intent of the original nongame bill was aimed at those species of wildlife that the vast population of Montana are interested in seeing. If the checkoff system doesn't pass, I still see the need for this council. I am sympathetic to Mr. Hanson's concern, I do respect the rights of private landowners. I don't think this would infringe on those rights.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 10, 1983, page 3

Questions from committee. Rep. Manuel asked Rep. Ream who's budget this is going to come out of. The response was if the checkoff system passes, I would think the costs would come out of that fund. Costs would be \$600 to \$1,000., I would guess.

Rep. Swift said there are already people available to oversee the program, we already have advisory groups working with the department. Why do you need a council when you already have the resources available? Rep. Ream replied for the reasons I have already stated in my testimony.

Rep. Swift asked what authority the council has. Rep. Ream answered just advisory rather than decision making authority. Part of the value of the council is public education. It will trickle down through the public as a whole.

Rep. Swift asked Rep. Ream if the department has an informational education program for public relations at the present time. The response was yes, they do.

Rep. Swift commented I don't know why we need this kind of duplication.

Rep. Jensen asked Mr. Flynn if there is value in bringing together diverse opposing interests inherent within the nongame program, and if that is a worthwhile purpose of this bill, aside from the other bill under consideration; as an advisory council to the department for the specific program, to talk about the issues that the program brings to light. Mr. Flynn replied yes, I think this whole area of nongame is not understood clearly by everybody. Any vehicle to enhance this understanding would be beneficial. This program is budgeted to about two or three thousand dollars for the next two years, yet there is only one person involved. The exchange of information is needed, but I don't know how much advice we can seek to make adjustments, or if this is the right vehicle to achieve it.

Rep. Mueller asked Mr. Flynn if this kind of information or dialogue could be carried on through the department education program. The answer was we do put out a certain amount of information on the nongame aspect of our operation. This council would be a meaningful type of input, and would help make that dialogue more meaningful.

Rep. Jensen said I guess I don't understand the philosophy behind the education program that the department has. Is a part of the mission of that program to resolve conflict? Mr. Flynn replied the information we put out about nongame is to explain what we are doing and how we are spending the money.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 10, 1983, page 4

Rep. Ellison said as suggested, if this council was going to get the two opposing sides together for a mutual understanding, wouldn't a program similar to the landowner, sportsman council be a better approach to this, where the council would report more to the legislature than to the department? Mr. Flynn replied the difference between the landowner sportsman council and this advisory council is on Page 5, Section 5 of this bill, where it is clearly understood that the responsibility is the department's to the council. This clearly states that before adopting any regulations, that the director and the department shall consult with the council, and it lists a series of items. That is positive input if you are to have a council, to have it clearly spelled out so there isn't a lot of misunderstanding on both sides as to who will be doing what.

Rep. Hanson asked Mr. Hanson how many hours he spends directing lost people. The response was a considerable amount. There is someone asking directions all the time. I like to leave home on Sundays.

Rep. Devlin said the utmost consideration is pretty strong language, it sounds a little bit more than advisory. Rep. Ream said the intent is to consider what they have to say. I wouldn't be averse to taking out the word utmost.

Chairman Nilson closed the hearing on House Bill 661 at 1:00 p.m.

EXECUTIVE SESSION

HOUSE BILL 402

Rep. Mueller remarked one of the strong thrusts of this bill was to try to get uniformity, and that's why the age 65 is in there. If we go back to 62, it would appear to me we are gutting the bill. The intent was to get everything on an even keel, and if we go back, we are defeating the purpose of the bill.

Rep. Jensen said if we raised the age to 65, there would be people who are currently eligible at 62, who will all of a sudden find out they no longer have a discount. The idea was to bring it down so there was no confusion, but also to keep it standard.

Rep. Ream asked if there is a legal age for other social programs. Chairman Nilson commented you get to join the center at 55.

Rep. Ellison said we may be distinguishing between a millionaire who is 61 and one who is 62. If we are going to give a break, I think it should be according to need.

Rep. Hart commented federal government has indicated that retirement age will be 65 at minimum, and maybe 70.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 10, 1983, page 5

Rep. Ryan commented when someone is 65 years old, he ought to have sense enough to quit hunting elk.

Rep. Manuel moved House Bill 402, DO NOT PASS.

Rep. Ellison commented this bill would cut out some red tape for the department, and standardize the program.

Rep. Swift moved a substitute motion to amend House Bill 402, on line 18 to change it back to 62 wherever the age appears.

Rep. Phillips said now we are talking fiscal impact of that \$41,000. less revenue.

Rep. Hanson asked if we increase \$29,000 on the kids. The response was yes.

Rep. Swift's motion to amend House Bill 402 passed, with Representatives Hanson, Hart, Devlin, Mueller, and Spaeth voting no.

Rep. Ellison moved a substitute motion, House Bill 402, DO PASS as amended, the motion carried unanimously.

HOUSE BILL 515

Rep. Devlin moved House Bill 515, DO PASS, on the gray copy of the bill. (see exhibit 2)

Rep. Ream moved to amend the bill to include wolf where it has been stricken.

Rep. Devlin said by leaving the wolf in we are admitting the wolf exists and should be propagated further and further.

Rep. Ellison said in my area, the wolf is not extinct. One neighbor has about 100 of them. If he keeps propagating, we are going to have problems. Rep. Ellison asked Mr. Flynn to comment on this. Mr. Flynn replied all I am aware of is that there is a gentlemen who does lay claim to the fact that he is raising buffalo wolves in captivity. I would presume that if domestic wolves are out in the wild, they would fall under the protection of the endangered species act.

Rep. Ream said it is just as illegal to release a captive wolf into the wild, as it is to kill a wolf. The wolf is already on the state list of endangered species. To deny that they do exist is sticking out heads in the sand and pretending there isn't a problem. The bill is to compensate land owners when damage is done, I think the wolf should be included in this.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 10, 1983, page 6

Rep. Spaeth said if we include the wolf, we are talking about additional costs of \$20,000 and we are also asking our game wardens to take time to carry out the law.

Rep. Ream said there are 0 to 10 wolves in Montana today. I don't think the cost would be that great.

Rep. Ream's motion to amend House Bill 515 failed, with Representatives Ream, Jensen, Veleber, Saunders, and Hart voting yes.

Rep. Swift said is the fiscal note worth anything that is attached to the bill.

Rep. Spaeth said this program is going to cost lost opportunity for the department, since they are now going to have to be working on this. I know it is more than \$20,000.

Rep. Devlin moved House Bill 515 DO PASS as amended, the motion passed with Representatives Daily, Hanson, and Hart voting no.

HOUSE BILL 541

Rep. Phillips said this is a clean-up type bill. There are two issues. One is changing the expiration date to the last day of February. The rationale is to get the licenses out earlier to help the out of state nonresident so they can plan their hunting trips. We did talk about a two month extension on the fishing license. Rep. Phillips called on Jim Flynn for comments. Mr. Flynn responded the only problem is the fishing license.

Rep. Ellison asked if we are talking about changing the fishing license to become effective for this coming spring. Mr. Flynn answered the last day of February next season. If they were issued this year, it would be the last day of February next year.

Rep. Mueller commented I see absolutely no problem at all because when they buy their license, there is a date on it so they know what is going on.

Rep. Phillips moved House Bill 541, DO PASS.

Rep. Swift proposed an amendment on line 25, page 1 to insert after the word person, a citizen of the United States, and continue throughout the bill.

Dave Cogley, staff attorney, commented Section 1-1-215, defines the conditions you have to meet in order to be a resident of Montana.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 10, 1983, page 7

Rep. Spaeth said when we talk about resident of the State of Montana, we are talking about residents for a whole lot of purposes such as probate, voting purposes, etc., and so when we say resident of the State of Montana, we have to interpret that as resident of the United States.

Rep. Swift said that is a subjective opinion that is not fact. I would like to have the legal resource check that out to see if it is true. I have had many complaints relative to this.

Rep. Spaeth moved a substitute motion, DO NOT PASS, on the amendment.

Rep. Jensen said when I moved to Montana, in order to get a drivers license, one of the things I had to prove was that I was a citizen of the United States.

The motion passed, with Representative Swift voting no.

Rep. Phillips moved House Bill 541, DO PASS, the motion carried unanimously.

HOUSE BILL 377

Rep. Jensen moved House Bill 377, DO PASS.

Rep. Devlin moved three amendments to the bill separately. (see exhibit 3)

Amendment #1 passed unanimously.

Amendment #2 passed, with Representative Devlin voting no.

Amendment #3 passed, with Representatives Hart, Ream, and Nilson voting no.

House Bill 377, DO PASS as amended, carried with Representatives Swift, Hanson, Manuel, Devlin, Ryan, Ellison, and Daily voting no. The motion was made by Representative Jensen.

HOUSE BILL 661

Rep. Ream moved House Bill 661, DO PASS, the motion failed 9 to 7, with Representatives Hart, Jensen, Nisbet, Ream, Veleber, Spaeth, and Nilson voting yes.

Rep. Devlin moved to reverse the vote, House Bill 661, DO NOT PASS.

Chairman Nilson adjourned the meeting at 2:15 p.m.



LES NILSON, Chairman



Cheryl Fredrickson, secretary

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

February 10, 1983

House Bill 661, which is a bill to establish a nongame wildlife advisory council, is a bill which we presume is introduced to enhance the passage of the establishment of a nongame checkoff system for funding the nongame wildlife program in the Department of Fish, Wildlife and Parks. If that is the intent of this bill and the six member advisory council is to be established to oversee an expanded program within the Department, the bill has merit. However, if the intent of the bill is to establish a nongame wildlife advisory council for the current one-man program funded at the level proposed, then we question the merit of the bill.

It would seem that the establishment of a six member council and the requirement that the council meet twice a year and further that the council's per diem and travel expenses be paid out of the budget would only serve to lower the level of services that we currently are offering. In all of the discussion that we have heard to date this session and in referring back to last session with regard to the nongame program, the concern expressed most frequently is for the direction a nongame program that is funded at a higher level might take. That concern may or may not be well founded and to alleviate that concern a nongame advisory council may have merit.

But our main concern is that with the present program and with the establishment of a six member board, it doesn't seem appropriate to have a six member board overseeing the activities of a one-man program.

I would also point out that in the discussion that we have heard to date with respect to the nongame program, little if any criticism has been directed towards the way the Department has conducted the program since it was enacted some years ago. It should also be noted that the Montana State Fish and Game Commission has an advisory, a policy setting, and a liaison role which they perform with relationship to the public and the Department. In performing these functions, the Fish and Game Commission is the conscience of the Department and is a public body representative of the public to the Department in its daily activities. It would seem that a nongame council under present circumstances would be redundant in an advisory way to the Commission's official responsibilities.

I would suggest to this Committee that HB 661 be considered in the same vein as the nongame checkoff bill. If that checkoff bill is not to pass through the legislative process in a successful fashion, HB 661 may not serve the purpose for which it is intended. In that case, we would hope that the current program would not be overseen by this proposed nongame advisory council.

If the nongame checkoff bill is to pass through the legislative process, then the Department would recommend that the nongame advisory council be looked at on its own merit as to whether or not it would serve a useful purpose in the process.

Exhibit 2

1 HOUSE BILL NO. 515
2 INTRODUCED BY R. JENSEN, SOLBERG, RYAN, STOBIE,
3 ASAY, ELLISON, MANUEL, DEVLIN, J. JENSEN,
4 SAUNDERS, REAM

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
7 DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO COMPENSATE
8 PROPERTY OWNERS FOR DAMAGE DONE BY GRIZZLY BEARS AND
9 WOLVES."

10
11 ~~WHEREAS, according to section 87-5-103, MCA, it is the~~
12 ~~policy of the state of Montana to manage certain nongame~~
13 ~~wildlife, including grizzly bears (Ursus arctos horribilis)~~
14 ~~and wolves (Canis lupus), for human enjoyment, for~~
15 ~~scientific purposes, and to insure their perpetuation as~~
16 ~~members of ecosystems; and~~

17 WHEREAS, according to section 87-5-301, MCA, it is the
18 specific policy of the state of Montana to protect,
19 conserve, and manage grizzly bears as rare species of
20 Montana wildlife; and

21 WHEREAS, the grizzly bear and wolf are IS listed as A
22 threatened species in Montana and IS protected by the
23 federal Endangered Species Act of 1973; and

24 WHEREAS, the current state law regarding the regulation
25 of wild animals damaging property, section 87-1-225, MCA,

1 does not adequately recognize the special rare and
 2 threatened status of the grizzly bear ~~and--wolf~~ and
 3 consequently does not adequately protect ~~these-animals~~ THIS
 4 ANIMAL; and

5 WHEREAS, grizzly bears ~~--wolves~~ and Montana property
 6 owners would benefit from a program to reduce the risk of
 7 damage caused by grizzly bears ~~or--wolves~~ and compensate
 8 those persons suffering unavoidable damage; and

9 WHEREAS, the Department of Fish, Wildlife, and Parks
 10 has exclusive power to spend, for the protection,
 11 preservation, and propagation of fish, game, fur-bearing
 12 animals, and game and nongame birds, all state funds
 13 collected or acquired for that purpose, whether arising from
 14 state appropriation, licenses, fines, gifts, or otherwise.

15

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

17 Section 1. Short title. [This act] may be cited as the
 18 "Grizzly Bear ~~and--wolf~~ Damage Compensation Act".

19 Section 2. Purpose. The purpose of this act is to
 20 ~~preserve-grizzly-bears-and-wolves~~ IMPROVE THE MANAGEMENT OF
 21 GRIZZLY BEARS, TO MINIMIZE THE POTENTIAL FOR CONFLICTS
 22 BETWEEN GRIZZLY BEARS AND PROPERTY OWNERS, to educate
 23 Montana property owners with respect to minimizing the risk
 24 of damage caused by grizzly bears ~~and--wolves~~, and to
 25 compensate property owners for unavoidable damage caused by

1 ~~these animals~~ GRIZZLY BEARS.

2 Section 3. Definitions. As used in [this act], the
3 following definitions apply:

4 (1) "Claimant" means an individual, association,
5 partnership, corporation, estate, or other entity that makes
6 a claim to the state of Montana for compensation for damages
7 caused by grizzly bears ~~or-wolves.~~

8 (2) "Department" means the department of fish,
9 wildlife, and parks provided for in 2-15-3401.

10 (3) "Director" means the director of the department.

11 (4) "Prevention agreement" means a contract between
12 the state of Montana and a property owner for the purpose of
13 minimizing the risk of damage caused by grizzly bears or
14 ~~wolves.~~

15 Section 4. Prevention agreement required. The
16 department may enter into a prevention agreement with any
17 person in the state of Montana for the purpose of minimizing
18 the risk of damage to private property caused by grizzly
19 bears ~~or--wolves.~~ A person wishing to be compensated for
20 damage caused by grizzly bears ~~or-wolves~~ must enter into a
21 valid prevention agreement with the department prior to the
22 time the damage occurs. The prevention agreement is not
23 valid unless signed by both parties. No claim may be paid
24 unless a valid prevention agreement existed prior to the
25 time the damage occurred.

1 Section 5. Prevention agreements -- conditions --
 2 renewal. (1) When a person notifies the department that he
 3 wishes to be included in the compensation program, an
 4 employee of the department shall inspect the premises which
 5 are the subject of the proposed agreement. Upon a thorough
 6 inspection of the property, the department employee may
 7 include specific conditions in the prevention agreement that
 8 must be met by the property owner before the agreement is
 9 signed by the director. These conditions must be specific,
 10 not cause undue hardship, monetary or otherwise, on the
 11 property owner, and be clearly designed to prevent damage to
 12 private property by grizzly bears or---wolves. THESE
 13 CONDITIONS MAY NOT INTERFERE WITH THE NORMAL OPERATIONS OF
 14 THE PROPERTY OWNER.

15 (2) ~~Reasonable conditions that may be part of the~~
 16 ~~prevention agreement include:~~

17 ~~(a) removal of boneyards and carcasses from areas~~
 18 ~~close to living livestock;~~

19 ~~(b) avoiding the placement of bees or fruit trees~~
 20 ~~adjacent to vulnerable livestock;~~

21 ~~(c) prompt cleanup of fallen fruit;~~

22 ~~(d) proper storage of livestock feed;~~

23 ~~(e) other conditions agreed to by the claimant and the~~

24 department IF THE DEPARTMENT AND THE CLAIMANT ARE UNABLE TO

25 AGREE UPON THE CONDITIONS OF A PROPOSED PREVENTION AGREEMENT

1 AND THE CLAIMANT WISHES TO ENTER AN AGREEMENT, THE DIRECTOR
2 AND THE CLAIMANT MAY SELECT A BOARD OF REVIEWERS AS
3 APPOINTED UNDER [SECTION 8]. THE REVIEWERS' COMPENSATION IS
4 AS PROVIDED FOR IN [SECTION 9]. THE REVIEWERS SHALL MAKE AN
5 IMPARTIAL EXAMINATION OF THE PREMISES AND MAKE A
6 DETERMINATION OF APPROPRIATE CONDITIONS TO BE INCLUDED IN
7 THE AGREEMENT. THE REVIEWERS' FINDINGS ARE BINDING ON THE
8 DEPARTMENT. HOWEVER THE PROPERTY OWNERS NEED NOT ENTER THE
9 AGREEMENT.

10 (3) A prevention agreement is void upon breach of any
11 condition contained therein.

12 (4) A new prevention agreement may be entered into at
13 any time. Existing prevention agreements must be renewed by
14 March 31 of each year.

15 Section 6. Investigation of claim -- payment. (1) As
16 soon as possible after a complaint is received, an employee
17 of the department must interview the claimant, inspect the
18 property reported as damaged, and collect any additional
19 evidence necessary to effect a settlement of the claim. The
20 department may seize any property offered as evidence to
21 support the claim, which property must be returned to the
22 owner upon satisfaction of the claim.

23 (2) If agreement between the department and the
24 claimant is reached regarding the market value of the damage
25 sustained and the department is satisfied that the claim is

1 reasonable and fair, a voucher must be drawn in the amount
 2 specified in the finding. If the department and the claimant
 3 cannot agree upon the amount of damage, the department shall
 4 proceed as provided in [section 8].

5 Section 7. Authority to pay damage claims. (1) The
 6 department shall pay for damage done by grizzly bears or
 7 ~~wolves~~ to livestock or poultry, crops, bees or beekeeping
 8 equipment, structures, or other property, if:

9 (a) the claimant suffering the damage entered into and
 10 fulfilled the requirements of a prevention agreement between
 11 the claimant and the department;

12 (b) any incident in which damages occur is reported to
 13 the department within 24 hours after it is discovered, OR AS
 14 SOON AS POSSIBLE WHERE THE TIME LIMIT IS UNREASONABLE;

15 (c) the total value of the damage is greater than ~~\$100~~
 16 ~~\$50~~; and

17 (d) an itemized claim is presented in writing, under
 18 oath, to the director at Helena within 15 days from the time
 19 the damage is ~~discovered~~ REPORTED by the claimant.

20 (2) No claim for damage may be paid if:

21 (a) the claimant kills or wounds or attempts to kill
 22 or wound, by any method, any grizzly bear ~~or--wolf~~ causing
 23 the damage or any other grizzly bear ~~or--wolf~~ in the area;

24 (b) the claimant fails to cooperate fully with all
 25 reasonable requests of state or federal officials attempting

1 to control the grizzly bear or wolf or its activities†

2 ~~(c) -- the claimant had been advised by state or federal~~
3 ~~officials -- of reasonable measures -- to prevent damages and~~
4 ~~these recommended measures were ignored.~~

5 Section 8. Adjustment of disputed claims. If the
6 department and the claimant are unable to agree upon the
7 amount or cause of the damage, the director and the claimant
8 may select a board of reviewers. The board must consist of
9 three disinterested and reputable citizens, one to be chosen
10 by the claimant, one by the director, and one by mutual
11 agreement of both the claimant and the director. The board
12 shall make an impartial examination of the premises and take
13 such testimony, under oath, as may be submitted. It shall
14 then make a determination of the amount or cause of damage,
15 or both, and report such determination to the director. The
16 findings of the board are final and binding on all parties.

17 Section 9. Oath required -- compensation of reviewers
18 and witnesses. (1) The director or a person authorized to
19 administer oaths shall administer an oath to all reviewers
20 appointed under [section 8] and all witnesses examined by
21 them. The oath must be of like effect as oaths administered
22 in any court of law of this state.

23 (2) The reviewers and witnesses must be paid by the
24 department at the same rate as jurors and witnesses in the
25 district court.

1 Section 10. Penalty for filing false claims for
2 damage. (1) No person, for the purpose of collecting
3 compensation under [this act], may file a claim:

4 (a) for damage he knows was caused by animals other
5 than grizzly bears ~~or-wolves~~;

6 (b) for any livestock which he knows died from other
7 causes;

8 (c) for property which he knows was otherwise damaged
9 or destroyed.

10 (2) A person convicted of a violation of this section
11 is guilty of a misdemeanor and must be fined not to exceed
12 \$1,000 plus costs of prosecution. If he fails to pay the
13 fine imposed he must be imprisoned 1 day for each \$10 of the
14 fine.

15 Section 11. Limitation on payments for damages. No
16 more than ~~\$10,000~~ \$20,000 may be expended annually by the
17 department for the payment of grizzly bear ~~or-wolf~~ damage
18 claims filed and adjusted in accordance with [this act].

19 Section 12. Information to be provided by department.
20 The department shall produce and distribute a brochure for
21 the benefit of persons living in areas frequented by grizzly
22 bears ~~or-wolves~~. The brochure must contain at least the
23 following:

24 (1) information on the pertinent portions of [this
25 act] and any other laws that may apply;

1 (2) a listing of local, state, and federal officials
2 to whom grizzly bear ~~or-wolf~~ damage or problems should be
3 reported;

4 (3) prevention measures to minimize problems with
5 bears ~~and--wolves~~ and information on bear ~~and-wolf~~ behavior
6 and habitat needs; and

7 (4) information explaining how damage caused by
8 grizzly bears ~~or--wolves~~ may be distinguished from damage
9 caused by other animals.

10 Section 13. Cooperative agreements -- application. (1)
11 To facilitate the implementation of [this act], the director
12 shall develop cooperative agreements between the state of
13 Montana and Indian tribes or federal agencies that are
14 involved in grizzly bear ~~or-wolf~~ management.

15 (2) [This act] does not affect laws specifically
16 governing grizzly bears ~~or-wolves~~ or their management, nor
17 does it interfere with existing grizzly bear ~~or--wolf~~
18 management agreements OR PLANS.

19 (3) [This act] does not apply to any animal other than
20 grizzly bears ~~or-wolves~~. Nothing in [this act] prohibits the
21 shooting of a grizzly bear ~~or-wolf~~ for the protection of
22 human life. [This act] does not provide compensation for
23 bodily injury or death caused by grizzly bears ~~or-wolves~~.

24 Section 14. Severability. If a part of this act is
25 invalid, all valid parts that are severable from the invalid

1 part remain in effect. If a part of this act is invalid in
2 one or more of its applications, the part remains in effect
3 in all valid applications that are severable from the
4 invalid applications.

-End-

Exhibit 3

1. Page 2, lines 11 and 12.

Strike: "acquisition and"

2. Page 3, line 19.

Following: "87-1-601"

Insert: ", except that no money collected under [this act] may
be used for the purchase of any real property"

3. Page 3, lines 20 and 21.

Strike: "is supplemental to any other"

Insert: "will replace license fee"

Following: "management" on line 21

Insert: "after June 30, 1985,"

STANDING COMMITTEE REPORT

1 of 2

February 10, 1983

19

SPEAKER:

MR.

FISH AND GAME

We, your committee on

HOUSE 377

having had under consideration Bill No.

first reading copy (white)
color

**"AN ACT TO PROVIDE FUNDS FOR THE PRESERVATION AND MANAGEMENT
OF WONGAME WILDLIFE IN MONTANA; AMENDING SECTION 37-5-102, MCA."**

HOUSE 377

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

be amended as follows:

1. Page 2, lines 11 and 12.

Strike: "acquisition and"

2. Page 3, line 19.

Following: "87-1-601"

Insert: ", except that no money collected under [this act] may
be used for the purchase of any real property"

3. Page 3, lines 20 and 21.

Strike: "is supplemental to any other"

Insert: "will replace license fee"

Following: "management" on line 21

Insert: "after June 30, 1985,"

XXXXXX
DO PASS

February 10, 1983

HOUSE BILL 377

4. Page 5.

Following: line 6

Insert: Section 5. Applicability--termination.

(1) This act applies to tax returns which by law are required to be filed after January 1, 1984.

(2) This act shall terminate July 1, 1987."

AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

Feb. 10

19 83

MR. **SPEAKER:**

We, your committee on **FISH AND GAME**

having had under consideration **HOUSE** Bill No. **515**

first **white**
reading copy (.....)
color

**" AN ACT TO AUTHORIZE THE DEPARTMENT OF FISH, WILDLIFE, AND
PARKS TO COMPENSATE PROPERTY OWNERS FOR DAMAGE DONE BY GRIZZLY
BEARS AND WOLVES. "**

Respectfully report as follows: That **HOUSE** Bill No. **515**

be amended as follows:

1. Title, lines 6 and 7.
Strike: **"AND WOLVES"**

2. Page 1, lines 9 through 14.
Strike: lines 9 through 14 in their entirety

3. Page 1, line 19.
Strike: **"and wolf are"**
Insert: **"is"**
Following: **"as"**
Insert: **"a"**

4. Page 1, line 20.
Following: **"and"**
Insert: **"is"**

DO PASS

5. Page 1, line 25.

Strike: "and wolf"

6. Page 2, line 1.

Following: "protect"

Strike: "these animals"

Insert: "this animal"

7. Page 2, line 2.

Following: "bears"

Strike: ", wolves,"

8. Page 2, line 4.

Strike: "or wolves"

9. Page 2, line 15.

Strike: "and Wolf"

10. Page 2, line 17.

Following: line 16

Strike: "preserve grizzly bears and wolves,"

Insert: "improve the management of grizzly bears, to minimize the potential for conflicts between grizzly bears and property owners,"

11. Page 2, line 19.

Strike: "and wolves"

12. Page 2, lines 20 and 21.

Following: "by"

Strike: "these animals"

Insert: "grizzly bears"

13. Page 3, line 2.

Strike: "or wolves"

14. Page 3, lines 8 and 9.

Strike: "or wolves"

15. Page 3, line 14.

Strike: "or wolves"

16. Page 3, line 15.

Strike: "or wolves"

17. Page 3, line 25.

Following: "Upon"

Strike: "a thorough"

18. Page 4, line 5.
Following: "cause"
Strike: "undue"

19. Page 4, line 7.
Strike: "or wolves"
Following: "."
Insert: "These conditions may not interfere with the normal operations of the property owner."

20. Page 4, line 8.
Following: "(2)"
Strike: remainder of line 8 through "department" on line 17
Insert: "If the department and the claimant are unable to agree upon the conditions of a proposed prevention agreement and the claimant wishes to enter an agreement, the director and the claimant may select a board of reviewers as appointed under [section 8]. The reviewers' compensation is as provided for in [section 9]. The reviewers shall make an impartial examination of the premises and make a determination of appropriate conditions to be included in the agreement. The reviewers' findings are binding on the department, however the property owner need not enter the agreement."

21. Page 5, lines 14 and 15.
Following: "bears"
Strike: "or wolves"

22. Page 5, line 21.
Following: "discovered"
Insert: ", or as soon as possible where the time limit is unreasonable"

23. Page 5, line 23.
Strike: "\$100"
Insert: "\$50"

24. Page 6, line 1.
Following: "damage is"
Strike: "discovered"
Insert: "reported"

25. Page 6, line 4.
Strike: "or wolf"

26. Page 6, line 5.
Strike: "or wolf"

37. Page 6, line 8.

Strike: "or wolf"

Following: "activities"

Strike: ";"

38. Page 6, lines 9 through 11.

Strike: "(c)" through "ignored" on line 11

39. Page 7, line 12.

Strike: "or wolves"

30. Page 7, line 23.

Following: "than"

Strike: "\$10,000"

Insert: "\$20,000"

31. Page 7, line 24.

Strike: "or wolf"

32. Page 8, line 4.

Strike: "or wolves"

33. Page 8, line 9.

Strike: "or wolf"

34. Page 8, line 12.

Following: "bears"

Strike: "and wolves"

Following: "bear"

Strike: "and wolf"

35. Page 8, line 15.

Strike: "or wolves"

36. Page 8, line 21.

Strike: "or wolf"

37. Page 8, line 23.

Strike: "or wolves"

38. Page 8, line 24.

Strike: "or wolf"

39. Page 8, line 25.

Following: "agreements"

Insert: "or plans"

40. Page 9, line 2.

Strike: "or wolves"

HB 515

2-11-83

19

41. Page 9, line 3.
Strike: "or wolf"

42. Page 9, line 5.
Strike: "or wolves"

AND AS AMENDED

DO PASS

STANDING COMMITTEE REPORT

February 10, 83

19.....

SPEAKER:

MR.

FISH AND GAME

We, your committee on

HOUSE

541

having had under consideration Bill No.

first

white

reading copy ()

color

"AN ACT TO GENERALLY REVISE THE LAWS CONCERNING THE ISSUANCE
AND TERMINATION OF FISH AND GAME LICENSES; AMENDING SECTIONS
87-2-102, 87-2-104, 87-2-106, AND 87-2-111, MCA."

HOUSE

541

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

DO.PASS.—

STANDING COMMITTEE REPORT

February 10, 1983

SPEAKER:

MR.

FISH AND GAME

We, your committee on

having had under consideration HOUSE Bill No. 661

first

white

_____ reading copy (_____)
color

**"AN ACT TO ESTABLISH A NONGAME WILDLIFE ADVISORY COUNCIL AND
PROVIDE RESPONSIBILITIES FOR THE COUNCIL; AMENDING SECTION
87-5-102, MCA."**

HOUSE 661

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

~~XXXXXX~~
DO PASS

DO NOT PASS