

HOUSE FISH AND GAME 2-17 COMMITTEE

ROLL CALL VOTE -----

	Date: No: HB 737 SWIFT AMEND	Date: No: HB 737	Date: No: HB 719	Date: No:	Date: No:	Date: No:
DAILY	NO	NO	YES			
DEVLIN	XXX	XXX	NO			
ELLISON	YES	NO	NO			
HANSON	YES	YES	NO			
HART	NO	YES	YES			
JENSEN	XXX	YES	YES			
MANUEL	NO	YES	YES			
MUELLER	YES	YES	YES			
NISBET	YES	YES	YES			
PHILLIPS	YES	YES	YES			
REAM	YES	YES	YES			
RYAN	YES	NO	NO			
SAUNDERS	NO	NO	NO			
SWIFT	YES	YES	YES			
VELEBER	NO	YES	YES			
SPAETH	YES	YES	YES			
NILSON	YES	YES	YES			

TABLF
12-4

TABLF
12-5

10-5

HOUSE FISH AND GAME COMMITTEE

February 17, 1983

Chairman Nilson turned the meeting over to Representative Bob Ream for the hearing on House Bill 764. Rep. Ream called the meeting to order in room 420 of the Capitol Building at 12:00 p.m., with all members present.

Rep. Ream opened the meeting to a hearing on House Bills: 764, 719, 737, 799, and 801.

HOUSE BILL 764

REPRESENTATIVE LES NILSON, District 37, Great Falls, opened by stating this is the bill that was brought before our committee. It is a committee bill which allows for the transportation of eagle parts and plumage for religious purposes by members of Indian tribes when such possession or transportation is permitted by federal law.

PROPONENTS

JOHN CONTWAY, Assistant to Louie Clayborne, State Coordinator of Indian Affairs, said I would like to thank the committee for their support on the bill thus far.

EARL OLD PERSON, Blackfeet Tribe, said we as the Indian people recognize the eagle as one of the highest of the birds, and we acknowledge them as such. This is the reason it is used in many ways within our religious ceremonies and our traditional gatherings. We would like to continue to use it as part of our religious gatherings and traditional ways.

JOHN WINDY BOY, Chippewa Cree Tribe, supported the bill for the above-stated reasons.

HENRY BROCKIE, Fort Belknap Tribes, rose in support of House Bill 764 for the reasons previously stated.

THOMAS E. PABLO, CS and KT Tribes, said this bill would allow the use of eagle feathers for religious purposes and would avoid a lot of unnecessary harrassment and confusion. It would open the lines of communication between the tribe and the state.

CLARA SPOTTED ELK, N. Cheyenne Tribe, said I am happy that the state wltl deal in accordance with the federal law concerning eagle feathers. Eagle feathers are a very important part of our religion and sacred beliefs.

ROBERT BAILEY, Northern Cheyenne Tribe, said we would like the committee to consider passing the bill in hopes that it would allow the freedom to the tribes to retain religious aspects and artifacts in which the eagle is part of the whole system.

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February 17, 1983, page 2

JIM FLYNN, Department of Fish, Wildlife, and Parks, said the department would recommend a do pass on House Bill 764.

ROBERT VAN DER VERE, voiced his support for the bill.

DARREL HANSON, Ashland, rose in support of House Bill 764.

There were no opponents.

Rep. Nilson closed.

There were no questions from the committee.

Rep. Ream closed the hearing on House Bill 764 at 12:10 p.m.

HOUSE BILL 737

REPRESENTATIVE DAVE BROWN, District 83, Butte, said this bill evolved from a newspaper article. In December, Rep. Joe Brand was down in Wyoming discussing the problems of the folks who live in the Sheridan area, but who had their principal employment in Montana at one of the two mines down inside the state border. These people pay full taxes in Montana, live in Wyoming, but don't receive any benefits for those taxes paid. I tried to pick two areas that I think are important. If the principal place of employment is within the state, if that is the principal source of income for the family, if taxes are paid in Montana, and if the person has been a resident for six months preceding application, the immediate family members would be eligible for access to the Montana University System. The applicants must reside within 50 miles of the border. The Wyoming Legislature also has a bill in committee that would provide reciprocity. Other states might look favorably upon this if our state does.

TONI EBZERY, NERCO, said the purpose of House Bill 737 is to make available some benefits to employees who live in the Sheridan area. The basic problem is that of reciprocity. Wyoming has a sales tax and no income tax. Montana has an income tax and no sales tax. This puts a double taxation burden on these employees. At the Spring Creek Mine, there are 150 employees, 90% live in Wyoming. Income taxes paid to the State of Montana were \$264,575. Decker contributed \$574,000. to the state in income taxes alone. Decker paid \$39,000,000. worth of severance taxes, and NERCO paid about \$6,300,000. Rep. Brown insisted that other states have this same reciprocity. Senate Bill 216 was introduced in Wyoming, and is now in committee. The provisions are almost the same as those of this bill. This would cover the employee only, in hunting and fishing, and the university system applies only to the immediate family. I think this would be beneficial as there is a ripple effect. Those people would spend money in Montana.

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February 17, 1983, page 3

CLARK IZZARD, NERCO, said we do favor the bill. I would like to have my children be able to come into the Montana University System and pay resident fees. Our children need good schools. Since we are under a double taxation, I feel we should have some compensation.

DON SCHUMAN, Decker Coal, said I would also appreciate the opportunity to be able to put my children in the Montana University System.

OPPONENTS

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

LARRY WEINBERG, Montana University System, said when you change the residency statutes, you are changing the admissions policy. It would be our desire that section 1 of the bill be deleted. This is the part that deals with the university system. There is a program available that permits students to attend community colleges in other states and to obtain fee waivers. The rationale for this bill appears to be that these individuals have contributed to the taxes of the state. This bill is narrowly limited to a 50 mile area, but the concept is equally applicable to any person who contributes to Montana taxes, no matter where they live. Why not let people from California who pay Montana taxes come in too. If the committee intends to give the bill a do pass without deleting section 1, we would request that it be sent to the House Education Committee for consideration, because of it's impact on education.

KEN KNUDSON, Montana Wildlife Federation, said consider the impact it would have with these additional hunters in Montana, as far as dividing up the number of game animals that we have, and also the fiscal impact on the department. We understand these concerns, but times are tough for both the department and the Montana sportsman. We would suggest that an investigation be made into how many people this would address and the potential impact.

Rep. Brown closed by saying what we are talking about is only reasonable and just for money paid in the form of taxes. If it is the committee's desire to strike section 1, at this late date in the session, I would be amiable to that, but I would rather you did not do that.

Questions from committee. Rep. Devlin asked Mr. Brown where the 50 mile limitation originated. The reply was anybody who drives more than 50 miles on a daily basis is a little beyond what I wanted to cover in this bill. It also covers the cases in Wyoming.

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February 17, 1983, page 4

Rep. Devlin said if somebody lived 60 miles out, wouldn't they be tempted to challenge this law in court. Rep. Brown replied I think the legislature can statutorily set the limit.

Rep. Daily asked Mr. Ebzery what the number of people working at his firm is, who would be affected by this. The answer was all the white collar employees live in Sheridan and work in the district office.

Chairman Nilson closed the hearing on House Bill 737 at 12:35 p.m.

HOUSE BILL 801

REPRESENTATIVE TED NEUMAN, District 33, Vaughn, opened by saying this bill originated out of the controversy that is going on with navigable streams and the rights of landowners. It is an act allowing an owner or lessee of land adjoining a navigable stream to fence or bridge across the stream; requiring the owner or lessee to post and maintain one or more warning signs or devices. This bill is submitted because the statute is unclear as to whether a farmer or rancher has the right to fence across a navigable stream. The bill intends to say that it is alright for him to fence across the stream if he posts a sign. The dates that I have included in the bill are from May 1, to October 31, of each year. This takes care of the floating season, and I can't see any reason to subject the landowner to this time and expense the rest of the year. The sign would have to be four square feet in area, contain the word fence or bridge, and be printed in block lettering at least 16 inches high on a white background. This would be sufficient to warn floaters.

PROPONENTS

ROBERT VAN DER VERE, Helena, said in the State of Illinois, I used to trap along the rivers. The farmers would leave a little slack but still be able to hold the livestock in. There were no problems whatsoever.

MONS TEIGEN, Montana Stockgrowers and Cowbells, said this problem is also being addressed in several other proposals. It is a logical approach to a very important and difficult problem facing landowners. We hope you can support this piece of legislation and if not, we hope you can work it in with the other legislation that is being discussed.

FRANK C. THOMAS, Wolf Creek, said this fencing is really a problem because it was never addressed. It is imperative that we have fences across the river because we have to keep our livestock separate. I think the sign might be a little large to carry on a horse. I have had problems with floaters cutting my fence, it is imperative that we have this bill to protect our rights.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 17, 1983, page 5

PAT UNDERWOOD, Montana Farm Bureau, voiced the support of his organization and stated we would like to look into any other legislation that would help us in this matter.

JO BRUNNER, Women in Farm Economics, submitted written testimony. (see exhibit 2)

KEN KNUDSON, Montana Wildlife Federation, said if this bill is approved, there might be funds available to help with the sign question and the funding question. It is a necessary part of the landowner's operation.

DARREL HANSON, Ashland, said I support the bill with regard to the rights of the property landowners.

JOHN SCULLY, Bozeman, said the problem is a real one for the landowner. The sponsor of this bill and the sponsors in the Senate have worked very hard in the last month to help the landowners throughout the state. I would hope that these individual bills would not be killed, but that they would be tabled in order to give consideration to the more broad scoped bill. We recognize the need to control and manage livestock.

OPPONENTS

DENNIS HEMMER, Department of State Lands, presented written copies of his testimony. (see exhibit 3)

Rep. Neuman closed by saying this bill applies only to navigable streams and not to other streams or man made facilities.

Questions from committee. Chairman Nilson asked if this subject is covered in other bills. Rep. Neuman answered yes, we have another bill that several of us have been working on. I introduced these bills early in the session. I hope you do not kill the bill because it may affect what we will inevitably be able to do. The other bill will be heard Monday.

Rep. Daily asked Rep. Neuman what would happen if a rancher did not comply with these regulations. The response was if he didn't comply, he would be held liable but he is already liable under current law.

Rep. Daily asked Rep. Neuman if there is any kind of penalty involved. The reply was no, there is none.

Rep. Daily asked Rep. Neuman if he would have a problem if a penalty clause was inserted. The answer was I wouldn't think it would be necessary, but if the committee is inclined I would agree.

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Rep. Daily asked what streams in Montana are navigable and which ones are not. Mr. Scully commented navigability has always been in question since the time of statehood. Most states have expanded navigability to include not only commercial activity, but recreational activity as well. We are trying to narrow the Supreme Court definition down. There is basically three standards of individual types on your land. A trespasser, a licensee, or an invitee. There are certain standards of care that the landowner holds as to those people. That is why it's tough to deal with the fencing issue without dealing with liability. When there is obstruction in river floating which is done with the permission of the landowner and in certain ways, liability can be avoided. If it was done purely for harassing purposes, liability would not be avoided.

Chairman Daily closed the hearing on House Bill 801 at 12:55 p.m.

HOUSE BILL 799

REPRESENTATIVE TED NEUMAN, District 33, Vaughn, opened by stating this bill is an act transferring title to the bed of navigable streams between the low-water marks, to the adjoining landowners. Rep. Neuman passed out a sheet of amendments to the bill. (see exhibit 4) This bill attempts to do what I think the state intended to do from the beginning, to give the landowner the right to transport the water over the top of the land. I don't think the state intended to take title of the land for all other rights. I realize that what has gone on in the past is hard to change, so that is why I put in the provision that any stream declared navigable after July 1, 1983, by final decree of the courts, that the title of that land will remain with the landowner.

PROPONENTS

PAT UNDERWOOD, Montana Farm Bureau, said we support the concept this bill is trying to address.

JO BRUNNER, WIFE, expressed the support of her organization for House Bill 799.

DARREL HANSON, Ashland, rose in support of the bill.

OPPONENTS

DENNIS HEMMER, Department of State Lands, submitted written copies of his testimony to committee members. (see exhibit 5)

JOHN SCULLY, Bozeman, said it would be practically impossible for them to know whether this is constitutional or not. The legislature should do the best they can to make legal determinations. I don't think you or I can know what the Supreme Court is going to do. The State Lands Department is concerned with those lands that were navigable at the time of statehood. I

HOUSE FISH AND GAME COMMITTEE MINUTES
February 17, 1983, page 7

would oppose the bill because I think it is covered in the broader scoped package that will be heard on Monday.

Rep. Neuman closed by saying the broader bill does address this problem, but I would urge the committee to consider these bills and to view the matter closely to come up with a reasonable policy for landowners and ranchers. The fencing issue is not addressed directly in the other bill. Hopefully, with the help of the whole legislative body, we will be able to come to an agreement.

There were no questions from committee.

Chairman Nilson closed the hearing on House Bill 799 at 1:25 p.m.

HOUSE BILL 719

REPRESENTATIVE GERRY DEVLIN, District 52, Terry, opened by stating House Bill 719 eliminates the B-10 license and splits it all up into separate elk and deer tags. It allows for the same number of elk as under the old B-10, and makes an allowance for 20,000 class 7 licenses which can be used anywhere in the state. I have an amendment for the effective date to apply to the 1984 season. No other neighboring state has a combination license. The nonresident hunter who wishes to hunt deer has to buy the combination license for both. Under this law, you can still go out separately and buy bird licenses, fishing licenses, etc. This should free up more elk tags in the western part of the state. Many people hunt deer only and have to pay the full \$275. I feel we are getting these fees to a point where only the rich can hunt and the not so rich are held back from it.

PROPONENTS

ROBERT VAN DER VERE, Helena, rose in support of House Bill 719.

REPRESENTATIVE MARION HANSON, District 57, Ashland, said I know there are a lot of out-of-state hunters that only go into the eastern fourth of the state. This really is a financial crunch for them.

CLYDE SAYLOR, Brusett, submitted a written copy of his testimony. (see exhibit 6)

TEDDY THOMPSON, Big Timber, submitted written testimony. (see exhibit 7)

REPRESENTATIVE ORVAL ELLISON, District 73, McLeod, said there is a problem in the eastern part of the state. If we pass this bill

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we may create a problem in the western part of the state, but perhaps this is a bill that we could compromise on in some way to satisfy the needs of both the people in eastern and in western Montana.

OPPONENTS

JIM FLYNN, Department of Fish, Wildlife, and Parks, submitted written copies of his testimony to committee members. (see exhibit 8)

TAG RITTER, Montana Outfitters, submitted written testimony. (see exhibit 9)

KEN KNUDSON, Montana Wildlife Federation, said there seems to be plenty of deer tags available in eastern Montana. We have been pressing for more information on quotas of deer and elk herds in Montana. We want to be able to find out the status of the deer and elk in the state. We need to know what we have before we start changing.

SMOKE ELSER, Missoula, submitted written testimony. (see exhibit 10)

REPRESENTATIVE ROBERT REAM, District 93, Missoula, said the intent of the bill is to solve a problem in eastern Montana, but in the process it is impacting outfitting in western Montana. I think we could work out some kind of a regional tag.

Rep. Devlin closed by saying the department said they had deer tags left over in eastern Montana. If they would have informed people of this, they wouldn't have a problem, but they haven't made the effort. I want this problem addressed. It is of critical value and we are over run with deer.

Questions from committee. Rep. Daily said we are always faced with the landowner sportsman conflict. You are increasing the number of hunters in the state. Rep. Devlin replied we are increasing the the number of good hunters. The best hunters we get are out of staters. They are the ones who ask permission.

Rep. Phillips asked Mr. Flynn what his views are concerning more deer tags out on the east end. The response was this whole landowner sportsman thing in eastern Montana is very complex. I am concerned with the increased nonresident quota, from 17,000 to 37,000. We now allow more than 17,000, because we issue the extra deer tags, but this doesn't get to the limits we are talking about here.

Rep. Ellison asked Mr. Flynn if the quota is substantially the same this coming year as it was last year. The answer was we

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are between the tentative figures that have been advertised and the quotas that will be set. In a number of areas, we have increased the tentative numbers. In March the final decision will be made.

Rep. Ellison said the number we need to know is how many of these B-10 hunters are hunting in Montana. Mr. Flynn replied I think those numbers or reasonable estimates can be arrived at. At this state, I can't commit the time to it, in order to do the research necessary and to come up with these kinds of figures.

Rep. Ream asked Mr. Flynn how many B-7 and B-8 licenses are being sold. The answer was in my testimony I referred to 752 available and 172 used.

Rep. Devlin said I thought this would be an excellent way to find out how many are hunting elk with the B-10 license. Mr. Flynn replied we can get that information but it is going to take some time to find out who, what, when, etc.

Chairman Nilson closed the hearing on House Bill 719 at 2:00 p.m.

EXECUTIVE SESSION

HOUSE BILL 764

Rep. Nisbet moved House Bill 764, DO PASS, the motion carried unanimously.

HOUSE BILL 737

Rep. Hart moved to TABLE House Bill 737. I don't see why anyone in Wyoming couldn't hunt in Wyoming, I don't understand their problem.

Rep. Swift made a substitute motion to strike section 1 from the bill. The motion to amend out section 1 passed with Representatives Daily, Hart, Manuel, Saunders, and Veleber voting no. Representatives Devlin, and Jensen did not vote.

The motion to table passed with Daily, Ellison, Swift, and Nilson voting no. Rep. Devlin did not vote.

HOUSE BILL 719

Rep. Hanson moved House Bill 719, DO PASS.

Rep. Daily made a substitute motion to TABLE House Bill 719.

HOUSE FISH AND GAME COMMITTEE MINUTES
February 17, 1983, page 10

Rep. Daily commented I think they are going to complicate the problem by issuing 20,000 more licenses. The Fish and Game Department committed themselves to doing this study, they can't do that without more time.

Rep. Hart said there are enough problems down there right now between residents and nonresidents. Most residents don't care to see 20,000 nonresidents swarming in. There isn't that big a problem, and they are addressed in certain areas where they are concentrated.

Rep. Phillips said I think we could do something here without upsetting western Montana. I wonder how the committee would feel about issuing so many wide open licenses out there, if eastern Montana is looking for more hunters.

Rep. Jensen said there are a lot of questions here that we don't have any rational basis to answer.

Rep. Muller said we have to leave some flexibility in the commission. You are talking about an extremely complex problem of land ownership and balancing between land owners who want to let them in, and those who don't.

Rep. Swift said this is a management situation. If the department doesn't do something, we have to legislate something.


Rep. Ryan said there is nothing we can do until 1984.

Chairman Nilson said we can go to the department and say that we have got a problem and we want something done about it.

The motion to table passed 12 to 5, with Representatives Devlin, Ellison, Hanson, Ryan, and Saunders voting no.

Rep. Manuel distributed a handout to committee members concerning subcommittee approved license fees for the biennium. (see exhibit 11)

Chairman Nilson adjourned the meeting at 2:30 p.m.



LES NILSON, Chairman



Cheryl Fredrickson, secretary

VISITOR'S REGISTER

HOUSE Fish and Game

COMMITTEE

BILL 764

DATE Feb. 17

SPONSOR Nelson

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE

Fish and Game

COMMITTEE

BILL

737

DATE _____

Feb. 17

SPONSOR

Brown

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Fish and Game

COMMITTEE

BILL 801DATE 2/17SPONSOR Numan

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Mr. Hunsicker	Bozeman	MT. Farm Bureau	X	
Op. Brunner	Helena	W. I. F. E.	X	
Mrs. Teigen	Helena	MT. Stockgravers-Cowbell	X	
Dave Woodgerd	Helena	Dept. of State Lands		X
Dennis Hemmer	"	" " " "		X
Ken Knudson	Helena	MT Wildlife Fed	X	X
Franklin Groot	Big Timber	Self	X	
Jack Von Cleve	Big Timber	self	X	
Virginia Stanton	Livingston	Self	X	
David Hawn	Oakland	Self	X	
Frank C. Thompson	Wash. Creek	Self	X	
Teddy Thompson	Big Timber	"	X	
Bill Anderson	Helena	Self	X	
John Smith	Bozeman	Self		X
Don R. Lawan	Bozeman	Self		X

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Fish and Game

COMMITTEE

BILL 799DATE 2/17SPONSOR Neuman

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Ob Brunner	Helena	W. I. F. E.	✓	
Phil Williams	Bozeman	Mont. Fish & Game	✓	
Mons Teigen	Helena	ML Stockgrowers - Conballe	✓	
Dave Woodgett	"	Dept. of State Land		X
Dennis Hamner	"	" " " "		X
Ken Knudson	"	MT Wildlife Fed		X
Franklin Gorsich	Big Timber	Self	X	
Virginia Clark	Livingston	Self	X	
Jack VanCleve	Big Timber	Self	X	
Darrel Hansen	Asland	Self	X	
Frank C. Thomas	W off Creech	Self	X	
Butch Anderson	Helena	Self HB 764	X	
Kelly Thompson	Big Timber	Self	X	X
Don Sullivan	Bozeman	Self		X
Dean R. Larson	Bozeman	Self		

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE

Fish and Game

COMMITTEE

BILL

719

DATE _____

2/17

SPONSOR

Devlin

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HB 737

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

February 17, 1983

House Bill 737 would add a new facet to the residency requirements for fishing and hunting in the State of Montana. While we are aware of the problem to which this bill is addressed, we cannot support its enactment.

Our primary concern is with the type of criteria listed on page 4, lines 10-24. It would appear that the issuance of each license under this section will require a considerable amount of time and an undue amount of judgment in the issuance of those licenses.

The determination of points (b), (c), and (d) are those which cause us particular concern. It would appear that subsection (d) requiring a determination of whether the individual has paid his taxes in a timely manner and proper amount would be especially cumbersome and time consuming.

If the Committee should decide that it wishes to grant the exception contemplated in this bill, we would suggest that perhaps the employer ought to be required to certify the conditions listed in subsection (4) and that the employer be liable should the certification be invalid for some reason.

If that is not the case, we would urge that HB 737 not be approved.

WIFE Women Involved in Farm Economics



NAME JO BRUNNER BILL NO. HB 801
 ADDRESS 563 5th ST. OILTONA DATE February 17, 1983
 REPRESENT WOMEN INVOLVED IN FARM ECONOMICS
 SUPPORT X OPPOSE AMEND

COMMENTS:

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS JO BRUNNER AND I SPEAK TODAY FOR THE NEARLY 400 W.I.F.E. FAMILIES WHO BELONG TO THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION.

WE WISH TO SUPPORT HB 801, ALTHOUGH WE WISH THAT IT WAS NOT NECESSARY TO HAVE SUCH A BILL. WE REALIZE THAT OFTEN SITUATIONS ARISE THAT ARE HARMFUL TO ALL INVOLVED, INNOCENT OR NOT. AND WE DO BELIEVE THAT THIS IS A TIME ~~THAT~~ AND A SITUATION THAT DOES JUST THAT.

MANY OF OUR STREAMS, WHICH HAVE BEEN RULED NAVIGABLE, BUT HAVE NEVER IN ANY SENSE BEEN USED FOR NAVIGATION, EXCEPT BY KIDS IN TUBES OR RUBBER RAFTS, ARE FENCED. I LIVE ON AN IRRIGATION DISTRICT WHERE DRAINS RUN YEAR AROUND AND WOULD SUPPORT, AND DOES SUPPORT, ~~JUST~~ SUCH WATERCRAFT FROM MAY UNTIL LATE IN THE FALL. QUITE OFTEN THERE ARE 4 TO 6 OWNERS IN A MILE, ALL WITH FENCES THAT SEPERATE OUR LANDS, AND OUR FIELDS. WILL WE HAVE TO PUT UP SIGNS, TO BE ALLOWED TO KEEP OUR FENCES. WHAT IF SOME KID COMES ALONG, GETS INTO THE STREAM ON ONE MILE AND HIS FOLKS PICK HIM UP AT THE NEXT MILE? IS IT GOING TO BE NECESSARY TO PUT UP SIGNS OR FLAGS ON EACH FENCE, THAT THE CATTLE MAY NOT TAKE A LIKING TOO---IN ORDER TO KEEP OUR FENCES???? CAN YOU IMAGINE THE COST OF KEEPING UP SIGNS IN A PASTURE ~~----NOTXALONXTHREATXSMENXAXSIGNXWILLEXBOXTOXONRX~~
~~TIGHTXWIXRENEEXX.~~

PERHAPS YOU THINK THAT WE ARE NOT ACTUALLY FOR THIS BILL. AGAIN, WE DO NOT BELIEVE THAT THIS SHOULD BE NECESSARY, BUT WE DO SUPPORT THE BILL AND ITS INTENT TO ALLOW US TO KEEP OUR LANDS FENCED ACROSS OUR STREAMS.

WE DO CONCUR WITH HB 801

DEPARTMENT OF STATE LANDS TESTIMONY ON HOUSE BILL 801

BEFORE THE HOUSE FISH AND GAME COMMITTEE

The Department of State Lands requests that House Bill 801 be amended to make it clear that no fence or bridge can be placed across a stream which is navigable for title purposes unless an easement or right-of-way is obtained from the state.

If a stream meets the tests laid out by the federal courts for commercial navigability, the bed between the low water marks became state property upon statehood. Any use of the bed of a navigable stream for purposes of a fence or a bridge would require an easement from the state.

In order to prevent unauthorized construction on state property, the bill should contain a warning that an easement is required for all streams where the bed is owned by the state.

PROPOSED AMENDMENTS TO HB 799

1. Page 1, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
2. Page 2, line 2.
Following: "the"
Strike: "lake or"
Following: "stream"
Insert: "unless the stream has been declared a meandered body of water through government survey or navigable by final judicial decree prior to July 1, 1983"
3. Page 2.
Following: line 2
Insert: "Section 3. Effective date. This act is effective July 1, 1983."

DEPARTMENT OF STATE LAND'S TESTIMONY

Exhibit 5

ON HOUSE BILL 799

BEFORE THE HOUSE FISH AND GAME COMMITTEE

The Department of State Lands opposes House Bill 799 because it unconstitutionally transfers ownership of state land without compensation. The Montana Constitution in Article X, Section 11 prohibits the disposal of any interest in state land unless the full market value of such interest is paid to the state. The effect of House Bill 799 would be to donate the beds of navigable streams to a relative few adjoining landowners to the detriment of the majority of Montana citizens. These lands are owned by the people of Montana for the benefit of all and cannot be simply given away to adjoining landowners.

The major impact of the loss of these lands would be the impact on the revenues they now generate for the education of Montana children. Although the exact figures are not available, the state currently leases for oil and gas a large number of acres of riverbed lands. The Yellowstone and Missouri Rivers are leased for most of their length in Eastern Montana. The money generated from leases goes to the Superintendent of Public Instruction and is distributed to the schools of Montana. It is safe to say that over the past decades oil and gas leasing on riverbeds have generated hundreds of thousands of dollars for education in Montana. In the future, these riverbeds have the potential of developing millions of dollars for education in Montana and reducing the amount individual taxpayers must pay.

The potential to produce revenue from these riverbed lands lies not only in oil and gas leasing but from other sources as well. The state currently has leases for gems and metalliferous minerals on the Missouri River near Helena. In addition, the state receives money for rights-of-way and for other uses which utilize the bed of the river. In the future other sources of revenue from these lands may be found.

In summary, this bill is unconstitutional and is not in the best interests of the majority of Montana citizens. I urge the committee to reject this bill.

WITNESS STATEMENT

Name Claude Saylor Committee On _____
 Address Box 10 Brunett Mont Date 2/17/83
 Representing _____ Support ☒
 Bill No. 719 Oppose _____
 Amend ☒

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. in regard to House Bill no 719 ~~and~~ I feel it would be in the best interest of the outfitters in eastern mont
2. the Dept of fish Wildlife and Parks, local businesses, landowners and non-resident hunters to eliminate the non-resident big game combination license and area restrictions
3. on non-resident deer licenses.
4. It seems that if they could sell the license separate, so people could buy a license for the species they wanted to hunt that it would generate more income for local merchants, outfitters ~~and~~ land owners, and give more people a chance to hunt

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

To: Les Nilson, Chairman, and members of the House Fish and
Game Committee

My name is Teddy Thompson, rancher and outfitter from Sweet
Grass County.

I am writing you a letter in support of HB719.

The reason I support this legislation is that it will give
deer hunters a chance to buy an out-of-state deer permit without
buying the regular out-of-state hunting license. Many of our out
of state deer hunters do not care to hunt elk or bear, so when
they are forced to buy the complete license the elk quote of
17,000 permits are not all used for elk hunting.

the increased fee and number of elk permits in this Legislation
will provide more income for the Montana Fish, Wildlife and Parks
Department.

In our thirty five years of outfitting we have found that most
elk hunters are only interested in elk. If any of them are interested
in deer they will buy the deer license on a seperate basis.

As an outfitter I feel you should give a do pass on this bill.

Your support for HB719 will be appreciated.

Thank you for your consideration.

Teddy Thompson

HB 719

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

February 17, 1983

I appear here today in opposition to House Bill 719. House Bill 719 would eliminate the nonresident combination license and remove area restrictions on nonresident deer hunters. In its present form, the bill would:

- 1/ Have an undetermined effect on license revenues.
- 2/ Increase hunting pressure and hunters in some districts.
- 3/ Remove the opportunity for some of the nonresident elk hunters or deer hunters to hunt both species or to hunt those species at a drastically increased cost.

The combination license currently brings the Department \$4,675,000 annually which represents 43 percent of all the Department's license revenues. Although we cannot accurately predict the fiscal impact of eliminating the combination license, we anticipate some factors will cause a reduction.

Some nonresidents buy a combination license now to have unrestricted deer hunting. For this reason the Department would have to sell a number of deer and elk licenses equal to the combination license projections to maintain revenue. Since we do not want to issue that many unrestricted deer licenses because of landowner concerns and uncontrolled harvest, we anticipate a reduction in revenue.

It is not possible to predict what price would be needed on the proposed nonresident elk tag to replace these anticipated losses. For us to maintain the current programs, it is essential for us to meet our revenue estimates of \$4,675,000. Any shortfall would have a detrimental impact on the Department.

Current legislation provides the Department with the ability to accomplish the issuance of nonresident deer tags. Although limited to areas, nonresident A licenses (B-7) can be authorized for more than one hunting district.

In 1982, the Department had available 750 nonresident A licenses (B-7) that could be used in any of 18 hunting districts in southcentral Montana (Region 5). Only 174 nonresidents applied for these licenses in 1982 and a surplus of nearly 500 remained following the season even when sold on a first-come, first-served basis. In addition, 1,875 A licenses and 1,308 B licenses were sold to nonresidents in 1982 through the drawings for other areas of Montana. The opportunity is currently available for nonresidents to hunt deer in those places where the need exists in animal numbers and acceptability by the land-owners.

Since elk hunting is restricted in Montana to the western two-thirds of the state, a good portion of the B-10 license holders also hunt deer there. Splitting up the combination license and allowing 20,000 nonresident deer hunters to go anywhere in the state could potentially increase hunter numbers in areas where restrictions are necessary - i.e., private land in eastern Montana. Without control of where these nonresidents hunt, there is a potential to adversely affect our attempt in some areas of eastern Montana to limit hunter numbers at the request of the landowners.

I would also point out that the Department has committed to a review of the nonresident combination license for the next Legislative Session. This commitment was made to the Montana Outfitter and Guides Association in December.

We feel it will take that sort of time to come to at least a responsible estimate of what the fiscal impact of tampering with this revenue source might be.

I would emphasize that our concern and resultant conservatism on the matter is directly related to the importance it plays in our total funding scheme. I would repeat that it represents 43 percent of our total license revenue.

We would request that the Committee allow us the opportunity to review this matter in depth and make a recommendation to the 1985 Session which is based upon more information than we have before us today.

WITNESS STATEMENT

Name THE RITTEL Committee On _____
 Address WOLF CREEK Date 2/10/83
 Representing MONTANA OUTFITTERS Support _____
 Bill No. H.B. 719 Oppose ✓
 Amend ✓

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. WE WOULD LIKE AMENDMENT OR CHANGE THIS BILL TO THE EFFECT OF HAVING THE
2. MONTANA ~~FISH~~ - WILDLIFE & PARKS TO GIVE EASTERN MONTANA \$0,000 DEER LICENSE. THE COMBINATION LIC DOESN'T WORK IN A AREA OF DEER. THE ECONOMY OF EASTERN MONTANA NEEDS THE INFUX OF NON RESIDENT HUNTERS. THIS HELPS ALL BUSINESSES - AS A EXAMPLE \$0,000 DEER LIC^{\$175 LIC} WOULD ENJECT 7 MILLION DOLLARS FOR THE FISH WILDLIFE & PARKS. THE ~~SUBSECTION~~ ^{STATE} WOULD BENEFIT GREATLY. RECREATION IS THE 3RD LARGEST INDUSTRY IN MONTANA. - A VERY CLEAN INDUSTRY. WE WOULD LIKE TO SEE DEER LIC. AVAILABLE IN EASTERN MONTANA

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

WITNESS STATEMENT

Name Smoke Elser Committee On 719
 Address 3806 Battleshock Dr. Missoula Date 2/17 1983
 Representing SCIS Support _____
 Bill No. H.B. 719 Oppose ✓
 Amend ✓

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Combination licence in Western Montana and at least 30,000 ^{To 40,000} B7 Deer licences in Eastern Montana and with no area restrictions.

3.	Non Resident Elk 250. ⁰⁰	Western Montana Combination No Resident Licence
	Non " Deer 100. ⁰⁰	
	" " Fish 35.	1 Elk
	" " Upland 35	1 Deer
4.	" " Bird ?	1 Bear
	" " Bear ?	Fish + upland bird
	<u>\$ 420.⁰⁰</u>	<u>\$ 2.75.⁰⁰</u>

Eastern Montana needs the non-restricted
 30,000 ^{Non resident} To 40,000 Deer Tags because at this time
 with the Non-resident Combination licence the Elk, Bear,
 Tags are wasted when a non resident comes to
 Montana for a Deer in Eastern Montana.

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

Exhibit 11

License Fund Earmarked Account 02409-02131 FY 1983 - 1985

	<u>Fiscal 1983</u>	<u>Fiscal 1984</u>	<u>Fiscal 1985</u>
Fund Balance 7/1	\$5,179,528	\$5,329,475	\$4,074,505
Continuing Approp.	<u>995,053</u>	<u>-0-</u>	<u>-0-</u>
Unrestricted Balance	\$ 4,184,475	\$5,329,475	\$4,074,505
<u>Add</u>			
Current Fee			
Projected Income	<u>11,000,000</u>	<u>11,420,000</u>	<u>11,420,000</u>
Total Available	\$15,184,475	\$16,749,475	\$15,494,505
<u>Deduct</u>			
Subcommittee Approved			
Base Operations	9,855,000	12,083,210	12,252,706
Modified Requests	<u>-0-</u>	<u>591,760</u>	<u>486,733</u>
FYE Balance	<u>\$5,329,475</u> =====	<u>\$4,074,505</u> =====	<u>\$2,755,066</u> =====
Fiscal Year-end 1985 Balance		\$2,755,066	
Warden Back pay		<u>809,000</u>	
FY 1985 Balance		<u>\$1,946,066</u> =====	

Ex. 11

Department of Fish, Wildlife, and Parks
License Fees Approved by Subcommittee

<u>License</u>	<u>Fee Increase</u>	<u>Additional Revenue 1985 Biennium</u>
Fishing		
Residential	\$ 1.00	\$343,664
Nonresidential (2-day)	3.00	-0-
Elk		
Residential	1.00	170,992
Deer		
Residential	1.00	269,398
Moose		
Residential	25.00	13,000
Nonresidential	175.00	1,250
Big Horn		
Residential	25.00	16,750
Nonresidential	175.00	13,750
Goat		
Residential	35.00	12,250
Nonresidential	125.00	1,875
Grizzly		
Residential	25.00	15,400
Nonresidential	125.00	13,500
Antelope		
Residential	1.00	21,312
Trapper	10.00	40,000
Mountain Lion		
Residential	5.00	4,470
Nonresidential	200.00	12,400
Trophy	50.00	5,000
Total Additional Revenue		<u>\$955,011</u> =====

Ex. 11

Fiscal 1985 Balance	\$1,946,066
Total Additional Revenue	<u>955,011</u>
Fiscal 1985 Balance (with fee increase)	<u>\$2,901,077</u>
Deduct:	
Fish, Wildlife, and Parks Minimum Balance	<u>\$1,500,000</u>
Total Available Revenue - 1985 Biennium	<u><u>\$1,401,077</u></u>

PROPOSED AMENDMENT TO HOUSE BILL 801

Introduced Bill

Page 2, line 9

Following: subsection (3) of Section 1

Insert: "(4) An easement from the state is required prior to the construction of a fence or bridge across any stream, the bed of which is owned by the state."

WITNESS STATEMENT

Name Craig B. Pomeroy Committee On _____
Address Land Springs, Montana Date 2/17/83
Representing _____ Support X
Bill No. 719 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

I believe it is unfair the way it stands now to make non-resident hunters buy a license they

2. can't use.

3. Believe it would bring more revenue into the state by giving more people a chance to hunt.

4. Would make it better for the residents as they could book hunters for the game in their area

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

I just think that having separate licenses for each species, that it would benefit the entire economy of the state.

WITNESS STATEMENT

Name Myron Bille Committee On _____
 Address Land Springs, mt. Date 8/17/83
 Representing _____ Support X
 Bill No. HB 719 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The way the combination license is it is very fair for a hunter to purchase parts of the license he doesn't want.
2. By splitting it up, there would be more tags sold to hunters that could be used in the right areas.
3. The outfallers could look the hunters and know the hunters have their license.
- 4.

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

STANDING COMMITTEE REPORT

February 17^g 83

MR. SPEAKER:

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 764

first reading copy (white)
Color

"AN ACT TO ALLOW THE POSSESSION AND TRANSPORTATION OF EAGLE
PARTS AND PLUMAGE FOR RELIGIOUS PURPOSES BY MEMBERS OF INDIAN
TRIBES WHEN SUCH POSSESSION OR TRANSPORTATION IS PERMITTED BY
FEDERAL LAW; AMENDING SECTION 87-5-201, MCA."

Respectfully report as follows: That HOUSE Bill No. 764

DO PASS