

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

February 12, 1985

The meeting of the Fish and Game Committee was called to order by Chairman Bob Ream at 3:15 p.m., February 12, 1985, in Room 317 of the State Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL NO. 692: Representative Janet Moore, District 65, Condon, appeared before the committee as sponsor of House Bill No. 692. She said that this is a bill to enact a class of trapping license for youth six through fourteen years of age. She said that since the time this bill was proposed and drafted, some amendments had been made. She said that they had amended the age factor to move it down to 12 years of age. She said that the purpose of this youth trapping license is to teach young people at an early age, the responsibility of harvesting the fur resource. She said that they had also excluded the trapping of quota animals from this bill, because they feel that some of the fur resources are too valuable for the youth to be trapping.

PROPOSERS: Wayne Harmon, Vice-President of the Montana Trappers Association, stated that the trappers from around the state felt that there should be a reduced license fee for youth, and that 12 years of age should be the cut off age for this youth license. He said that after the age of 12, they are able to get a regular hunting license and hunt the other animals. He said that before 12, they are just too small to handle the quota animals. An amendment sheet was handed out to the committee. (See Exhibit No. 1)

Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, appeared before the committee as a proponent of this bill. He said that while it is not their policy to expand their licensing authority, they would be willing to administer and enforce such a license if the legislature should consider it favorably. He handed out his testimony to all committee members. (See Exhibit No. 2)

Robert Van Der Vere, a former trapper and concerned citizen lobbyist, said that he felt this was a good bill and it would help young people become better educated about trapping.

Jim Cochran, President of the Montana Trappers Association, said that he feels that the young trappers need a chance to learn about the fur resource. He said that he felt that by lowering the license fee, more of them would have a chance to learn to harvest this resource.

There were no further proponents, and no opponents.

DISCUSSION OF HOUSE BILL NO. 692: Representative Jenkins wanted to know what animals would be listed under Class C-3. Mr. Flynn said that he did not have the list with him, but the animals would be listed in the statutes.

Representative Eudaily wanted to know if the effective date of July 1, 1985 was set at that time so it would fit into the fiscal year. Mr. Flynn said that they are having trouble with the end-of-season date of trapping, and they have a bill coming over from the Senate that will correct the effective date and end-of-season date.

Representative Hanson asked Representative Moore how many youngsters in her area would be affected by this legislation. Representative Moore said that it would probably affect about two dozen.

Representative Montayne said that he had concern about letting youngsters loose on trap lines. He said that he feels youngsters need parental supervision. Representative Moore said that there are over 800 members in the trappers association, and they police the way that trapping is done. She said that it is against the law to waste fur bearing animals and they encourage supervision with the young people. She said that she felt that Representative Montayne may be overly concerned. Mr. Harmon said that the trappers association has been working on putting together an education program for the youth.

Representative Eudaily asked Mr. Flynn if the amendments concerning age were agreeable to the Department. Mr. Flynn said that they were agreeable.

Representative Moore closed her presentation of the bill.

CONSIDERATION OF HOUSE BILL NO 611: Representative Gerry Devlin, District 25, Terry, stated that this was an act requiring that any bear, wolf, mountain lion, or coyote captured and held in captivity be permanently identified by tattoo, and a record of that be kept by the Department of Fish, Wildlife, and Parks. He said that they had talked about some amendments to this bill, because the Department does not want to tattoo or keep track of black bear. He said that the thing that really prompted him to propose this, was that during the fire in the Roundup area, a newspaper article reported that a pet wolf had to be shot and there was a concern about how many others may have escaped. Representative Devlin said that after some of the wild animals have been in captivity for a period of time, they lose their fear of man. He said he felt that it is not very responsible to let people keep these animals without some sort of identification, because they may go out and destroy property. He said that he felt this proposed bill would help identify the animals causing damage and make the persons holding these animals in captivity responsible for any damage caused.

PROPOSERS: Don McKamey, Great Falls, President of the Montana Woolgrowers Association, said that they passed a resolution at their December meeting concerning this legislation. Mr. McKamey cited an example for the committee that had occurred two years ago on his ranch. He said that they had been getting ready to ship their lambs, and a black bear got in with the sheep and killed ten ewes and two lambs. He said that it took two nights to snare the bear, and then when the federal trapper and game warden came out to check it over, they found evidence that this bear had been marked or used for some kind of research purpose. He said he felt that this brings out the need for having these animals marked or identified in some way. He said that he felt they were not asking for anything that was too far out of line with this proposed legislation.

Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, appeared before the committee in support of House Bill No. 611. He said that the Department has discussed this bill with the sponsor and has a number of amendments to offer to address some specific concerns they have. Mr. Flynn handed out a copy of his testimony and the proposed amendments to all committee members.
(See Exhibit No. 3)

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Teddy Thompson, Big Timber, cited an example for the committee of a grizzly bear that had killed 12 sheep on his land just north of Yellowstone Park. He said that this is a class II area where they are not supposed to have problems with grizzlies. He said that the bear was captured, tattooed, tranquilized, and generally mutilated. He had pictures of this bear for the committee to see, and stated that he felt that any animal that has been handled and tranquilized should also come under this bill.

Elaine Allestad, Big Timber, said that she felt that the amendments should not eliminate all black bear, but only the black bear who do not kill livestock or cause property damage. She said that she also felt that section three of the bill should clarify further who is responsible for the damages caused by a tattooed animal that has been relocated by the Department. (See Exhibit No. 4)

Janet Ellis, representing the Montana Audubon Council, said that the Council supports House Bill No. 611 with amendments. She handed in a copy of her testimony. (See Exhibit No. 5)

Lee Smoot, Jr., a rancher from Big Timber, said that he has sheep on his ranch and has trouble with bear. He urged the committee to support House Bill No. 611. (See Exhibit No. 6)

There were no further proponents, and no opponents to House Bill No. 611.

DISCUSSION OF HOUSE BILL NO. 611: Representative Ellison asked Mr. Flynn where they got the numbers for the wild animals currently held in captivity listed on the fiscal note for House Bill No. 611. Mr. Flynn said that the figures used are an educated guess. He said that there are probably more wolves in captivity than are listed on the fiscal note.

Representative Jenkins asked Mr. Flynn if this bill would cover the damage done by wild animals brought into the various parts of this state by individuals. Mr. Flynn said that it was the intent of section three, page two that the person by whom the animal was captured or is held in captivity pay the compensation for damage caused by that animal held in captivity. Representative Jenkins asked if there was a law in Montana protecting some of the animals from being killed, even if they had destroyed property or livestock. Mr. Flynn said that

the wolf and grizzly bear are federally protected species; and it is difficult to see if they are tattooed unless they are killed, so there is a problem in that area. Representative Jenkins asked if a stiffer fine could be assessed against persons that neglect to tattoo the animals. Mr. Flynn said that the legislature can assess any type of fine that they wish, but he does not know what that would be.

Representative Eudaily asked Mr. Flynn if he had prepared the fiscal note or had provided information for it. Mr. Flynn said that he was sure the Department had provided most of the information. Representative Eudaily stated his concern over the amount of time and the cost that the Department would have in tattooing the animals. Mr. Flynn said that the original legislation proposed that the Department would do all the tattooing, but the amendments he proposed would not have the Department do the tattooing. The tattooing would be done by a local veterinarian at the cost of the individual. He said that the fiscal note was drawn up before the amendments were proposed.

Representative Ream asked Mr. Flynn if he thought this bill would provide a mechanism to allow the State to get a handle on the number of bear, wolf, mountain lion, and coyote in captivity in the State. Mr. Flynn said that he felt this would provide a mechanism for the State. He said that he did not know of any grizzly bears, black bears, or coyotes in captivity that were not in a zoo or animal farm. He said they have jurisdiction over the animals in the zoo or animal farms and they have a means of identifying these animals, but they are concerned mostly about the wolf.

Representative Moore asked J. C. Cochran to comment on the proposal. Mr. Cochran said that he ran a small game farm and was also a trapper. He said that he was concerned about the bobcat they trap and wanted to know if they would have to tattoo the bobcat that they release from their traps. Mr. Flynn said that this bill did not cover bobcat. Mr. Cochran also stated that he raised coyotes on his game farm. Representative Moore asked him if he tattooed the coyotes. Mr. Cochran said that he tattooed only the fur bearing animals, and at the present time did not tattoo his coyotes.

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Representative Grady wanted to know if the Department was as opposed to keeping the records on these animals as they were to tattooing them. Mr. Flynn said that they were not opposed to keeping the records of these animals, but they just did not want to get into the tattooing business.

Representative Ream asked Representative Devlin if the proposed amendments were acceptable to him. Representative Devlin said that he would like to go over the amendments more with the Department because there are some he does not quite agree with. He said that he had Dave Cogley draw up a few amendments. He said that he is not against the Department not doing the tattooing, but he would like to make sure that they are required to keep adequate records. Representative Ream wanted to know if the handling of bears in the National Parks of our state are covered under a game cooperative agreement. Mr. Flynn said that he did not know the answer to that. He said that he did not know if the federal government would acknowledge this law.

Representative Jenkins asked Mr. Flynn if it wouldn't be beneficial to tattoo the black bear when they are caught. Mr. Flynn said that he doesn't feel that there would be any benefit to tattooing black bear.

There being no further questions from the committee, Chairman Ream asked Representative Devlin to close. In closing, Representative Devlin said that he had Dave Cogley draw up some amendments and he would discuss these with Mr. Flynn. He again stressed the fact that he felt that an animal kept in captivity loses its fear of man and could cause some harm to a person, and he feels that something needs to be done. He said that he would work out some amendments and come back to the committee with them, if it was acceptable to the committee.

EXECUTIVE SESSION: House Bill No. 581. Representative Cobb moved that House Bill No. 581 DO PASS. Representative Ellison said that amendments were being passed around to all committee members, and he moved that numbers one and two and the NEW SECTION pass. Representative Rapp-Svrcek seconded the motion. Chairman Ream asked

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Representative Ellison to explain the amendments to the committee. A vote was then taken on amendments one and two and the NEW SECTION, and these passed unanimously. Representative Rapp-Svrcek then moved that amendment three pass. Representative Grady seconded the motion.

Representative Rapp-Svrcek stated that he had held a falconers license and he felt that working with wild birds was a delicate situation that required a lot of knowledge. He felt that number three of the amendments was necessary to make sure that enough knowledge is available to make the right decision in granting permits.

Representative Ellison said that he had some reservations about the third amendment. He said that given the fact that the bill gives the Department so much discretion in their rule making authority, any problem that might arise could be taken care of by the rule making authority in the Department rather than putting it into law.

Representative Phillips stated that from what he had heard in testimony, he assumed that permits could be issued only for birds that were hunted. He said that he heard in testimony that the federal government will issue permits only for birds to be hunted. Representative Ellison said that he knew that Mr. Elgas of Big Timber, had some birds that are not even common to Montana.

Representative Montayne said that he felt the wording in the bill as it was now, was strict enough. He said that he felt amendment three would restrict the aviculturists too much.

Representative Phillips asked Mr. Flynn if the federal government would give a permit for a bird that was not hunted. Mr. Flynn said that he did not know the answer to that.

Representative Ellison asked Mr. Flynn if under their rule making they would have the authority to determine the birds that would be included in this permit. Mr. Flynn said that they could list the species that they would authorize permits for.

Representative Eudaily said that he felt the Statement of Intent would take care of all these concerns.

Representative Rapp-Svrcek asked Mr. Flynn if he could assure him that through the Statement of Intent, that the Department would be able to promulgate rules that would provide adequate protection for those birds that may not be hunted or are rarer in number than other species. Mr. Flynn said that they could definitely start out with that concept in mind.

Representative Rapp-Svrcek said that with the permission of the second, he would withdraw the amendment. Representative Phillips seconded the motion. Representative Eudaily moved that the bill DO PASS AS AMENDED. Representative Phillips seconded the motion. Question was called. The motion passed unanimously. Representative Ellison moved that the Statement of Intent DO PASS. Representative Rapp-Svrcek seconded the motion. The motion carried unanimously.

HOUSE BILL NO. 692: Representative Moore moved that the bill DO PASS. Representative Moore moved that the amendments DO PASS. Representative Phillips seconded the amendments motion. Question was called. The motion carried unanimously.

Representative Jenkins stated that he still had a question concerning the C-3 license so Representative Ellison explained this to him. Researcher Dave Cogley said that a C-3 license was in another category of trapping licenses.

Question was called. The motion of DO PASS AS AMENDED passed unanimously.

HOUSE BILL NO. 406: Representative Hart moved that House Bill No. 406 DO PASS. A lengthy discussion followed.

Representative Eudaily wanted to know how the license fee increase would affect the hatchery project in Miles City. He said that there was nothing in the bill that linked these two together. Mr. Flynn said that the tying together is two fold. He said that his Department has told the sportsmen that part of this proposal will go toward the fish hatchery in Miles City and part of it will go toward the upgrading of hatcheries that they have in their current system. Mr. Flynn gave a complete accounting of the two-fold process to the committee.

Representative Jenkins wanted to know if the hatcheries in Bozeman and Great Falls were already through long-range planning. Mr. Flynn said that they were tentatively approved at the work session but have not been out to House Appropriations, so the action is still in the subcommittee. Representative Jenkins then asked Mr. Flynn that if this bill did not pass, would they then not build any of the hatcheries, or would it just take longer to build them. Mr. Flynn said that there were other options such as extending the payments out over a longer period of time, but they have been talking about this for the last two years and a bonding program that would go along with it.

Representative Cobb said that he had made a mistake on the License Account Analysis that he had sent around. (See Exhibit No. 7)

Representative Phillips said that he still had a concern about the two-day fishing license. He said that he is not concerned about the increase in the fee, but he thinks there should be a one-day license. Many of the Representatives said that it took two or more days just to get through this state, so they felt there was nothing wrong with the two-day license.

Representative Moore seconded the original motion. Representative Cobb made a substitute motion that they segregate the bill between fishing and nonresident big game. Sections one through four were seconded by Representative Hanson. The committee voted on the bill except for section five. All committee members in favor of House Bill No. 406, except section five, were all members except Representatives Moore, McCormick, and Grady. Representative Cobb moved that on page two, line 23, it be left at \$300.00 instead of increased to \$350.00. Many of the Representatives said they were opposed to leaving it at \$300.00. Question was called. A roll-call vote was taken on this motion. (See roll-call vote) The motion was defeated 11-3. Representative Eudaily moved that section five be approved at \$350.00 as written. The motion was seconded and question was called. The vote was reversed. A vote was taken on Representative Hart's original motion. The motion carried with dissenting votes of Representatives Jenkins, Hanson, and Cobb. House Bill No. 406 received a DO PASS recommendation.

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SUBCOMMITTEE REPORT ON HOUSE BILLS NO. 191, 314, & 388:

Representative Hart said that the subcommittee met regarding the three bills on land depredation. She said that she appointed Representative Cobb and Representative Asay to work on the three bills to do whatever they could with them.

Representative Cobb said that his bills could be killed, tabled, or whatever the committee wanted. He said that Representative Asay's bill is being rewritten and should have been done yesterday, February 11, but will be done soon.

Representative Hart said that she did not know what Representative Asay's bill was going to address; but the committee thought that there was more to the game damage situation than could be addressed in a two-week period before transmittal, so they framed a joint resolution. This joint resolution was drawn up by Representative Rapp-Svrcek; the Department of Fish, Wildlife, and Parks; and the Montana Wildlife Federation. Representative Hart said that they worked very hard drawing up an excellent resolution which points out the WHEREAS'S and topics that they believe should be addressed in this study. The joint resolution copies were handed out to all committee members. (See Exhibit No. 8) Representative Hart said that perhaps the committee may want to look over this joint resolution and not take action today, but maybe continue with it and get it in form so it can be submitted to be included in the studies that will be voted on at the end of the session.

Representative Phillips said that he totally agreed with what Representative Hart was saying about this being a complex problem. He said that he felt it was a growing problem and that there is a definite need for further study.

Representative Rapp-Svrcek said that the reason that he and others had worked on this resolution, was that he doesn't want to put this issue off any longer. He said that it is a complex problem that needs a solution, and one of the reasons he proposed this study was the cooperation that he felt came out of the stream access study. He said that given the wide-spread nature of the game damage problem, and the interest from both the agriculture groups and sporting groups, he felt that they could fully expect to see that kind of cooperation with this study.

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Representative Grady said that he helped some on this resolution but he felt that they should do something more quickly. He said that farmers and ranchers are losing millions of dollars in damages each year; and if this study was going to be done, they would have to suffer those damages for another three or four years. He said he felt that as a committee they could make some recommendations to the appropriations committee so that they could possibly allot more money to inventory the animals. He feels that perhaps this may be one way that they could take more immediate action. He also suggested a letter to the Fish and Game Commission stressing the problem that they have been faced with this session.

Representative Eudaily said that he did not know what the plan was for Representative Asay's bill, but he said that he has some concerns and does concur with what the resolution is going to do. He said his concern was that if they went in with the band-aid approach of a redrafted bill, then the resolution would certainly go down the drain.

Representative Cobb said that he was just making Representative Asay's bill better and if it gets killed in this committee, he still has the right to take it to the floor. He said that if that happened they could still approach the resolution and support it on through.

Representative Ream suggested to the committee that they look over the resolution very carefully, and then take action on it on Thursday, February 14.

Representative Ellison said that he would probably approve the resolution and vote for it, but he wanted to caution the committee about the fact that even if it passes both houses there is no guarantee that this is one of the studies that will be funded. He said there is not enough money allotted for a lot of studies, so this one may not get funded.

Representative Rapp-Svrcek said that his intent in getting this resolution drawn up was to cut off possible court action.

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Representative Ellison moved that they give the right to draft this resolution to the staff researcher, Dave Cogley. Representative Phillips seconded the motion. More discussion followed concerning the resolution. It was decided that Mr. Cogley would draft the resolution.

Representative Grady said that he would like to make a motion to have Mr. Cogley draft a letter to the Appropriations Committee encouraging them to give full consideration of the money that is needed to keep count of the wildlife; and, also, a letter to the Fish and Game Commission stressing the importance of this issue and encouraging them to do everything within their means.

Representative Ellison and other committee members thought that it would be good to draft these letters. Representative Eudaily seconded Representative Grady's motion. The motion passed unanimously.

HOUSE BILLS NO. 314 AND 388: Representative Cobb made a motion to TABLE House Bills 314 and 388. Representative Grady seconded the motion. The motion carried with the dissenting vote of Representative Cobb.

ADJOURNMENT: There being no further business before the committee, the meeting was adjourned at 5:40.

BOB REAM, Chairman

STANDING COMMITTEE REPORT

FEBRUARY 12

19 35

MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 405

FIRST reading copy (WHITE)
color

TO INCREASE CERTAIN HUNTING AND FISHING LICENSE FEES

Respectfully report as follows: That HOUSE Bill No. 406

DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 12

19 35

MR. SPEAKER

FISH AND GAME

We, your committee on

HOUSE

692

having had under consideration Bill No.

FIRST

WHITE

reading copy (_____)
color

CREATES A YOUTH TRAPPING LICENSE

Respectfully report as follows: That HOUSE Bill No. 692

BE AMENDED AS FOLLOWS:

1. Title, line 5.
Strike: "14"
Insert: "12"
2. Page 1, line 14.
Strike: "15"
Insert: "13"
3. Page 1, line 25.
Strike: "15"
Insert: "13"
4. Page 2, line 12.
Strike: "15"
Insert: "13"

AND AS AMENDED,
DO PASS.

STANDING COMMITTEE REPORT

FEBRUARY 12 19 85

PAGE 1 of 3

MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 581

FIRST reading copy (WHITE)
color

TO AUTHORIZE THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
TO ISSUE AVICULTURAL PERMITS FOR THE TAKING OF MIGRATORY
GAME BIRDS FOR PROPAGATION PURPOSES

Respectfully report as follows: That HOUSE Bill No. 581

BE AMENDED AS FOLLOWS:

1. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"
2. Page 2.
Strike: lines 17 through 20 in their entirety
Insert: "(4) The department may charge a fee for issuing
an avicultural permit, if necessary, not to
exceed the cost of issuing such permit."

~~XXXXX~~
DO PASS

CONTINUED

AMENDMENTS

Page 2 of 3

3. Page 3.

Following: line 9

Insert: "NEW SECTION. Section 4. Termination. This act terminates September 30, 1989."

AND AS AMENDED

DO PASS

STATEMENT OF INTENT ATTACHED

A statement of intent is necessary for this bill because section 1 grants rulemaking authority to the department of fish, wildlife, and parks. It is the intent of the legislature that the department adopt rules providing for coordination with federal agencies in the issuance of avicultural permits and enforcement of conditions and restrictions imposed by the federal migratory game bird regulations.

The legislature intends that the department adopt rules addressing disposition of migratory game birds that remain the property of the state under the provisions of this bill. It is the further intent of the legislature that the department provide necessary guidelines for the issuance and exercise of avicultural permits not stated in the bill.

HOUSE COMMITTEE Fish and Game

DATE 2-12 House Bill No. 406 Time _____

NAME Roll call Section 5(\$350-300) YES NO

NAME	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
Secretary

Rep. Ream
Chairman

Motion: Representative Cobb moved that on page two,
line 23, the amount be left at \$300 instead of
increased to \$350.

Exhibit #1
2-12-85
H.B. # 692

House Bill No. 692 Amendments

1. Title, line 5
Strike: "14"
Insert: "12"
2. Page 1, line 14.
Strike: "15"
Insert: "13"
3. Page 1, line 25.
Strike: "15"
Insert: "13"
4. Page 2, line 12.
Strike: "15"
Insert: "13"

Exhibit #2
2-12-1985
H.B.#692

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

HB 692

February 12, 1985

HB 692 establishes a new class of trappers' license for young people ages 6 through 14. At the present time, this age group does not have its own license requirement.

The Montana Trappers Association discussed this legislation with the department prior to the session and while it is not our policy to expand our licensing authority, we would be willing to administer and enforce such a license if the legislature should consider it favorably.

Exhibit #3

H.B. #611

2-12-85

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

HB 611

February 12, 1985

The department has discussed this bill with the sponsor and has a number of amendments to offer to address some specific concerns we have.

The bill has merit in that it would provide a mechanism to allow the State to get a handle on the number of these species which are in captivity in the State. At the present time, no such mechanism exists.

These particular species are not covered under the State's game farm laws and thus are not accounted for as are deer, elk, exotic species and captive furbearers and game birds.

Our concerns with the bill as presently written go to its apparent inclusion of the species captured and released in management or research projects.

As an example, we are conducting grizzly research in the Cabinet Wilderness Area. We may trap thirty black bear before a single grizzly is captured. While Commission policy and our research needs dictate that the grizzly be tattooed and collared, we have no need to tattoo the black bear.

HB 611, in its present form, would require such a tattoo.

We would request that the Committee consider these amendments and their intent to improve HB 611.

AMENDMENTS

- Page 1, Line 4 - Strike "any" and insert "certain"
- Page 1, Line 21 - After (2), strike "The department shall permanently tattoo each animal as required in subsection (1)" and insert "Each animal reported as required in subsection (1) shall be tattooed"
- Page 1, Line 24 - Strike "The department shall charge a fee of \$35 for each animal tattooed, except for those animals captured or held in captivity by the department."
- Page 2, Line 25 - Insert "New Section 4. Exceptions. This act shall not apply to those animals:
- (1) captured and released as part of an on-going game management program or an on-going predator control program unless such animals have been involved in livestock killing;
- (2) captured and released as part of a scientific, educational or research program as certified by the department."
- Page 2, Line 25 - After Section, strike "4." and insert "5."
- Page 3, Line 4 - After Section, strike "5." and insert "6."

WITNESS STATEMENT

Exhibit #4

2-12-1985

A.B #611

NAME Elaine Allestad BILL No. AB 611

ADDRESS Big Timber Mont. 59011 DATE 2/12/85

WHOM DO YOU REPRESENT SELF

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am in support of this bill because any person who owns a dog, They are responsible for their pets. They are responsible for any damages caused by their pets, which are their property. Then in turn any person with a bear, wolf, mountain lion or coyote should be just as responsible for their animals. and in order to keep records it is necessary to have a permanent tattoo or marking to identify each individual animal.

In section 3; it should be more defined to determine who is responsible for the animal in question, for example if a Fish, Wildlife & Parks field assistant (trapper) snares an animal that was causing property damage, and the Mont. Fish & Game steps in and wants this animal translocated, then it returns and causes further damage; who is responsible for this I.d. animal; the ~~extra~~ agency that captured it or the agency that releases it?

Montana Audubon Council
Testimony on HB 611
February 12, 1985

Exhibit #5
2-12-1985
H.B. #611

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Council.

The Council supports HB 611 with amendments. We do not have any problems with the requirement that privately owned bears, wolves, mountain lions or coyotes have permanent tattoos. We support the Department's position that the private owner of these animals be responsible for making sure their "pet" has a proper tattoo.

We also support the basic idea behind the section of this bill requiring "captured" animals "to be later released" to be marked in a way to identify them for the future. This section seems especially important when these animals have been associated with livestock or humans in any way.

Our proposed amendments require that privately owned animals be required to obtain permanent tattoos. We feel, however, that such a permanent marking is unnecessary for captured and released animals. Permanent lip tattoos can cause an infection. These tattoos are difficult to apply and may even require a veterinarian to do the tattoo. Such a service would be costly to the state both in time and money as well as potentially harm the animal being marked. The type of tattoo that can currently be administered in the field - and is not permanent - lasts up to 3 or 4 years. This type of tattoo would seemingly be an adequate method of marking animals with the chronic habit of causing problems to livestock or humans. We also suggest that the language for marking these animals be broadened to include other types of marking: ear tags or shaving some fur off an animal are two methods that mark the animal and may be adequate for the situation at hand.

The final amendment we would like this committee to consider is a type of disclaimer for marking animals that are captured and could pose a threat to the animal or the people capturing that animal. We would like to see this disclaimer placed in Section 1 of this bill. It would read something like this:

Animals need not be marked during a capture if the safety of the animal and/or the person capturing the animal is at stake. A report detailing each such instance must be submitted to the department and reviewed by the commission.

We offer this last amendment in light of extenuating circumstances that may occur and prohibit the marking of a captured animal. Such an instance happened last year. It is currently the Department's policy to mark all grizzly bears it captures. Last year a bear was captured in a leg snare. The frightened animal carried the log attached to the snare for more than a quarter mile. When Department employees found the exhausted animal, it was late at night. The decision to be made was either to hold the animal until morning to mark the bear or quickly dart the bear and release it. Evidently, the people making the capture felt the bear could not withstand the extended drugging and holding to wait for morning. The bear was released, unmarked. Such extenuating circumstances should be few and far between. We would be more comfortable supporting this legislation if people capturing animals had the ability to not mark an animal under this type of situation.

We feel that our amendments do not change the general purpose of this bill. We would encourage your concurrence with these amendments.

WITNESS STATEMENT

Exhibit # 6
2-12-1985
H.B. #611

NAME Lee Smoot, Sr. BILL No. 611
ADDRESS Mr. Leggett, 417, Lincoln, W.V. DATE 2-12-85
WHOM DO YOU REPRESENT Parsons
SUPPORT OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Dear Sir:

I believe the fish, wild life and Parks
should be responsible for any and all dam-
age done by visitors and bear

Thank you,

Lee Smoot, Sr.

Exhibit #7

2-12-1985

H. B. # 406

1/28/85

LICENSE ACCOUNT ANALYSIS - AS PROPOSED

All Expenditures

	FY-85	FY-86	FY-87
Unrestricted Fund Balance	\$ 6,052,000	\$ 6,959,000	\$ 5,462,600
Revenues	14,225,000	14,009,000	13,848,000
Fee Increase		921,000	1,045,000
Total Available	<u>\$20,277,000</u>	<u>\$21,889,000</u>	<u>\$20,355,600</u>
Expenditures			
Operations	\$12,807,000	\$12,859,463	\$12,618,207
Modified Budgets	-0-	1,072,647	850,445
Capitol			
Cash	-0-	1,117,000	2,370,000
Bonding			
existing	511,000	517,690	520,286
new	-0-	543,000	543,000
Pay Plan 2 1/2%	-0-	316,600	642,000
Total expenditures	<u>\$13,318,000</u>	<u>\$16,426,400</u>	<u>\$17,543,938</u>
Ending Balance	<u>\$ 6,959,000</u>	<u>\$ 5,462,600</u>	<u>\$ 2,811,662</u>

Add

331,864

331,864

443,044

balance

5,794,464

3,586,570

minus fees

921,000

1,045,000

balance without fees

4,873,464

2,541,570



STATE OF MONTANA

Office of the Legislative Fiscal Analyst

STATE CAPITOL
HELENA, MONTANA 59620
406/449-2986

JUDY RIPPINGALE
LEGISLATIVE FISCAL ANALYST

February 8, 1985

Representative John Cobb
Montana House of Representatives
State Capitol
Helena, MT 59620

Dear Representative Cobb:

The Natural Resources Subcommittee has taken action to appropriate general license funds of \$13,600,246 in fiscal 1986 and \$13,025,608 in fiscal 1987 for operations of the Department of Fish, Wildlife, and Parks. The committee may take further action affecting the general license funds, however, the amounts are likely to be minimal. This action is compared to requested "operations" and "modified budgets" expenditures listed by the department on their January 28 license account analysis (attached). This savings, all other items on the schedule remaining constant, would increase the fiscal 1987 ending balance to \$3,586,570.

Department	\$13,932,110	\$13,468,652
Subcommittee	<u>13,600,246</u>	<u>13,025,608</u>
Difference	\$ 331,864	\$ 443,044

Sincerely,

A handwritten signature in cursive script, appearing to read "Curt Nichols".

Curt Nichols
Principal Analyst

Attachment

Exhibit #8
2-12-1985
HJR 36

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WAYS OF ALLEVIATING DAMAGE CAUSED BY WILD ANIMALS TO AGRICULTURAL CROPS, LAND, AND FIXTURES THEREON.

WHEREAS, the wild animals of the state are a public resource, held in trust by the state for the benefit and enjoyment of all its citizens; and

WHEREAS, good game management policy requires protecting the wildlife resource as well as mitigating damage caused by wildlife through appropriate and expeditious action of the department of fish, wildlife, and parks; and

WHEREAS, landowners possess their land with the recognition that wildlife may use the land and that they must tolerate a certain level of use by wildlife; and

WHEREAS, a combination of current game management techniques and policy and several recent mild winters has resulted in an overpopulation of big game animals in many parts of the state, with a consequent increase in damage to agricultural crops and land; and

WHEREAS, several surrounding states and Canadian provinces have instituted compensation programs to landowners for damage caused by wild animals; and

WHEREAS, the wildlife resource provides a valuable source of revenue for both the state of Montana and local businesses through license sales and increased sales of goods and services to sportsmen; and

WHEREAS, the practice of certain landowners of closing their land to hunting is directly related to the occurrence of game damage on adjoining lands.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee be assigned to study:

- (1) the types of damage that wildlife causes to agricultural crops, land, and fixtures thereon;
- (2) ways and means available to the department of fish, wildlife, and parks of preventing and mitigating such damages, including but not limited to:
 - (a) maintenance of tighter control of wild animal populations;
 - (b) methods of dealing with landowners who do not permit hunting and whose neighbors suffer damage resulting from the concentrations of wild animals on such land;
 - (c) cooperative agreements with neighboring states concerning joint damage control measures;
 - (d) development of quick-response types of action by the department to individual complaints ;
 - (e) preventive measures currently available or which could be made available, such as fencing, herding, special hunting seasons, use of blood meal, night hunting or herding, scare techniques, and others;
- (3) ways and means available to landowners of preventing and mitigating damage to their land;
- (4) the extent of damage which a landowner should be reasonably required to bear;
- (5) the feasibility of providing compensation to landowners for damage. The committee shall specifically consider:
 - (a) specific types of damage which may be compensable;
 - (b) the method of assessing damage;
 - (c) any prerequisites which should be imposed for payment of compensation, including:
 - (i) landowner cooperation with the department in taking all reasonable preventive measures;
 - (ii) that landowner has kept land open to hunting without charge;
 - (iii) determination the damage suffered is of extraordinary nature.
- (6) The costs involved in subsections (1), (2), (3), and (5), and how such costs should be allocated between landowners, sportsmen, and the general public.

BE IT FURTHER RESOLVED, that the Committee report the findings of the study to the 51st Legislature and, if necessary, draft legislation to implement its recommendations.

House Bill 581 Amendments

1. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"
2. Page 2.
Strike: lines 17 through 20 in their entirety
Insert: "(4) The department may charge a fee for issuing an avicultural permit, if necessary, not to exceed the cost of issuing such permit."
3. Page 3.
Following: line 9
Insert: ~~"NEW SECTION. Section 4. Applicability. Until September 30, 1987, avicultural permits may only be given for those species of migratory game birds for which hunting is permitted. The department shall recommend to the 50th legislature whether or not avicultural permitting should be expanded to include migratory game birds not then hunted and what regulation, if any, should be imposed on such expanded permitting.~~
NEW SECTION. Section 4. Termination. This act terminates September 30, 1989."

Exhibit # 10
2-12-1985
H. B. #581

49th Legislature

LC 1054

Do Pass

1111

STATEMENT OF INTENT

 4 BILL NO. 581

A statement of intent is necessary for this bill because section 1 grants rulemaking authority to the department of fish, wildlife, and parks. It is the intent of the legislature that the department adopt rules providing for coordination with federal agencies in the issuance of avicultural permits and enforcement of conditions and restrictions imposed by the federal migratory game bird regulations.

The legislature intends that the department adopt rules addressing disposition of migratory game birds that remain the property of the state under the provisions of this bill. It is the further intent of the legislature that the department provide necessary guidelines for the issuance and exercise of avicultural permits not stated in the bill.

Exhibit #11
2-12-1985
H.B. #401

WITNESS STATEMENT

NAME George E. Schley BILL No. 401
ADDRESS Walworth DATE 2/8/85
WHOM DO YOU REPRESENT Mont. Deaconess Assn.
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

MDA supports the Sept bill 401

WITNESS STATEMENT

NAME Roger Tew BILL No. H.B. 611
ADDRESS 121 Parker Mt DATE 2-12-85
WHOM DO YOU REPRESENT Self
SUPPORT OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I do support H.B. 611 and we believe
the Department of Parks and Wildlife
should be responsible for these animals
and the damage they do, and reimburse
the livestock owner for their losses

Thank you
Roger Tew

WITNESS STATEMENT

NAME Tom Jarrett BILL No. 611
ADDRESS Springdale, Mont. DATE Feb 12, 1985
WHOM DO YOU REPRESENT self
SUPPORT yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I support H.B. 611 to have all predator animals held in captivity identified or tattooed and have the owners responsible for damage done by them.

I have seen pet coyotes escape in the fall and not be re-captured.

Tom Jarrett
Springdale, Mont.

WITNESS STATEMENT

Exhibit #14

2-12-1985

H. B. #611

NAME Oliver Hemmicksmark BILL No. 611
ADDRESS Big Timber MT Box 958 DATE 2/12/85
WHOM DO YOU REPRESENT _____
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I support House Bill No 611.

VISITOR'S REGISTER

HOUSE FISH AND GAME

COMMITTEE

BILL 611

DATE 2-12-85

SPONSOR DEVLIN

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Teddy Thompson	Big Timber Mt.	SELF	X	
Elaine Allestad	" " "	"	X	
Tom Jarrett	Springdale "	"	X	
Roger Faw	Big Timber Mt	"	X	
Yac Spout, Jr.	Big Timber, mt.	SELF	X	
Oliver Hammersmark	Big Timber MT	Hammersmark Lunch Co	X	
Ernest Hornum	Condon mt	mt. Trap Assn		
J. Cochran	Whitlock Mt.	Mont Trapper Assn		
Stuart Doyette	Helena	mt. Stockgrowers	X	
BOB Gilbert	Helena	MT Woodgrowers	X	
Dave McHannay	Orcutt Falls	MT Woodgrowers	X	
Chas. Gott	Condon	Sanit Moore	X	
Teddy Thompson	Big Timber	S.G. Woodgrowers	X	
Bob Havelber	Helena	Self		

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 692

DATE 2-12-85

SPONSOR MOORE

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
<i>George H. Moore</i> <i>J.C. Cochran</i>	<i>Condor Hunt</i> <i>Whittloch Mt.</i>	<i>Wart. Trepper Assoc.</i> <i>Wart. Trepper Assoc.</i>	<i>X</i> <i>X</i>	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.