

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 31, 1985

The meeting of the Fish and Game Committee was called to order by Chairman Bob Ream on January 29, 1985, at 3:15 p.m. in Room 317 of the State Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL NO. 282: Representative William "Red" Menahan, District 67, Anaconda, appeared before the committee as sponsor of House Bill No. 282. He explained that the bill was simple; it promotes bighorn sheep and herds, and keeping the sheep disease free. He said that in order to do this, some other states have started to use this proposed system of developing funds for the proliferation and protection of their sheep.

PROPOSERS: Jim Flynn, Director of the Department of Fish, Wildlife, and Parks appeared before the committee as a proponent to House Bill No. 282. He handed out a copy of his testimony and proposed amendments to the committee members. (See Exhibit No. 1)

Chuck Stokke, representing the Anaconda Sportsmans Club, spoke to the committee as a proponent. He stated that the purpose of this bill is to provide funds for the enhancement of bighorn sheep in the State of Montana. He said that if this bill passed, there would be additional funds and opportunities for easements, habitat acquisition, habitat improvements, research, transplanting, disease control, and management studies. He also stated that this proposed legislation would allow the department to deal with the specific problems of the species.

Tony Schoonen, representing the Skyline Sportsmen Club of Butte, stated that they rise in support of House Bill No. 282. He said that his club wanted some sheep transplanted near the Dillon area and someone donated some legacy money and that was how they were able to transplant ten sheep in the Dell area. He said that this is an example of how the money from this proposed legislation could be used in addition to disease control and habitat improvements.

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Chris Marchion, a member of the Anaconda Sportsmans Club, mentioned that his club was kind of the sponsor of this bill who got the legislation going. He said that they have reviewed all the proposed amendments of the Fish, Wildlife, and Parks and they support these amendments. He also explained to the committee his clubs motivation for sponsoring this bill.

John Poston, a member of the Boone and Crocket Club, said that his club considered this bill at their December meeting. He said that his club is in support of this proposal if the money was earmarked for sheep habitat improvement and sheep studies, and these purposes only.

Tim Magness, a guide and outfitter from Anaconda, said that a lot of the rams in the Rock Creek area are being poached. He feels that if a license is going to be auctioned off, it will generate money for the State of Montana and for the protection of these animals.

There were no further proponents or no opponents to this bill.

DISCUSSION OF HOUSE BILL NO. 282: Representative Ellison asked Mr. Flynn how many sheep permits they put out. Mr. Flynn stated that last year they issued about 744 permits. Representative Ellison asked Mr. Flynn if he felt this thing was likely to follow the same route that the bow hunters took, because he hates to see Montana's game auctioned off to the highest bidder. Mr. Flynn answered by stating that this is a departure from the norm but that we have a unique situation with the bighorn sheep in Montana.

Representative Montayne wanted to know how much he could get for a trophy sheep after he shot it. Mr. Marchion said that there were people out there who would pay \$2,500 for an average trophy animal. Representative Montayne asked Mr. Magness if he had every been approached to guide someone into an area who did not have a permit. Mr. Magness replied that he had been approached by many people because they would pay dearly to get a sheep.

Representative Rapp-Svrcek asked Mr. Flynn why they were running the auction through a wildlife conservation organization. Mr. Flynn said that it seems to be the experience of other states that have already conducted

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these types of programs, that one of the keys to receiving the maximum financial return on the permit, is to make it available in the right forum. He said that the right forum appears to be the North American Sheep Foundation convention. He stated that the people who are most interested, most willing, and most able to participate financially are there, and that is why they use that forum. He said that if this was to happen in the State of Montana, then they would probably send someone to this convention to conduct the auction. Representative Rapp-Svrcek also wanted to know what the nature of the auction is. Is it a sealed envelope auction or is it conducted as a regular auction. Mr. Poston said that the Federation of North American Sheep will have their convention in February, and at that convention, they will auction off a number of trips donated by guides and outfitters in Canada, Arizona, Alaska, and Wyoming, and also auction off permits. He said that one reason they do it through the Federation is because then it is tax deductible. Another reason they do it there, is because all the sheep hunters are gathered in one place at the same time. Representative Rapp-Svrcek asked Mr. Poston if the bidder would get the total \$60,000 or \$70,000 as a tax deduction. Mr. Poston replied that that was correct. Representative Rapp-Svrcek asked Mr. Flynn if in the State of Montana we have laws or rules that state that hunting for certain species must be done under the supervision of a guide. Mr. Flynn replied that we do not have such laws in this state.

Representative Eudaily wanted to know if this license will be issued for a certain area or will it be issued for the State of Montana. Mr. Flynn replied that a permit would be issued and the holder would be able to hunt anywhere in the State of Montana where bighorn sheep hunting was allowed. Representative Eudaily also made reference to line 16 of the bill, and asked Mr. Flynn if the word "nonprofit" should also be deleted on that line as it was on line 14, and the word "authorized" be inserted instead. Mr. Flynn replied that it would make more sense than what they had suggested. Representative Eudaily asked Mr. Poston if the Federation of North American Sheep would be the only organization that could put on this auction, or are there other similar organizations. Mr. Poston replied that he knows of at least three other organizations where there is a gathering

of people interested in sheep permits, so one organization would not have the sole monopoly on this auction.

Representative Pavlovich asked Mr. Flynn how many of the 744 people receiving a license got a bighorn sheep. Mr. Flynn said that he did not have any information with him. Representative Pavlovich then asked how many bighorn sheep were in the State of Montana. Mr. Flynn replied that there are approximately 25 units, but he does not know how many sheep are in each unit.

Representative Jenkins stated that if 744 permits had been issued at \$50.00 each, that would be considerably less than \$84,000.00. Mr. Flynn said that some of these permits would be issued at a cost of \$350.00 or more to out of state hunters. Representative Jenkins also stated his concern over the word "shall" on line 12 of the bill, and said he felt it should be "may." Mr. Flynn said that the Department would probably have no qualms about the word change because "may" is a more flexible word.

Representative Rapp-Svrcek asked Mr. Flynn that if an effective immediate date was placed on this bill, would it be possible to instigate this program this year. Mr. Flynn replied that since the convention is February 23, it would be pretty hard to get it through the House, Senate, and organized by that date. Representative Rapp-Svrcek also stated his concern about the possibility of one organization having monopoly over this program. Mr. Flynn said that he was not too concerned that this would happen, because there are enough other interested groups here in our state.

Representative Hanson asked Mr. Flynn a question for Representative Grady, who was not present at the time. Representative Grady wanted to know what would happen if a movie company should get this permit or license. Would they be allowed to trap one of these sheep, or would they have to kill it. Mr. Flynn said that this is not a trapping license, it would be a permit for hunting or harvest so he would assume they would not be able to trap the animal.

Representative Montayne wanted to know who pays the most for one of these permits, and if there is any knowledge of where the bidders go the highest. Mr. Flynn said that with the information they have at hand, the North American Sheep Foundation meeting at Reno shows

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the biggest interest with the people who have the ability to pay.

Representative Ream said that he was pleased to note that the amendment stated that the proceeds would be in addition to any other funds the department used for the management of mountain sheep. He wanted to know how they are assured of that. He asked if there was already a certain amount earmarked for bighorn sheep management. Mr. Flynn said that they have an accounting system in the agency where they assign numbers to certain items, and they have a certain number assigned to bighorn sheep management. He said that they can break the money down by regions and show how much goes for sheep management in each region. Representative Ream referred to one of the proponents statement that suggested that the money be used for habitat improvements and sheep studies only, and wanted to know what Mr. Flynn's reaction would be to that. Mr. Flynn stated that he hoped the legislation would not be that restrictive, because one area that they would like to see some flexibility in, would be the disease area. He said that disease control is very important.

There being no further committee questions, Chairman Ream asked Representative Menahan to close. In closing, Representative Menahan stated that he felt the bill was given a good hearing. He said that the intent was to provide that we have good sheep herds, and it is for the benefit of the sportsman. He urged the committee to give it a DO PASS.

EXECUTIVE SESSION: Representative Pavlovich made a motion that House Bill No. 282 DO PASS with a few amendments. Much discussion concerning the amendments followed. Representative Jenkins wanted to change the word shall to may on line 14. A discussion on this followed. Representative Eudaily and others opposed the change. A vote was taken on the original amendments and they passed unanimously. More discussion followed on Representative Jenkins amendment. A roll call vote was taken on this amendment and it did not pass. (See roll call vote) Representative Eudaily then noted that they would have to have a Statement of Intent with this bill and so moved. It was seconded. Before taking action on this motion, a vote was taken on the bill itself. The motion DO PASS AS AMENDED passed unanimously. A vote was then taken on the Statement of intent. The Statement of Intent passed unanimously.

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(See original amendments and Statement of Intent Exhibits No. 2 and 3)

HOUSE BILL NO. 2: Representative Eudaily, chairman of the subcommittee appointed on this bill, explained the amendments to the committee. (See amendments Exhibit No. 4) Representative Eudaily made a DO PASS motion on the amendments. A discussion on the amendments followed. A vote was taken on the amendments and they passed unanimously. Representative Eudaily made a motion that the bill DO PASS AS AMENDED. Motion passed unanimously.

HOUSE BILL NO. 159: Representative Rapp-Svrcek moved that the bill pass as written. Mr. Flynn of the Department of Fish, Wildlife, and Parks discussed with the committee the terms "shall" and "may" on line 24, page 1, and line 6, page 2. Representative Jenkins may a motion to amend line 6, page 2, to read "may" instead of "shall." There was further committee discussion. Question was called, and a voice vote was taken on the amendment. The motion on the amendment passed with only one opposing vote. Representative Cobb was in opposition of this amendment. A motion was made by Representative Rapp-Svrcek to DO PASS AS AMENDED. Motion passed unanimously. (See Exhibit No. 5)

SUBCOMMITTEE APPOINTMENT: Chairman Ream appointed the following committee members to serve on a subcommittee to study House Bills No. 191, 314, & 388 and make recommendation to the committee: Representatives Grady, Cobb, Rapp-Svrcek, and Hart. Representative Hart was appointed chairman of this committee.

ADJOURNMENT: Representative Eudaily moved to adjourn. The meeting adjourned at 4:55 p.m.



BOB REAM, Chairman

DAILY ROLL CALL

Fish and Game COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-31-85

[illegible]

STANDING COMMITTEE REPORT

JANUARY 31

1925

PAGE 1 of 3

MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 262

FIRST reading copy (WHITE)
color

TO AUTHORIZE THE FISH AND GAME COMMISSION TO AUCTION ONE HALE
MOUNTAIN SHEEP PERMIT EACH YEAR; AND TO PROVIDE THAT MONEY
GENERATED BY SUCH AUCTION BE USED FOR THE BENEFIT OF MOUNTAIN
SHEEP

Respectfully report as follows: That HOUSE Bill No. 262
BE AMENDED AS FOLLOWS:

1. Title, line 6.
Strike: "PERMIT"
Insert: "LICENSE"
2. Page 1, line 10.
Strike: "permit"
Insert: "license"
3. Page 1, line 11.
Strike: "pernit"
Insert: "license"

XXXX
DO PASS

PAGE 2 of 3

AMENDMENTS FOR HOUSE BILL No. 282

4. Page 1, line 13.
Strike: "permit"
Insert: "license"
5. Page 1, line 14.
Strike: "nonprofit organization"
Insert: "wildlife conservvation organization involved in the
conservation of mountain sheep"
6. Page 1, line 15.
Strike: "permit"
Insert: "license"
7. Page 1, line 16.
Strike: "nonprofit"
Insert: "authorized"
8. Page 1, line 21.
Following: "sheep."
Insert: "The proceeds from the auction must be used in
addition to any other funds the department uses
for the management of mountain sheep."

AND AS AMENDED.

DO PASS

STATEMENT OF INTENT ATTACHED

STATEMENT OF INTENT

PAGE 3 of 3

STATEMENT OF INTENT FOR HB 282

House Bill No. 282 requires a statement of intent because section 1 authorizes the fish and game commission to establish rules for the use of the license to be auctioned and for the conduct of the auction.

It is the intent of the legislature that the commission, in drafting rules, shall consult with other states such as Wyoming, Utah, and Nevada which have similar legislation. The commission shall strive to maximize the revenue generated by the auction, and to that end shall select the method of auction which it perceives will best attain that objective.

Because revenue from the auction of the license is not predictable, it is the intent of the legislature that the department shall use such money only for special projects related to mountain sheep research, management, and habitat improvement, and such funds may not be budgeted or used in place of funds regularly appropriated by the legislature for mountain sheep related purposes.

STANDING COMMITTEE REPORT

JANUARY 31

19 95

MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 159

FIRST reading copy (WHITE)
color

TO PROVIDE FOR THE SALE OR DISPOSAL OF WILD ANIMALS KILLED BY
THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS OR A LANDHOLDER
AUTHORIZED TO KILL WILD ANIMALS BECAUSE OF PROPERTY DAMAGE

Respectfully report as follows: That HOUSE Bill No. 159

BE AMENDED AS FOLLOWS:

1. Page 2, line 6
Strike: "shall"
Insert: "may"

AND AS AMENDED,

DO PASS

STANDING COMMITTEE REPORT

JANUARY 31 19 85

PAGE 1 of 2

MR. ~~SS~~BEAKER:

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 2

FIRST reading copy (WHITE)
color

**AUTHORIZING THE USE FOR FOUR YEARS OF COAL SEVERANCE TAX PROCEEDS FOR
DEVELOPMENT, OPERATION, AND MAINTENANCE OF ALL STATE PARKS, RECREATIONAL
AREAS, MONUMENTS, OR HISTORICAL SITES**

Respectfully report as follows: That HOUSE Bill No. 2

BE AMENDED AS FOLLOWS:

1. Page 3, line 13.
Following: "of"
Insert: "any"
2. Page 3, line 14.
Following: line 13
Strike: "starting July 1"
Insert: "after June 30"

XXXXXX
DO PASS

AMENDMENTS FOR HOUSE BILL No. 2:

3. Page 3, line 15.
Following: "the"
Insert: "development,"
Following: "operation"
Insert: ","
4. Page 3, line 16.
Strike: "so"
Following: "acquired"
Insert: "with funds allocated under this subsection"

AND AS AMENDED,
DO PASS

HOUSE COMMITTEE Fish and GameDATE 1-31-1985 House Bill No. 282 Time _____NAME Representative Jenkins Amendment YES NO

Bob Ream, Chairman		✓
Orval Ellison, Vice Chairman		
John Cobb		✓
Ralph Eudaily		✓
Edward Grady		
Marian Hanson	✓	
Marjorie Hart		✓
Loren Jenkins	✓	
Lloyd McCormick		✓
John Montayne		✓
Janet Moore		
Bob Pavlovich		✓
John Phillips		✓
Paul Rapp-Svrcek	✓	

Billie Flamm
SecretaryRep. Ream
Chairman

Motion: A motion was made by Representative
Loren Jenkins to change the word "shall" to "may"
line 14, page 1, HB 282.

HB 282

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

January 31, 1985

This legislation proposes the institution of a program in the State of Montana which the department feels would be of benefit to the bighorn sheep management plan we have been engaged in over the past 40 years. It is a program which has been instituted in the states of Arizona, Nevada, Utah and Wyoming. In each of these states, the program appears to have the endorsement of the sporting community as well as the agency involved and appears to be successful.

I would like to take a few moments to familiarize the committee with the sheep program that we have at the present time. During this past fiscal year, the department has spent between \$110,000 and \$120,000 on the management of bighorn sheep. This expenditure was offset by the sale of bighorn sheep licenses in the amount of approximately \$84,000. This money is spent on conducting transplants of sheep herds to suitable habitats throughout the state, monitoring the size of the population in various areas and determining the number of permits that should be made available for the hunting opportunities.

In addition, the funds are used for habitat enhancement, particularly on department lands, as well as the monitoring of diseases that might crop up in the populations from time to time.

In 1984, over 7,000 hunters applied for bighorn sheep licenses. Out of that 7,000, 744 were successful and did have the opportunity to hunt the species. I would point out to the committee that the bighorn sheep is not only a valued hunting opportunity, but is a species which creates a great deal of interest among photographers and movie makers. It is a species of great symbolism as far as the Montana outdoors is concerned.

If HB 282 were to be successful, we would utilize the additional funding to intensify our habitat enhancement program as well as transplants. In addition, the funds would be available for emergency disease evaluations such as we experienced in the 1983-84 Sun River herd.

I have attached a copy of amendments that the department would propose for consideration by the committee. The amendments basically would more accurately define the license by removing the word "permit" in four parts of the proposed bill.

In addition, we feel that a tighter definition is needed for the organization which would implement the auction process. As a result, we are suggesting changing the wording from "nonprofit organization" to "wildlife conservation organization involved in the conservation of bighorn sheep."

And finally, we wish to clarify the intent of the legislation by inserting a new sentence which states that the proceeds from the auction would be in addition to any other funds the department uses for management of bighorn sheep.

In summary, Mr. Chairman, we do endorse HB 282 and feel that its passage will be a positive factor in the future enhancement of the bighorn sheep population in the State of Montana.

HOUSE BILL 282

AMENDMENTS PROPOSED BY
DEPARTMENT OF FISH, WILDLIFE, AND PARKS

1. Page 1, line 10. Delete "permit" and insert "license".
2. Page 1, line 11. Delete "permit" and insert "license".
3. Page 1, line 13. Delete "permit" and insert "license".
4. Page 1, line 14. Delete "nonprofit organization" and insert "wildlife conservation organization involved in the conservation of bighorn sheep".
5. Page 1, line 15. Delete "permit" and insert "license".
6. Page 1, line 21. After the word "sheep" insert a new sentence which says: "The proceeds from the auction would be in addition to any other funds the department uses for the management of bighorn sheep."

Exhibit # 2
1-31-1985
H.B. # 282

HB 282 Amendments

1. Title, line 6.
Strike: "PERMIT"
Insert: "LICENSE"
2. Page 1, line 10.
Strike: "permit"
Insert: "license"
3. Page 1, line 11.
Strike: "permit"
Insert: "license"
4. Page 1, line 13.
Strike: "permit"
Insert: "license"
5. Page 1, line 14.
Strike: "nonprofit organization"
Insert: "wildlife conservation organization involved in the con-
servation of mountain sheep"
7. Page 1, line 16.
Strike: "nonprofit"
Insert: "authorized"
6. Page 1, line 15
Strike: "permit"
Insert: "license"
8. Page 1, line 21
Following: "sheep."
Insert: "The proceeds from the auction must be used in addition to
any other funds the department uses for the management of
mountain sheep."

Exhibit #3
1-31-1985
H.B. #282

STATEMENT OF INTENT

HOUSE BILL NO. 282

House Bill No. 282 requires a statement of intent because section 1 authorizes the fish and game commission to establish rules for the use of the license to be auctioned and for the conduct of the auction.

It is the intent of the legislature that the commission, in drafting rules, shall consult with other states such as Wyoming, Utah, and Nevada which have similar legislation. The commission shall strive to maximize the revenue generated by the auction, and to that end shall select the method of auction which it perceives will best attain that objective.

Because revenue from the auction of the license is not predictable, it is the intent of the legislature that the department shall use such money only for special projects related to mountain sheep research, management, and habitat improvement, and such funds may not be budgeted or used in place of funds regularly appropriated by the legislature for mountain sheep related purposes.

Exhibit #4

1-31-1985

H.B. #2

DO PASS

HB 2 Amendments

Page 3, line 13.

Following: "of"

Insert: "any"

Page 3, line 14

Following: line 13

Strike: "starting July 1"

Insert: "after June 30"

Page 3, line 15.

Following: "the"

Insert: "development."

Following: "operation"

Insert: " , "

Page 3, line 16.

Strike: "so"

Following: "acquired"

Insert: "with funds allocated under this subsection"

Exhibit #5
1-31-85
H.B. # 159

HB 159 Amendments

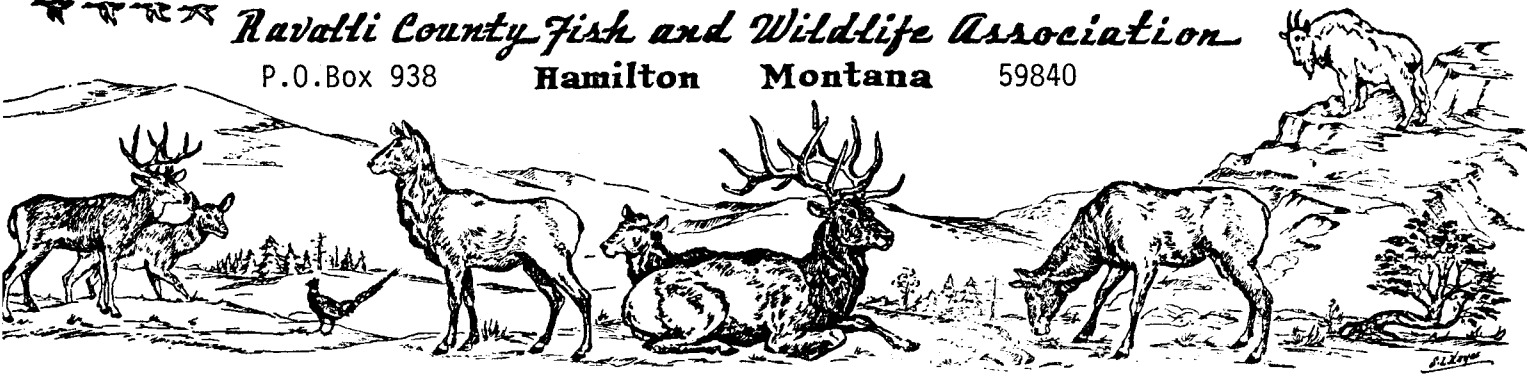
1. Page 2, line 6
Strike: "shall"
Insert: "may"

Ravalli County Fish and Wildlife Association

P.O. Box 938

Hamilton Montana

59840



January 29, 1985

Representative Bob Ream
Chairman, Fish and Wildlife Committee
House of Representatives
Capitol Building
Helena, MT 59601

RE: House Bill No. 282

Dear Representative Ream:

House Bill No. 282 was discussed at our general membership meeting last evening. A vote was taken and the majority of the membership present voted to support this Bill. Please give the bill your favorable consideration and action.

Yours truly,

DOROTHY E. PALMER, Secretary

VISITORS' REGISTER

HOUSE

Fish & Game

COMMITTEE

BILL

#282

Date _____

1-31-85

SPONSOR

Menahan

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.