

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

February 19, 1985

The meeting of the Fish and Game Committee was called to order by Chairman Bob Ream on February 19, 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. 764: Representative John Harp, District 7, Kalispell, sponsor of House Bill No. 764 handed out some proposed amendments and a sheet stating the reason for the proposed amendments to all committee members. (See Exhibit No. 1) He said that he had been working with the Highway Department and the Fish and Game for a couple of weeks to try to improve the bill. He said that they had tried to limit the scope of the bill so that they were only talking about nonambulatory disability persons who cannot hunt on foot. He said that on line five in the title of the bill, they put in the word "certain" disabled persons and also included "self-propelled vehicles." He said that under the current law, a person in a wheelchair cannot legally shoot from his wheelchair. He explained the remaining three proposed amendments to the committee.

PROPONENTS: Laura Thompson, who has a son with an amputated leg as a result of the Vietnam War, said that she is one of the persons who asked for this bill. She said that this bill does not ask for all the things she asked for, and another fact she wanted to make known was that so many of the hunting areas are now closed so that there is only walk in traffic. She said that her son had lived in Montana all his life, and she felt that he should be able to hunt in his home state.

Jim Slayton, a disabled Vietnam War veteran with an amputated leg, said he felt the bill as far as it goes, is pretty good. He said that one of the main problems handicapped people have, is getting out of a vehicle. He, too, said that he is concerned about all the areas that have been closed to walk in traffic only.

Vince Burns, representing the disabled students of Montana State University, read a letter from Wade Parrot, a

quadraplegic student at MSU, who is in support of House Bill No. 764. Mr. Burns said that he felt this legislation is addressing a law that has been an oversight. He said that he had been hunting from a three-wheeler for years because that is the only way he has been able to hunt. He said he felt this bill was well thought out.

Jim Flynn, Director of the Department of Fish, Wildlife and Parks, handed out a copy of his testimony to all committee members. (See Exhibit No. 2) He said his testimony was prepared before he had seen the proposed amendments of Representative Harp. He said that if this legislation could be amended, then his Department would ask for a favorable vote. He also said that there was a bill in the Senate that would prohibit hunting from right-of-ways; and if this bill were to pass, there may need to be a co-mingling of the two bills. He said he wanted to make that fact known to the committee.

There were no further proponents and no opponents to House Bill No. 764.

DISCUSSION OF HOUSE BILL NO. 764: Representative Ellison wanted to know if the closed areas that Mrs. Thompson or Mr. Slayton were talking about, were public or private lands. Mr. Slayton said that some of them were state and some of them were federal. Representative Ellison said that he felt he was sure that the disabled could get on a lot of the private land that was closed to truck traffic, if they would just ask.

Representative Rapp-Svrcek asked Representative Harp what he would think about having some sort of fluorescent orange, international handicapped symbol plaque on the vehicle, so that other hunters might be warned about people shooting from that particular vehicle. Representative Harp said he would not have a problem with that. Representative Rapp-Svrcek then asked how this legislation would apply to those persons who are certified disabled by their doctors for heart and respiratory problems. Mr. Flynn said that the Department would not be in favor of that type of addition to the bill. He said he felt that type of proposal would be going too far.

Representative Ellison asked Mr. Flynn if Senate Bill No. 302 was in the Senate Fish and Game Committee. Mr. Flynn said that they were taking action on it at this time, and it would either be killed or go to the Senate floor. Representative Ellison wanted to know if it would come to the House Fish and Game Committee if it

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passed the Senate floor, so they could coordinate the two bills. Mr. Flynn said that they would hope this would happen.

Representative Eudaily wanted to know if the Department could coordinate the two bills with their rule-making authority, or if they would have to be put into the statutes. Mr. Flynn said he did not know how they would handle that, but he did not see it as a major problem. Dave Cogley, the researcher, said that he was aware of the other bill, and he did not feel that it would be too hard to make a composite bill.

Representative Grady had a question concerning section two of the bill, where it refers to a person who is certified disabled by the Department. Mr. Flynn said that his Department would recognize the certificates of the Veterans Administration, Social Security, Workers' Compensation, or any other program such as these. He said that the Department would not actually make the determination themselves. Representative Grady then asked Representative Harp what type of roadways and highways he was referring to in this bill. Representative Harp referred to line 7, 61-1-202, page 2, and said it was any road or highway described in that section. He said these were not primary or secondary highways, but were roads that were considered off the beaten path.

Representative Ream asked Mr. Flynn if the Commission had authority on the state roads that were closed to walk in hunting only. Mr. Flynn said that the Commission can establish the parameters for hunting areas.

There being no further committee questions, Representative Harp closed his presentation.

CONSIDERATION OF HOUSE BILL NO. 770: Representative Ream, District 54, Missoula, appeared before the committee as sponsor of House Bill No. 770. He handed out a Statement of Intent to the committee members. (See Exhibit No. 3) Representative Ream said that House Bill No. 770 is a bill that he had talked to Janet Ellis of the Audubon Council about several months ago. He said that it addresses a problem that has not been a serious one in Montana to date, but it has in many other parts of the world. He said that the introduction or importation of some species that are not

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native to our state could cause substantial problems. He said that this bill would set up a mechanism to attempt to control such problems. He said that section two describes the purpose of the bill; section three deals with definitions; section four is for control of importation; section five talks about control of wildlife species to be transplanted or introduced; section six is for extermination or control of transplanted or introduced wildlife species posing threat; section seven is for controlling importation; section eight gives the department authority to control feral animals; section nine states that they must consult with the departments of agriculture and livestock; section ten lists the species that have already been introduced one way or another; section eleven is rule-making; section twelve is applicability to other provisions; and section thirteen is the penalty portion of the bill.

PROPOSERS: Janet Ellis, representing the Montana Audubon Council, handed out amendments for House Bill No. 770. (See Exhibit No. 4) She said that the first three amendments were basically housekeeping amendments, and the fourth amendment was at the request of the Department of Agriculture. She said that they wanted to be exempt from the statutes dealing with this law. She said that this bill sets up a plan for the Department of Fish, Wildlife and Parks, that sort of parallels what the Department of Agriculture has for the introduction of plants. She said that her Council is pretty happy with this bill. They feel that it is practical and well thought out, and they urge that the committee do pass this bill.

Jim Flynn, Director of the Department of Fish, Wildlife and Parks, appeared before the committee in support of House Bill No. 770. He handed out a copy of his testimony to all committee members. (See Exhibit No. 5)

Hal Price, representing the Montana Wildlife Federation, appeared before the committee in support of House Bill No. 770. He handed in a copy of his testimony. (See Exhibit No. 6)

Chris Hunter, representing the Montana Chapter of the American Fisheries Society, appeared before the committee in support of House Bill No. 770. He handed in a copy of his testimony. (See Exhibit No. 7)

Cary B. Lund, President of the Last Chance Audubon Society and representing over 200 of its members, said that they are in support of this bill. He said that the preventive aspects of this bill are very important.

There were no further proponents and no opponents to House Bill No. 770.

DISCUSSION OF HOUSE BILL NO. 770: Representative Cobb referred to section four of the bill, and asked Ms. Ellis how they would judge if an introduction of a species, has significant public benefits. Ms. Ellis gave an example of allowing a pheasant to be transported into the state. She said that any species being allowed transportation into the state will have to pass certain criterion of the state.

Representative Montayne wanted to know what was so dangerous about the feral swan. Ms. Ellis said that the problem is that mute swans potentially compete with the trumpeter swan and they can threaten this native species of Montana.

Representative Jenkins wanted to know what would happen if someone turned wolves loose. Ms. Ellis said that this bill would not affect that introduction. Mr. Flynn said that since the wolf was on the endangered species act, he would assume that that act would supercede any other management actions that might be taken. He said that if wolves were going to be introduced, it would be under the federal endangered species act. Representative Jenkins wanted to know if this bill would stop people from importing wild wolves into this state. Mr. Flynn said that he could not imagine anyone transplanting wild wolves into this state. He said that a person would get in trouble for removing them from another state to bring to Montana, so he does not think this would be a problem. Representative Ream said this would prevent anyone from bringing in a wolf because they would have to go through the proposed procedure or they would be subject to the penalties provided in this law.

Representative Hanson referred to page 6, line 18, subsection 2, of the bill and asked Representative Ream

that after the bill is passed, what is to stop the commission from authorizing the department to transplant or authorize a species such as the wolf. Representative Ream said that they would have to go through the procedures set up in the bill.

In closing, Representative Ream said that this bill does help put a handle on those issues being previously discussed.

CONSIDERATION OF HOUSE BILL NO. 763: Representative William "Red" Menahan, District 67, Anaconda, sponsor of this bill, said that it would put the wild buffalo as a game animal and set the fee at \$50.00 for residents and \$300.00 for nonresidents. He said that when the buffalo get out of the park, the people who have applied through a \$2.00 drawing, would be notified according to priority by the Department to go hunt the loose buffalo. He said that according to the fiscal note, over 5000 people would apply for this license, and he felt it may be even more.

PROPOSERS: Representative Ellison said that they were talking about his back yard when they were talking about buffalo. He said that he had just had a call from a rancher in the Gardner area, who could not get to Helena to testify, asking Representative Ellison to testify for the ranchers in his area. He said that the problem with buffalo is that they are badly infected with Brucellosis. He said that when they get loose from the park the cattle are in extreme danger of having the infection transmitted to them. He said that if that happens, then a ranchers cattle are quarantined for two or three years. He said that the people in his area are extremely worried, because the population of buffalo in the park has extremely exploded. He said that they want the buffalo killed as quickly as possible, before that have a chance to infect their cattle. He said that he had not seen a provision in the bill for a drawing fee, but he felt that this program should be self-supporting so the Department does not have to subsidize it. He said that the cattle ranchers in his area are in total support of this bill.

Tony Schoonen, Jr., representing the Montana Wildlife Federation, appeared before the committee in

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support of House Bill No. 763. He passed out fact sheets prepared by the Gallatin Wildlife Association, to all committee members. (See Exhibit No. 8)

L. F. Thomas, representing the Anaconda Sportsmans Club, said that they support House Bill No. 763. He said that they believe that the sportsman should be able to shoot the buffalo when they get out of the park.

Tony Schoonen, Sr., representing the Skyline Sportsmans Club of Butte, appeared before the committee in support of House Bill No. 763. He said that the buffalo are a problem and will continue to be a problem because the herds in the park continue to multiply. He said that under existing statutes 87-53-303 the commission and department had authority to set up rules which would regulate a buffalo hunt, and he felt that House Bill No. 763 would strengthen the law and allow the commission to set a fee. He handed out several different copies of material pertaining to this legislation to the committee members. (See Exhibits 9, 10, 11, 12, & 13)

Bill Holdore, a member of the Skyline Sportsmans Club of Butte but speaking for himself, said that he is in favor of having this legislation become a public bill for hunters.

Robert Van Der Vere, a concerned citizen lobbyist, said that he was in favor of this bill.

Bob Carlson, a member of the Skyline Sportsmans Club of Butte, said that he would enjoy having the opportunity to draw a permit to hunt buffalo.

Jerry Clark, a member of the Anaconda Sportsmans Club, said that he was in favor of hunting the buffalo by sportsmen. He said he felt that the sportsmen should have the opportunity to hunt the buffalo, because they foot most of the bills of the Fish and Game.

Dick Solum, of the Silverbow Archery Club and representing the Montana Bowhunters Association, said that they have over 1200 members across the state who are very supportive of this bill and would like the opportunity to bowhunt the buffalo.

There were no further proponents to House Bill No. 763.

OPPONENTS: Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, appeared before the committee as an opponent to House Bill No. 763. He handed out a copy of his testimony to all committee members. (See Exhibit No. 14)

DISCUSSION OF HOUSE BILL NO. 763: Representative Phillips wanted to know what was done with the buffalo meat. Mr. Flynn said that the buffalo were handled in the same way as any other animal, and were put up for public auction. Representative Phillips referred to the fiscal note and said that he felt this legislation could be a money-making program instead of having money lost as indicated in the fiscal note. He said that most sportsmen would be willing to pay whatever fee was required, and he said that he had a friend in Utah who paid \$1200 to hunt buffalo. Mr. Flynn said that the real problem with this bill, is the 24 hour notice that it suggests. He said that many people cannot get to the area within a 24 hour period. He said that he felt that this proposed legislation was not the solution to the buffalo problem.

Representative Rapp-Svrcek wanted to know what the time lapse was between the time the buffalo wander out of the park, to the time the decision is made to shoot the buffalo and they are actually shot. Mr. Flynn said that depending on the time of day, the maximum time would be 24 hours. Representative Rapp-Svrcek wanted to know what the procedure was in killing the buffalo, so Mr. Flynn described it to the committee. Representative Rapp-Svrcek wanted to know if the Department delineated between bulls and cows, after they had made the decision to shoot the buffalo. Mr. Flynn said that no, they did not. They shoot the buffalo that are outside the park. Representative Rapp-Svrcek said that if the Department does not delineate between the cows and bulls, then he does not see why the sportsmen would have to do any different. Mr. Flynn said that they do not feel that what the Department is currently doing is acceptable, so that is why they are trying to get the Park Service to control the herd while they are still in the park boundaries.

Representative Ellison wanted to know where the Department was in their negotiations with the Park

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Service. Mr. Flynn said that he felt the Park Service was getting serious in this effort and that they were well intentioned.

Representative Grady said that he felt it would be hard to set up a season because they do not know when the buffalo will come out of the park. Mr. Flynn said that was a difficulty because they do not know when the buffalo will come out of the park, and then the sportsmen would have to be there ready at all times of the year. Representative Grady asked Mr. Flynn if it would be very hard then, to know how many permits to issue. Mr. Flynn said that they do not really have anything concrete to base the limits on.

Representative Hanson wanted to know how a hunt would be handled in the Park. Mr. Flynn said that the Park would never consider a hunt, but what they are considering is a roundup.

Representative Phillips asked Mr. Flynn what the Parks overall reaction was to the buffalo problem, and this suggested legislation in Montana. Mr. Flynn said that they have no comments that he is aware of, concerning this legislation.

In closing, Representative Menahan stated that they know why the buffalo leave the Park in the middle of winter, and that is for food. He said that it states in the Statement of Intent that the Department has the rules to set up the guidelines and procedures for a hunt, so he does not feel that this should be a big issue for them. He urged the committee to give this bill a DO PASS.

EXECUTIVE ACTION: Representative Pavlovich moved that House Bill No. 611 DO PASS. Representative Devlin's amendments were passed around and discussed by the committee members. Representative Eudaily moved that Section 4 of the Department of Fish, Wildlife, and Parks amendments be used in place of number 16 on the amendments handed out by Representative Devlin. Representative Phillips seconded the motion. Question was called. The motion passed unanimously. Representative Pavlovich moved that the remainder of Representative Devlin's amendments DO PASS. Representative Jenkins seconded the motion. Question was called. The motion passed

unanimously. Representative Pavlovich made a motion that House Bill No. 611 DO PASS AS AMENDED. Representative Jenkins seconded the motion. Question was called. The motion passed unanimously.

HOUSE BILL NO. 191: Representative Cobb made a motion that House Bill No. 191 DO NOT PASS. Representative Eudaily seconded the motion. Question was called. The motion passed. There were four dissenting votes of Representatives Cobb, Hanson, Jenkins, and Ellison.

HOUSE BILL NO. 39: Representative Ellison, sponsor of this bill, explained to the committee why he was taking delayed action on this bill. He handed out a copy of proposed amendments to all committee members. (See Exhibit No. 15) It was decided by the committee, to delay further action on this bill until February 21, 1985.

HOUSE BILL NO. 723: Representative Hanson moved that House Bill No. 723 DO PASS. Representative Hanson handed out to all committee members, a cost analysis sheet showing the 30¢ versus 40¢ commission increases. She explained this sheet to the committee. (See Exhibit No. 16) There was further committee discussion. Representative Phillips made a substitute motion to TABLE this bill. Representative Eudaily seconded the motion. The motion passed with the dissenting vote of Representative Cobb.

HOUSE BILL NO. 753: Representative Eudaily made a motion that House Bill No. 753 DO NOT PASS. Representative Cobb seconded the motion. Some committee discussion followed concerning "immediate control." Question was called. The DO NOT PASS motion carried, with the dissenting votes of Representatives Grady, Jenkins, and Ellison.

HOUSE BILL NO. 763: Representative Pavlovich made a motion that House Bill No. 763 DO PASS. Representative Cobb seconded the motion.

Representative Ellison said that he felt this bill was a good idea, but that it would not work. He said that if the park has decided to do something about this buffalo problem, then this bill would be a futile attempt at solving the problem.

Representative Eudaily said that he has had people in his district pressuring him to do something about this

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for the last six years. He said he felt that the Department is in a real bind on this problem. Representative Eudaily then made a substitute motion that House Bill No. 763 DO NOT PASS.

Representative Grady said that he felt that through this bill it really was not brought out exactly how the legislation would work.

Representative Cobb said that he felt that if they did pass this bill, it would make the Fish and Game start working with the Park real fast.

Representative Phillips said that he agreed with Representative Cobb. He said he felt that if they passed this bill, it would make the Fish, Wildlife, and Parks do something about the problem.

Representative McCormick said that he agreed with Representative Phillips, and he felt that too much money was being spent on herding the buffalo with the State helicopters.

Representative Ellison said he felt the opposite. He said he felt that if the State of Montana did something about the buffalo problem, then the Park would do nothing. He said that the Park needs to do something because it is becoming so denuded and soon there will be no Park there.

Dave Cogley, the researcher, wanted to make the committee aware of the fact that the Department is already authorized to issue a permit to hunt buffalo. He said that what this bill is trying to do is say that they "shall" do it.

Question was called and a roll call vote was taken on Representative Eudaily's DO NOT PASS motion. The motion did not carry by a vote of 8 to 6. (See roll call vote) The committee decided to reverse the vote on House Bill No. 763, and the final recommendation is DO PASS.

HOUSE BILL NO. 764: Representative Eudaily moved that House Bill No. 764 DO PASS. Representative Ellison moved that the amendments to this bill do pass. Committee discussion followed concerning shooting off the roadway and from a motorized vehicle.

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Question was called on the amendments. The amendments passed unanimously. Representative Rapp-Svrcek then moved a new amendment that would state the requirement of having some symbol used on the vehicles of disabled persons. He said that he would have Mr. Cogley word the amendment. He said he felt the vehicles should be marked in some way with a fluorescent orange and the international symbol of the handicapped.

Representative Grady made a substitute motion that House Bill No. 764 DO NOT PASS. The DO NOT PASS motion failed. A decision to reverse the vote was made.

Question was called on the amendment. The amendment motion carried with the dissenting votes of Representatives Eudaily, Cobb, Montayne, Grady, and Phillips.

Representative Hanson moved to adopt the Statement of Intent. Representative Montayne seconded the motion. Question was called. The motion carried with the dissenting vote of Representative Rapp-Svrcek.

House Bill No. 764 received a DO PASS AS AMENDED recommendation and the Statement of Intent was adopted.

HOUSE BILL NO. 770: Representative Hanson made a motion that House Bill No. 770 DO NOT PASS. Representative Cobb seconded the motion. Representative Rapp-Svrcek made a substitute motion that House Bill No. 770 DO PASS. Representative Hart seconded the motion. Representative Eudaily moved that the Statement of Intent and amendments be adopted. Representative Ream seconded the motion. Question was called. The motion on the Statement of Intent and amendments passed with the dissenting votes of Representatives Cobb and Montayne. The motion to DO PASS AS AMENDED carried with the dissenting votes of Representatives Cobb, Montayne, and Hanson.

RESOLUTION BY SUBCOMMITTEE: A copy of the Joint Resolution was handed out to all committee members. (See Exhibit No. 17) Mr. Cogley explained some of the changes to the committee. Representative Eudaily moved the Joint Resolution DO PASS. The motion carried unanimously. Representative Grady volunteered to carry the Joint Resolution.

HOUSE BILL NO. 611: Representative Grady moved a DO PASS motion on the Statement of Intent for House Bill

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No. 611. Representative Jenkins seconded the motion.
The motion carried unanimously.

ADJOURNMENT: There being no further business before
the committee, the meeting was adjourned at 8:10 p.m.



BOB REAM, Chairman

DAILY ROLL CALL

Fish and Game COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-19-81

[illegible]

STANDING COMMITTEE REPORT

FEBRUARY 19

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MR. **SPEAKER**

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

having had under consideration **HOUSE** Bill No. **764**

FIRST reading copy (**WHITE**)
color

**ALLOW DISABLED HUNTERS TO HUNT FROM SHOULDER OF CERTAIN PUBLIC
HIGHWAYS**

Respectfully report as follows: That **HOUSE** Bill No. **764**

BE AMENDED AS FOLLOWS:

1. Title.
Following: line 4
Insert: "CERTAIN"
2. Title, line 5.
Following: "FROM"
Insert: "WITHIN A SELF-PROPELLED VEHICLE AND FROM"

DO PASS

CONTINUED

3. Page 2, line 3.

Following: "department."

Insert: "A disabled person issued a permit under this subsection is entitled to have the department stamp such a permit with "Permission to Hunt From a Vehicle" if the person establishes to the satisfaction of the department that he is permanently physically handicapped and nonambulatory or his mobility is substantially impaired.

4. Page 2, line 5.

Following: "(3)"

Insert: ", upon which is stamped permission to hunt from a vehicle,"

5. Page 2, line 11.

Following: "motorists"

Insert: "or may hunt by shooting a firearm from within a self-propelled or drawn vehicle parked in an area, not a public highway, where hunting is permitted"

6. Page 2, line 16.

Following: "animal."

Insert: "Any vehicle from which a disabled person is hunting must be conspicuously marked with an orange-colored international symbol of the handicapped on the front, rear, and each side of such vehicle."

AND AS AMENDED,
DO PASS

STANDING COMMITTEE REPORT

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MR. SPEAKER.....

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

having had under consideration HOUSE..... Bill No. 763

FIRST..... reading copy (WHITE.....)
color

PROVIDES FOR SPECIAL WILD BUFFALO LICENSES

Respectfully report as follows: That HOUSE..... Bill No. 763

DQ. PASS
STATEMENT OF INTENT ATTACHED

STATE PUB. CO.
Helena, Mont.

BOB REAR.....
Chairman.

COMMITTEE SECRETARY

A statement of intent is required for this bill because section 3 requires the department of fish, wildlife, and parks to adopt rules regulating special wild buffalo licenses. It is the intent of the legislature that the department adopt rules flexible enough to address the situation in which wild buffalo travel across the boundaries of Yellowstone National Park into the state of Montana, presenting the potential for infecting Montana livestock with brucellosis and for inflicting property damage to property owned by residents of the state.

Because wild buffalo may range from the park at any time within the year, it is necessary to have a year-round season, and the department shall adopt rules that will provide for drawings, prompt notification of licensees as to when and where they may hunt, and other procedures unique to such a wild buffalo hunt.

It is the intent of the legislature that not more than 10% of the wild buffalo licenses issued be for nonresidents.

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MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 191

FIRST reading copy (WHITE)
color

PROVIDING A PROCEDURE FOR REIMBURSEMENT TO A LANDHOLDER OR
PERSON IN POSSESSION FOR CERTAIN PROPERTY DAMAGE BY WILD
ANIMALS DUE TO DELAY OR DEFICIENT REMEDIAL ACTION BY THE
DEPARTMENT OF FISH, WILDLIFE, AND PARKS

Respectfully report as follows: That HOUSE Bill No. 191

DO NOT PASS
XXXXX
DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 19

1985

MR. **SPEAKER**

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

having had under consideration **HOUSE** Bill No. **753**

FIRST **WHITE**
reading copy (**color**)

**TO PERMIT PERSONS FISHING THROUGH ICE TO MAINTAIN VISUAL
CONTACT WITH THEIR LINES OR RODS**

Respectfully report as follows: That **HOUSE** Bill No. **753**

~~DO NOT PASS~~

DO PASS

STANDING COMMITTEE REPORT

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MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 611

FIRST reading copy (WHITE)
color

**REQUIRING TATTOO ON CERTAIN BEARS, WOLVES, MOUNTAIN LIONS
AND COYOTES**

Respectfully report as follows: That HOUSE Bill No. 611
BE AMENDED AS FOLLOWS:

1. Title, line 4.
Strike: "ANY BEAR, WOLF, MOUNTAIN LION, OR COYOTE"
Insert: "CERTAIN BEARS, WOLVES, MOUNTAIN LIONS, OR COYOTES"
2. Title, line 5.
Following: "TATTOOED"
Strike: "BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"
Insert: "OR OTHERWISE PERMANENTLY IDENTIFIED"

~~XXXXXX~~
DO PASS

CONTINUED

3. Page 1, line 21.
Following: "(2)"
Strike: "The department shall permanently tattoo each"
Insert: "Each"
4. Page 1, line 22.
Following: "(1)"
Insert: "shall be permanently tattooed"
5. Page 1, line 24.
Following: "animal."
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."
6. Page 2, line 9.
Following: "records."
Insert: "(1)"
7. Page 2, line 10.
Following: "animal"
Strike: "tattooed by"
Insert: "reported to"
8. Page 2, line 12.
Strike: "(1)"
Insert: "(a)"
9. Page 2, line 14.
Strike: "(2)"
Insert: "(b)"
10. Page 2, line 15.
Strike: "(3)"
Insert: "(c)"
11. Page 2, line 16.
Strike: "(4)"
Insert: "(d)"
12. Page 2, line 17.
Strike: "(5)"
Insert: "(e)"
13. Page 2.
Following: line 18
Insert: "(2) The department shall establish by rule a fee to be charged, which may not exceed the administrative cost of maintaining the record required by this section."

CONTINUED

14. Page 2, line 21.
Following: "captivity"
Insert: "or that escapes from such captivity"
15. Page 2, line 23.
Following: "holding"
Insert: "or who held"
16. Page 2.
Following: line 24
Insert: "NEW SECTION. Section 4. Exceptions. This act
does not apply to those animals:
(1) captured and released as part of an ongoing
game management program or an ongoing predator
control program unless such animals have been
involved in livestock killing; or
(2) captured and released as part of a scientific,
educational or research program as certified by
the department."
Renumber: subsequent sections
17. Page 3, line 5.
Strike: "3"
Insert: "4"
18. Page 3, line 7.
Strike: "3"
Insert: "4"

AND AS AMENDED

DO PASS

STATEMENT OF INTENT ATTACHED

This bill requires a statement of intent because section 4 requires the department of fish, wildlife, and parks to adopt a rule establishing a fee to be charged for receiving reports of the capture of animals listed in the bill and maintaining a record of such reports. It is the intent of the legislature that such fee shall reflect the actual administrative cost incurred by the department in carrying out its responsibility under the bill.

STANDING COMMITTEE REPORT

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SPEAKER

MR.

FISH AND GAME

We, your committee on

HOUSE

770

having had under consideration Bill No.

FIRST

WHITE

..... reading copy (.....)

color

CONTROL IMPORTING FOR INTRODUCING; INTRODUCING; & TRANSPLANTING
WILDLIFE

HOUSE

770

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

BE AMENDED AS FOLLOWS:

1. Page 2, line 21

Following: "wildlife"

Insert: "from outside the state"

2. Page 2, line 22

Strike: "from outside the state"

3. Page 5, line 14

Following: "department"

Insert: "based upon scientific investigation and upon approval of
the commission"

4. Page 7, line 10

Following: "2"

Insert: "through 6 and 8"

XXXXXX
DO PASS

(Continued)

February 19

19 85

Page 2 of 3

HOUSE BILL 770 - (CONTINUED)

S. Page 7

Following: line 13

Insert: "(1) Title 80;"

Renumber: subsequent subsections

AND AS AMENDED.

DO PASS

STATEMENT OF INTENT ATTACHED

"Statement of Intent House Bill 770"

A statement of intent is required for this bill because section 11 grants rulesmaking authority to both the fish and game commission and the department of fish, wildlife and parks. Section 11 specifies what sections each entity may implement.

It is the intent of the legislature that the department adopt detailed rules pertaining to the procedure for accepting and processing applications for permission to import for introduction, introduce, or transplant wildlife. The department should address information such as names of applicants, species of wildlife, source of obtaining wildlife, purpose for introducing or transplanting, benefit to the public, potential for harm, and processing fee.

It is the intent of the legislature that the commission review proposals for the introduction or transplantation of wildlife species in the state on a case by case basis. It is also the intent of the legislature that the department develop a plan for those applications approved by the commission to assure that the population can be controlled if unforeseen harm should occur.

HOUSE COMMITTEE Fish and Game

DATE 2-19-1985 HOUSE Bill No. 763 Time

NAME	YES	NO
Do Not Pass - Exclarily		

[illegible]

Billie Flamm
Secretary

Rep. Ream
Chairman

Motion: House Bill No. 763 Do Not Pass--Motion

REASON FOR PROPOSED AMENDMENTS

House Bill 764

February 18, 1985

The limitation contained in amendments 2 and 3 is intended to narrow the scope of the bill so that just nonambulatory disabled persons or those whose mobility is substantially impaired, can hunt from within a vehicle. This would reduce the incidence of roadway hunting to those that truly cannot hunt on foot.

Under section 87-3-101, MCA, hunters are presently prohibited from shooting from any self-propelled or drawn vehicle. The prohibition has been interpreted by the Department of Fish, Wildlife, and Parks personnel to extend to motorized wheelchairs because they are "self-propelled". That means under present law that a disabled person is precluded from parking his automobile, exiting in a motorized wheelchair, and firing at game unless he can stand up or shoot from another position outside of his motorized wheelchair.

The proposed amendment number 4, would correct this absurd result and allow disabled persons to hunt from a parked automobile or other self-propelled vehicle such as a motorized wheelchair in an area, not a public highway, where hunting is permitted.

With the inclusion of this amendment, House Bill 764 would allow a disabled person to hunt from:

- (1) the shoulder, berm, or borrow-pit right-of-way;
- (2) within a self-propelled or drawn vehicle parked on the shoulder, berm, or borrow-pit right-of-way; or
- (3) within a self-propelled or drawn vehicle parked in an area, not a public highway, where hunting is permitted.

AMENDMENTS TO HOUSE BILL NO. 764
Amend HB 764, Introduced Copy

Jim Lear, Legislative Researcher

February 18, 1985

1. Title, line 5.
Following: "FROM"
Insert: "WITHIN A SELF-PROPELLED VEHICLE AND FROM"
Following: line 4.
Insert: "certain"
2. Page 2, line 3.
Following: "department."
Insert: "A disabled person issued a permit under this subsection is entitled to have the department stamp such a permit with "permission to hunt from a vehicle" if the person establishes to the satisfaction of the department that he is permanently physically handicapped and nonambulatory or his mobility is substantially impaired."
3. Page 2, line 5.
Following: "(3)"
Insert: "upon which is stamped permission to hunt from a vehicle"
4. Page 2, line 11.
Following: "motorists"
Insert: "or may hunt by shooting a firearm from within a self-propelled or drawn vehicle parked in an area, not a public highway, where hunting is permitted"

HB 764

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

February 19, 1985

While the Department supports the concept implied with this measure, we are concerned with the lack of definition to assure that it only applies to those who are substantially non-ambulatory and certified by a physician as being permanently unable to walk. It was our understanding that this bill was to only cover individuals so qualified.

The variances allowed within this bill should only apply to those who meet very strict non-ambulatory qualifications.

I would also point out that legislation flatly prohibiting the shooting from the right-of-ways of all roadways has been introduced as SB 302. It would seem that these two pieces of legislation are at odds and they should be reconciled before becoming law.

As I mentioned at the outset, we can and will support the allowance for permanently non-ambulatory persons to hunt from a motorized vehicle. If this legislation can be amended to achieve that goal, we would ask for a favorable vote.

A statement of intent is required for this bill because section 11 grants rulemaking authority to both the fish and game commission and the department of fish, wildlife and parks. Section 11 specifies what sections each entity may implement.

It is the intent of the legislature that the department adopt detailed rules pertaining to the procedure for accepting and processing applications for permission to import for introduction, introduce, or transplant wildlife. The department should address information such as names of applicants, species of wildlife, source of obtaining wildlife, purpose for introducing or transplanting, benefit to the public, potential for harm, and processing fee.

It is the intent of the legislature that the commission review proposals for the introduction or transplantation of wildlife species in the state on a case by case basis. It is also the intent of the legislature that the department develop a plan for those applications approved by the commission to assure that the population can be controlled if unforeseen harm should occur.

Exhibit #4
2-19-1985
H.B.# 170

Amendments to HB 770:

1. Page 2, Line 21: insert after "wildlife": "from outside the state"
Page 2, Line 22: strike "from outside the state"
2. Page 5, Line 14: after "department" insert:
"based upon scientific investigation and upon approval of the
commission"
3. Page 7, Line 10: after "2" insert: "through 6; 8"
this section now reads: "(Sections 2 through 6; 8 through 13)"
4. Page 7, Line 19: strike "or"
Page 7, Line 20: strike "." and insert "; or"
Page 7, insert after line 20:
"(8) Title 80"

HB 770

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

February 19, 1985

House Bill 770 amends Section 87-3-105, MCA, which clearly defines the Department's authority in authorizing the transplanting or introduction of fish into any state water. However, in the case of wildlife, the current law appears to require Department authorization only for introduction from outside the state.

This legislation proposes to formalize not only the introduction to the state but also the transplanting within the state of all wildlife and establishes the Fish and Game Commission as a body to which appeals can be made on Department decisions.

It should be pointed out that the amendment does not, in itself, require any particular species be controlled, but provides authority for such control should the Commission consider it advisable.

As an example of how this measure would work if it were to become law is to look at the mute swan. The Department currently recognizes that a problem exists with feral mute swans in the Yellowstone Valley. The mute swan is not protected by federal regulations under the Migratory Bird Treaty Act and, therefore, falls under state jurisdiction. However, the Department's ability to control this species is limited under current law.

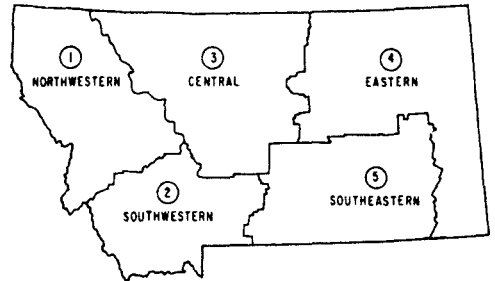
The Trumpeter Swan Society and the Trumpeter Swan subcommittee of the Pacific Flyway Council have both identified feral mute swans as a potential threat to the indigenous trumpeter swan in Montana. They have encouraged states to actively pursue the elimination of these feral swans before they become competitive with other species of swan. House Bill 770 would allow us to address this concern.

This legislation expands our present authority and would do so to the potential benefit of our wildlife populations.

We would urge your favorable consideration.

Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION



Testimony for HB770
February 19, 1985

My name is Hal Price. I am here today representing the Montana Wildlife Federation.

Exotic wildlife species can provide exceptional opportunities and they also hold potential for ecological disaster.

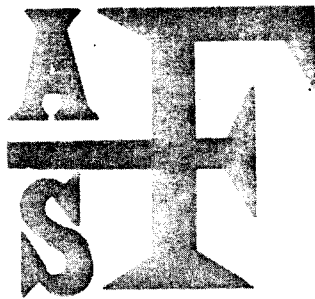
The pheasant and rainbow trout are resounding successes as exotic species.

Carp has been a disaster. The Barbary Sheep, introduced in New Mexico displaced the native Desert BigHorn and destroyed thousands of acres of desert habitat.

The Mute Swan has recently escaped captivity in Montana and presents some threat to our native Trumpeter Swan.

This bill does not close the door to captivity. It simply provides the authority and the procedures necessary to make intelligent management decisions





AMERICAN FISHERIES SOCIETY

MONTANA CHAPTER

Exhibit #7
2-19-1985
H.B. #770

TESTIMONY OF THE MONTANA CHAPTER, AMERICAN FISHERIES SOCIETY IN SUPPORT OF HB 770

The Montana Chapter of the American Fisheries Society supports HB 770 for the following reasons:

1. The dangers of the introduction of non-native species are not very well understood even by professional biologists. This bill establishes a systematic approach to dealing with introduction and transplant of wildlife, including an appeals provision, that will insure that all available information regarding that introduction or transplant will be reviewed prior to the introduction.
2. The control over introduction and transplants is extended to clearly include animals such as amphibians, crustaceans and mollusks. We feel that this is particularly important with the increasing popularity of warm water fishing. This increased popularity is and will be accompanied by an increased interest in live baits such as minnows, leeches and crayfish. The Department of Fish, Wildlife and Parks has already introduced two new species of fish as forage for warm water game fish. At least one individual is seeking permission to raise leeches for sale as bait. Under the existing legislation there is control over the introduction of non-native fish species, but not of leeches or crayfish.
3. As mentioned earlier the dangers of introduction of non-native species are not clearly understood. For this reason we strongly support the provision for the development of a plan for introduction or transplantation to help assure that the population can be controlled if any unforeseen harm should occur.
4. The authority to control introduced or transplanted wildlife species posing a threat is an important aspect of this bill that we also support.

THE RESOLUTION TO MAKE BUFFALO A GAME SPECIES

During 1983-84 our group became concerned about what appeared to be a new Department of Fish, Wildlife and Parks (FWP) willingness to shoot problem game animals on their own volition. Since one of the objectives of FWP and many conservation groups is to advocate hunting for recreation, we felt it was appropriate to look closer into the details of killing game animals by FWP personnel.

During the period in question, direct killing of game animals by FWP and landowners amounted to 657 deer, 43 antelope and 3 buffalo. We concurred that a certain amount of such direct control is needed. We also felt the numbers in 1983-84 were excessive. Such actions by FWP, regardless of their biological justification or political expediency, deny the license-buying hunters the opportunity to hunt these animals.

Excessive shooting of deer and antelope by FWP personnel could best be eliminated by hunting season management. However, the buffalo problem is more complicated. Buffalo were removed from the Montana game species list during a recodification of game laws in the 1970's and part of the solution is to reclassify buffalo as a game species by legislation.

Our members adopted such a resolution for at least two reasons: 1) it appeared that FWP was just going to add buffalo to their "hit list" and forget recreation hunting, and 2) members felt that hunting license buyers should have the opportunity to consider hunting, or not hunting buffalo, on a limited and controlled basis. They know full well that under Montana laws and policies, no buffalo will be left free-roaming whether they chose to hunt or not.

Historical Background

Free-roaming wild buffalo in Montana were a game species until the early 1970's. Most of the buffalo bagged by hunters were animals associated with wild herds in Yellowstone National Park (YNP). When buffalo moved into Montana they were hunted. (As a note of interest, in 1953 what is expected to be a world record buffalo with Pope & Young Scoring was taken by a Billings archery hunter.)

When buffalo were removed from the Montana game species list it was reasonable to believe buffalo would no longer leave YNP. Park policy during the 1950's and 1960's was to aggressively control ungulates, buffalo included, in an attempt to reach some sort of a dynamic balance between ungulates and their winter ranges. They once felt the carrying capacity for buffalo was 400-600 animals. At that density practically none left YNP.

The policy for wildlife management changed from one of shooting the excess animals by park personnel inside YNP to one of letting nature take its course about 1969. Since then wildlife populations have been increasing. The park-wide population of buffalo was approximately 2,000 animals in 1981. At that density, some buffalo were leaving YNP each year to winter or summer in the Gardiner and West Yellowstone areas of Montana; areas already occupied by maximum numbers of game animals and domestic livestock.

Buffalo and Brucellosis

Eradication has always been the word of choice when agricultural officials

talk about plant or animal problems and wild buffalo in YNP have not been overlooked. Both the State and the U.S. Department of Agriculture feel their eradication program to rid the U.S. of brucellosis, a disease that has been costly to the domestic livestock industry, is about won.

Montana east of the divide is considered a domestic livestock brucellosis-free area. Park and Gallatin counties have been brucellosis free for 20-25 years. While only limited research has been done on the transfer of the brucellosis organism between buffalo and domestic livestock, buffalo are considered a potential source of infection to domestic cattle.

Unfortunately, YNP buffalo are known carriers of brucellosis. Testing in 1964-65 indicated infection rates from 28 to 59 percent depending upon the herd segment. While brucellosis has little effect on buffalo, agricultural officials felt buffalo in YNP threaten the success of their brucellosis eradication program, and in the early 1970's tried to pressure the Park Service into an eradication program. The Park Service resisted because it would be difficult to apply brucellosis control techniques used on cattle to the wild buffalo herds. More important, brucellosis organisms can survive in many species besides buffalo and cattle.

This rhetoric provides little comfort to the domestic livestock operator because close contact between buffalo and cattle is almost certain, according to agricultural officials, to result in a brucellosis transmission. FWP has an agreement with the Montana Department of Agriculture to kill all buffalo leaving YNP that could affect domestic livestock. During the winter 1983-84 FWP killed three buffalo in the Gardiner area; they all tested positive for brucellosis.

In recent years, only a few buffalo were killed each year by FWP; however, the potential of 50-100 buffalo leaving the YNP and being killed in any one year is a real possibility. Many hunters would be happy to do it for recreation, pay a license fee and use local goods and services during the hunt.

A Controlled Buffalo Hunt

With buffalo again classified as a game animal, FWP would have authority under 87-2-113 MAC to charge a \$2 drawing fee. The opportunity for hunters to apply for a license could be incorporated along with the fee on existing resident and nonresident applications for special licenses and permits at little additional cost to FWP.

There would not be a guaranteed hunt unless buffalo moved out of YNP into Montana. However, this causes no problem under existing 87-2-113 MAC which state in part "(3) The Payment of a drawing fee confers no hunting rights or privileges."

Once the list of people interested in hunting buffalo is compiled, a drawing could be held with the first person drawn having the first chance at a buffalo; the second person the second chance, etc. depending on how many buffalo became available. There would be no established season. Dates and hunting times would be determined by the availability of buffalo outside YNP. Once the FWP determined a buffalo was available for hunting, they could give the hunter a certain time (say 24 hours) to arrive on location to go hunting. If this hunter was not available, or could not come, the next hunter on the list could be contacted.

Upon arrival the hunter would purchase the license and then accompany a FWP employee to the location of the buffalo. Once the buffalo was killed, it would be the responsibility of the hunter to take care of the animal.

This proposed legislation should in no way be interpreted as a wide open buffalo hunt with hunters standing on the YNP line waiting for an animal to step across. Rather, it should be interpreted as a very controlled hunt, requiring FWP assistance, that would take place only when animals are available and need to be killed because of the brucellosis threat to domestic livestock.

Opposition to Buffalo Legislation by FWP

Early opposition to buffalo legislation appeared at the Montana Wildlife Federation (MWF) Annual Convention when FWP personnel advised against adopting the group's resolution. However, the membership passed the resolution favoring legislation. On several occasions since the Convention, Director Flynn has indicated he would not support legislation that might result in buffalo hunting by sportsmen.

One reason given for not supporting buffalo hunting is that late elk hunting seasons associated with YNP elk migrations cost more to administer than they return. Late seasons are necessary and have been well controlled and received. They can also provide for harvest of at least 2,000 elk that, depending upon weather, migrate to winter ranges in Montana late in the year. We do not think this is a valid reason for not supporting buffalo hunting. With the proposed fees for drawing and licenses we expect more revenues will be collected than expended in administration. FWP should solve the cost effectiveness of the late season elk hunt possibly by charging for late season permits, rather than using it as an excuse to not hunt buffalo.

Another frequent reason cited for not hunting buffalo is that it would not be a quality hunt. It is not clear where this concept originated, or what it means. However it has been repeated in discussion with FWP and MWF personnel. Since the State Legislature has not defined the term "quality hunt" or mandated anyone to sit in judgment of the "quality hunt" any movement in that direction by any agency or organization would have to be considered both arbitrary and capricious.

Opposition and Anti-Hunting Sentiment

Unfortunately, today is a time in which ideas about hunting are not always viewed as objectively or realistically as they once were. Some environmental groups that express concern for wildlife are basically anti-hunting groups. They lend little help to the struggle to retain good fish and wildlife habitat.

A few still blame the modern day hunter for the decline of the once abundant buffalo herds. Reality of the situation was that Presidents and Congress in the middle 1850's wanted to rid the plains of buffalo, because the Army could better control the Indian by eliminating his main food supply, and settlers could not farm with the buffalo running through their grainfield and grasslands. The same applies to farms and ranching today.

Anti-hunters have made their point clear. They can only be appeased when we renounce hunting and fishing, and get all of our meat from a surrogate butcher, probably the way they get theirs.

Miscellaneous Objections to Buffalo Hunting

A few other objections have been raised to buffalo hunting for recreation. Most of them are honest concerns, some are handy excuses. All of them should be considered and commented upon.

1) "Buffalo hunting will not look good on TV". Hunting of all kinds viewed closeup on TV does not look good. If hunting should attract TV attention we expect that after a shot or two the TV broadcasters will lose interest and put us back on our regular diet - the murder, violence and rape of people.

2) "Buffalo are not game animals, they don't run from you". Whoever talks about animals running from you must have forgotten why most hunters like to hunt on opening day of the season, a time when animals do not run away from you, at least not as fast as on the second day.

In general, hunted species avoid hunters like the plague and nonhunted species do not. A most recent example of a change in this reaction is the grizzly bear in Montana around YNP. Up until about 10 years ago they were hunted and the bear went at great lengths to avoid people. They did it so well that many people thought there were none left in this part of the state. After a decade of nonhunting the bears have adapted to us very well. Recently they have raided garbage dumpsters in West Yellowstone, raided gardens on the CUT ranch and eaten people at Hebgen Lake - areas where recreation hunting once was allowed. In short, a little hunting can change the direction and speed in which animals move.

Ideas about sport or quality can be argued endlessly. They are arbitrary and change frequently. Years ago it was nonsporting to hunt doe deer, or hen pheasants or hen mallards. It is interesting to note such ideas were not applied to geese because no one could tell the difference between sexes. Anyway, the Legislature has set up no tribunal to rule on the subject, and we should not judge another person's concepts beyond the present laws and regulations.

3) "The Park Service is dumping their problem on us and we have to teach them a lesson in wildlife management". The origin of this idea is not clear, and it is probably the most absurd reason given for not wanting buffalo legislation. According to law, Park Service responsibility ends at the Park line, and FWP responsibility begins there; so who is avoiding the problem? Under present laws and policies, the buffalo are a politically surplus animal in Montana and free-roaming animals will be shot.

This idea of "dumping and teaching" is not new. It has surfaced with every controversy over YNP wildlife management, mostly because both the State and Federal Administrations start jockeying around for a little political leverage and regularly blame their failures on each other. Unsuspecting conservation groups frequently get involved in such interagency controversies because any member that will join one side or the other is welcomed. The agencies have often reaped a gold mine of petty political coups, mostly at the conservation group's expense.

Rather than follow the "dump and teach" approach we prefer to look on the surplus buffalo as an additional source of recreation for Montana hunters - recreation available because of YNP.

John Taylor, Pres. GWA, Perry Nelson, Chair Fish & Game Committee 1/12/85



STATE OF UTAH
NATURAL RESOURCES
Wildlife Resources

Exhibit #9
2-19-1985
H.B. #763
Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Douglas F. Day, Division Director

1596 West North Temple • Salt Lake City, UT 84116 • 801-533-9333

February 13, 1985

Mr. Jack Atcheson
Montana Department of Fish
Wildlife, and Parks
3210 Ottawa
Butte, Montana 59701

Dear Mr. Atcheson:

Enclosed are photocopies of data from our Big Game Harvest Book and Big Game Investigations and Management Recommendations Book for buffalo, and a 1984 big game proclamation.

The Board of Big Game Control met on January 17, 1985, and set the season for buffalo for 1985. Forty-five permits (40 resident, 4 nonresident and 1 permit for bid) were authorized this year during a November 2-24 season. As I mentioned during our telephone conversation on February 6, 1985, buffalo (bison) receive a great deal of interest from hunters, as well as non-hunters in Utah. They are a unique species and provide a high-quality and exciting hunting experience under the conditions that they are hunted in Utah.

We provide an orientation course to inform hunters what to expect on the hunt. Many hunters have seen movies relating to the Old West and believe all they have to do is drive up to a herd of buffalo and shoot the one they want. The hunt, for the majority of hunters, is challenging and a lot of work as well as pleasure. We inform hunters how to distinguish bulls from cows, and how to collect a blood sample for brucellosis testing. After that, they're on their own.

We have not received very much criticism of our buffalo hunt in Utah. It's a very popular hunt with 50 to 60 applicants for each permit and has been established since 1950. The animal protectionists and humane groups do not criticize the buffalo hunting season any more than they do other big game seasons. Our buffalo herd is free-roaming in rugged, mountainous terrain and are quite wary and learn to avoid hunters. The hunt is as sporting as any big game hunt in Utah.

The hunt is becoming very popular with primitive weapons interest groups. It provides a challenge, a lot of good meat as well as robes, skulls, etc. for collectors items and nostalgic purposes.

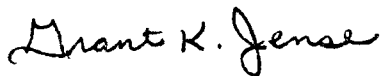
Arizona patterned their buffalo hunt after ours two or three years ago to get away from the hassle and criticism. Presently, we believe they are pleased with their season for buffalo.

Mr. Jack Atcheson
February 13, 1985
Page 2

I believe that if you were to establish a buffalo hunt similar to Utah's, that you will have a positive experience and provide for a unique recreational experience for your sportsmen. But, if you have a hunt that resembles a slaughter, it probably will draw criticism and not provide a quality experience.

I hope that this information will aid you in establishing a bison hunting season in Montana. If we can be of any further assistance, feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Grant K. Jense".

Grant K. Jense
Big Game Program Coordinator

GKJ/ns

Enclosure

BUFFALO HERD UNIT 1 - HENRY MOUNTAINS

BOUNDARY DESCRIPTION

Those portions of Wayne and Garfield counties lying within the following described boundary: Beginning at Hanksville; thence southerly along the Dirty Devil River and Lake Powell to Bullfrog; thence northerly along the Bullfrog-Notom Road to Highway U-24; thence easterly along U-24 to Hanksville, point of beginning (excluding Capitol Reef National Park).

RANGE AREA AND APPROXIMATE OWNERSHIP

Ownership	Area (acres)	Percent
Bureau of Land Management	1,246,720	94
Private	16,000	2
State	50,560	4
Total	1,313,280	

INTRODUCTION

Year	Number of Animals		Planting Site	Trapping Site
	Bulls	Cows		
1941	3	15	Robbers Roost	Yellowstone
1942	5		Robbers Roost	Yellowstone

HARVEST TREND SUMMARY

Year	Hunters Afield	Harvest				Percent Success	Permits Sold	
		Bulls	Cows	Calves	Total		Bull	H.C.
1971	15	8	2*	—	10	67	15	
1972	No Hunt							
1973	No Hunt							
1974	9	4	3	—	7	78		10
1975	9	7	2	—	9	100		10
1976	10	8	2	—	10	100		10
1977	10	9	1	—	10	100		10
1978	22	11	9	1	21	95		22
1979	27	14	12	1	27	100		27
1980	27	16	6	1	23	90		27
1981	27	20	5	0	25	93		27
1982	28	16	10	2	28	100		28
1983	28	20	8	0	28	100		28
1984	36				35	97		36**

*Illegal kills.

**Includes one bird permit

Exhibit #10
#2
2-19-1985

1 illegal
10 wounded
1984
69

BUFFALO HERD UNIT 1 - HENRY MOUNTAINS (continued)

KNOWN ILLEGAL BUFFALO KILL*

Year	1976	1977	1978	1979	1980	1981	1982	1983
	26	1	3	0	1	1	--	5

*All illegal kills were during periods other than the buffalo hunt, except one killed in 1976 and 1980.

PRESEASON CLASSIFICATION

Year	Bulls	Cows	Calves	Total	Bulls/ 100 Cows	Calves/ 100 Cows
1978	74	122	4	200	61	3
1979	73	159	64	296	46	40
1980	95	137	68	300	69	49
1981	60	150	63	273	40	42
1982	51	124	58	233	41	47
1983	74	103	42	219	72	41
1984	82	163	69	314	50	42

Trend Count

Year	Mature Bulls	Cows	Yearlings	Calves	Unclass- ified	Total	Bulls 100/cows	Calves 100/cows
1977*	52	77	33	43		205	68	58
1978*	50	95	44	10		199	52	9
1979*	59	105	9	55		229	57	52
1980*	34	64	36	38		172	56	60
1981*	60	99	52	63		274	60	64
1982	35	111	45	61		252	32	55
1983	80	120	46	62		308	72	41
1984	57	139	49	69		314	50	42

*From Dirk Van Vuren (memo Oct. 28, 1981).

GENERAL CONDITIONS

General range conditions on the Henry Mountains are good. Good vegetative growth was provided by the abundant moisture received in 1983. Several grazing allotments have been approved in a joint effort by DWR and BLM to produce more forage on the range. Nasty Flats, Pennell, and Steel Butte allotments will have several hundred acres chained and reseeded during 1983-84. The last buffalo count was in August 1983. At that time 251 adult buffalo and 68 calves were counted. The buffalo herd count has shown a slight increase in numbers over the past several years. The harvest is being increased to keep the buffalo number at the agreed numbers (200 adult/ after post season hunt).

Exhibit # 11
2-19-1985
H.B.# 763

Jack Atcheson & Sons, Inc.

INTERNATIONAL HUNTING CONSULTANTS
INTERNATIONAL TRAVEL AGENCY
TAXIDERMISTS



3210 Ottawa Street — Butte, Montana 59701

(406) 782-3445

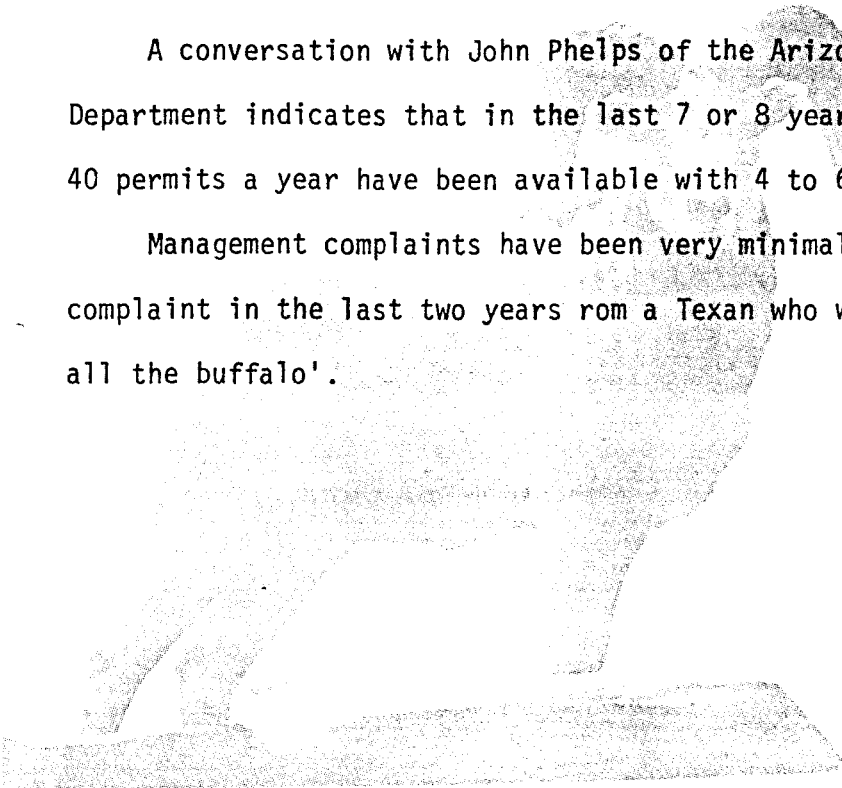
Telephone (406) 782-3498 (406) 782-3470

Taxidermy Telephone (406) 782-0569



A conversation with John Phelps of the Arizona Fish & Game Department indicates that in the last 7 or 8 years, approximately 40 permits a year have been available with 4 to 600 applicants.

Management complaints have been very minimal.....only one complaint in the last two years from a Texan who wanted to 'save all the buffalo'.



Selective Hunting is Conservation

Selective hunting helps save wildlife habitat. Lack of habitat is the greatest cause for any world-wide decline in wildlife. Without the hunting license money paid by shooting sportsmen there would be few game birds or animals left in the world today.

Exhibit #12
2-19-1985
H.B. #763

Jack Atcheson & Sons, Inc.

INTERNATIONAL HUNTING CONSULTANTS
INTERNATIONAL TRAVEL AGENCY
TAXIDERMISTS



3210 Ottawa Street -- Butte, Montana 59701

(406) 782-3445

Telephone (406) 782-3498 (406) 782-3470

Taxidermy Telephone (406) 782-0569



BISON HUNT

Not to hunt bison because of concern over anti-hunting sentiment is somewhat unfounded. To say it is unsportsmanlike probably depends on the viewpoint of the hunter or who is observing the hunting.

All of game management seems to boil down to one thing - create a surplus and then shoot them.

Killing wild animals is no different than killing tame animals that have been eating in the same field.

Killing a bison that wandered from the Park is not much different than a sheep that wandered out of the Park.

Whatever you hunt, whatever you shoot, is going to annoy the anti-hunters. Shooting swans really annoys them. Shooting mountain lions out of trees annoys them. Killing fawn deer as a management tool annoys them. Poisoning and trapping annoys them. Hunting grizzly bears annoys the anti-hunters.

In fact, all hunting annoys the anti-hunter.

Fear of lawsuits should not interfere with the removal of any surplus animals or sport hunting of any specie.

If anti-hunters want to sue, let them sue. But if they do sue, let us make a courageous fight to win, not just a half-hearted effort.

The Montana Fish and Game Department must hire powerful and qualified lawyers. People with experience in fighting such causes. Of course it costs money, but that is what the sportsmen are paying for.

Ron Hinman of the Alaska Fish and Game Department states that for the last ten to 15 years, approximately 70 bison a year have been killed in Alaska, with never an anti-hunting complaint.

Alaska bison have proved to be the most popular permit animal in Alaska, with approximately 200 applicants trying for every permit available.

Selective Hunting is Conservation

Selective hunting helps save wildlife habitat. Lack of habitat is the greatest cause for any world-wide decline in wildlife. Without the hunting license money paid by shooting sportsmen there would be few game birds or animals left in the world today.

To the best of our knowledge we arrange more "SUCCESSFUL" world-wide hunts than anyone in North America.

VI. BUFFALO

A. HISTORY OF BUFFALO MANAGEMENT IN UTAH

Utah's parent herd of buffalo was obtained from Yellowstone National Park in 1941. Composition consisted of 3 bulls and 15 cows. The release was near Robber's Roost Ranch north of the Dirty Devil River on the San Rafael Desert. An immediate dispersal of the animals, particularly bulls, took place. Some moved several miles north and northeast of the transplant site. To offset the loss, 5 more bulls were obtained from Yellowstone National Park in 1942 and released with the remaining buffalo near Robber's Roost Ranch. The major portion of this herd eventually moved south of the Dirty Devil River and began ranging on the Burr Desert and adjacent Henry Mountains. The first sanctioned hunt was held in 1950. A roundup of these animals to test for brucellosis occurred in November 1963, and reactors were removed from the herd during a subsequent hunt by Fish and Game employees. No positive reactors have been isolated since that time. The roundup and corralling of these animals did, however, have the effect of moving or apparently contributing to the move of the herd from the Burr Desert area to the west side of the Henry Mountains where they have since ranged.

Over the years, there has been a very gradual buildup of buffalo on this herd unit to a present high of about 200 head of yearling and older animals. Great recreational and utilitarian value has been provided by this herd, both from a hunting and an aesthetic standpoint.

Twenty-eight either sex permits were issued for buffalo in 1983. Two of these permits were authorized for nonresidents and one permit was bidden. All 28 permittees were afield, and 20 bulls and 8 cows were harvested.

A complete history of buffalo hunts on the Henry Mountains is shown in the following table.

B. YEARLY SUMMARY OF UTAH'S BUFFALO HARVEST

Year	Permits Sold			Hunters Afield	Harvest				% Succ.
	Bull	Either Sex	Total		Bull	Cow	Calf	Total	
1950	--	--	10	10	6	4	--	10	100
1951	No Hunt								
1952	No Hunt								
1953	No Hunt								
1954	No Hunt								
1955	No Hunt								
1956	No Hunt								
1957	No Hunt								
1958	No Hunt								
1959	No Hunt								
1960	10	--	10	10	7	3	--	10	100
1961	--	12	12	12	8	4	--	12	100
1962	--	20	20	20	9	11	--	20	100
1963	--	14	14	14	1	6	--	7	50
1964	No Hunt								
1965	No Hunt								
1966	--	10	10	10	7	3	--	10	100
1967	--	10	10	10	4	6	--	10	100
1968	15	--	15	15	15	--	--	15	100
1969	10	--	10	10	8	--	--	8	80
1970	10	--	10	10	6	--	--	6	60
1971	15	--	15	15	8	2	--	10	67
1972	No Hunt								
1973	No Hunt								
1974	--	10	10	9	4	3	--	7	78
1975	--	10	10	9	7	2	--	9	100
1976	--	10	10	10	8	2	--	10	100
1977	--	10	10	10	9	1	--	10	100
1978*		22	22	22	11	9	1	21	95
1979*		27	27	27	14	12	1	27	100
1980*		27	27	27	16	6	1	23	85
1981*		27	27	27	20	5	0	25	93
1982*		28	28	28	16	10	2	28	100
1983*		28	28	28	20	8	0	28	100
Total	60	265	335	333	204	97	5	306	92

*Beginning in 1978, nonresident permits were available.

C. 1983 UTAH BUFFALO HARVEST

Unit	Number of Applications		Applications Per Permit		Number of Permits	
	Res.	Nonres.	Res.	Nonres.	Res.	Nonres.
Henry Mountains	1,493*	9**	60	6	25	2

*Beginning in 1975, the permit fee was increased to \$100 and had to accompany each application. In 1980, the fee was increased to \$200.

**Beginning in 1978, the nonresident permit fee was \$1,000 and had to accompany each application.

Unit	Hunters Afield	No. of Hunter Days	Harvest			Total	% Succ.
			Bull	Cow	Calf		
Henry Mountains							
Resident	25	111	17	8	0	25	100
Nonresident	2	8	2			2	100
Bidded	1*	1	1			1	100
Total	28	120	20	8	0	28	100

*In addition to the 27 permits offered to the public on a drawing basis, the Board of Big Game Control authorized a permit to be bidded with a minimum bid of \$2,500. A bid was received and the permittee harvested a bull buffalo.

HB 763

Testimony presented by Jim Flynn
Department of Fish, Wildlife and Parks
February 19, 1985

The question of a bison hunt at the north boundary of Yellowstone Park is the result of many years of discussion and action.

Although the bison once roamed in great numbers throughout our country, by 1894 it is estimated that as few as 300 free ranging bison existed. At that time all harvesting of bison was declared illegal and this pertained to the 20 remaining bison in the area of Yellowstone National Park.

From this beginning, the park herd was protected and the population was augmented with introduced animals between the years of 1902-1952. By the mid-1930's the herd had grown to about 550 animals and in 1984 population estimates exceeded 2,000 animals.

While the story of the bison in Yellowstone Park is one of success with regard to population recovery, that success has two accompanying disadvantages which require attention.

With current population levels, it is apparent that the bison numbers have reached a level where dispersal is occurring to lands outside the park boundary.

Of additional concern and compounded by the habitat-numbers ratio is the reality that the park bison are found to have brucellosis. The presence of the disease is of concern to the livestock industry, and the elimination of this disease in the State of Montana has been a top priority of the Department of Livestock. It is difficult, if not impossible, to eliminate the presence of brucellosis in a wild bison herd the size of the Yellowstone herd as a result emphasis is given to measures that assure the bison do not intermix with domestic livestock.

In recent years, the Department of Fish, Wildlife and Parks and the Park Service have agreed upon an approach to address these circumstances. This approach has met with the approval of the Montana Department of Livestock. Basically when bison are outside the park they will be herded back into the park, usually in a joint effort by this agency and the Park Service. Should this herding effort fail then the bison is destroyed by this agency.

While this approach has been costly, since the herding is usually done with a helicopter and the handling of destroyed animals is manpower-intensive, it has been generally effective in the past. However, the growth of the bison herd and the dynamics of that growth have reached a point where this approach is no longer adequate.

A bison herd establishes a home range. As the herd grows, subunits establish home ranges in new areas. This is an ongoing process as the bison population increases. If this process is not addressed the population will continue to grow and expand into new territories.

Recent events indicate that the units established at the park boundaries are now beginning to look for expansion territory. I would give you some of our recent observations.

October 1979 - 1 bison shot at West Yellowstone.
June 1981 - 1 bison shot at West Yellowstone.
February 1984 - 4 bison shot at Gardiner.
November 1984 - 16 bison herded back to Yellowstone Park.
February 1, 1985 - 1 bison shot at Gardiner.
February 5, 1985 - 2 bison herded back to Yellowstone Park.
February 11-12, 1985 - 4 bison shot at Gardiner.

Today we have word that 12 bison are out of the park in the Gardiner area.

These events would indicate that the herds are established at the park boundary and are looking for new territory.

We anticipated these circumstances two years ago and began to discuss the subject with the Park Service as well as the Department of Livestock. At the outset this agency gave serious consideration to conducting a public hunt and, in fact, had considered it to be the most viable option. However a closer review of the hunt caused us to reject that option.

Our reasons for doing so centered around the structure of the hunt as well as the administration and effectiveness of the hunt as a management tool. First is the fact that only those bison which happen to wander outside the park are eligible for harvest. If these all happen to be bulls then all bulls would be killed. If all were cows then all cows would be killed. There would be no opportunity to control certain individual animals within a herd unit or the herd unit itself which is the most effective way to address expansion problems.

Of additional concern is the sporadic nature of the boundary violation. As I have mentioned, the bison have come out in February, June, October or November. In reality they could come out at any time. The result would be a hunting season at any time of year. This could be at the height of the tourist season or it could be in the dead of winter with the bison standing chest deep in snow. It could be a cow in the early spring with a well developed fetus or it could be a cow in July with a calf at her side. This hardly qualifies as the sport of hunting.

The sporadic nature of the dispersal also leads to difficulties for the administration of the hunt. It would have to be assumed that a drawing would be held to determine successful permittees.

This in itself would be difficult because we do not know how many bison may cross the boundary and thus have little reference point for the issuance of permits.

The permit would be issued contingent upon the applicant being able to respond to our phone call and being on the scene in a short period of time, certainly not more than 24 hours. Needless to say, this requirement would narrow the list of applicants considerably. In addition, we are required to issue up to 10% of any drawing quotas for big game to nonresidents. The need to respond to a wandering bison would not allow many, if any, nonresidents to participate. This in itself may lead to questions about the validity of the process.

Of further concern is the reality that this agency would likely need to keep tabs on the bison until the license holder can arrive on the scene. Then the likelihood of the bison being on private land would require that access is available for the harvest.

In addition, the carcass must be handled properly since there is an apparent human health hazard when handling carcasses with brucellosis. Carcass handling is further complicated by the size of the carcass which generally requires special equipment for handling and loading.

These are a few difficulties which we identified and there are more. Our conclusion was that a hunt was not an acceptable alternative.

Because the present approach is not adequate and a hunt is not an acceptable alternative, we have continued discussion with the Park Service to consider other alternatives.

I would compliment the Park Service for their cooperation in this matter. They have acknowledged the problem and have accepted the responsibility for addressing the problem. As part of their response they have recently completed a draft environmental assessment to lay out the options for managing and controlling the bison herd within the park.

These alternatives include:

1. no action
2. continue current management
3. remove bison that are on the threshold or move across the boundary
4. construct a fence to restrain the bison from leaving the park
5. trap all bison on the threshold and relocate them in the park or elsewhere or sell them to private parties

At this time the department has not commented on this assessment, but will do so in the near future.

In summary, Mr. Chairman, the bison situation in the park is a complex matter involving population numbers, habitat capabilities, disease control and popular opinion. We strongly feel that a hunt outside the park boundaries based upon sporadic dispersal is not the best answer.

This legislation would make the bison a game animal. In so doing we must recognize the hurdles that must be overcome. The bison must be able to expand its range beyond the park onto a land base that can sustain it and where its numbers can be managed. Their pattern of movements suggests considerable private lands would have to be made available to provide for this. This would not be possible given present land use patterns.

When considering hunting as a tool for the removal of bison, we find that it does not provide a quick and efficient remedy. This is with the understanding that our goal is to keep bison within the park because of brucellosis and a lack of public range.

We do feel that the situation is most easily and effectively controlled with proper management of the herd within the park boundaries. We intend to pursue this with the Park Service using the recently drafted environmental assessment as the starting point.

We would request that HB 763 not be approved.

120/37

House Bill 39 Amendments

1. Title, line 4.
Following: "ENTITLED: "AN ACT"
Strike: "CHANGING THE EXISTING REQUIREMENTS FOR LANDOWNER PERMISSION
FOR BIG GAME HUNTING AND"
2. Title, line 7.
Following: "ON"
Insert: "POSTED"
3. Title, line 7.
Following: "PROPERTY;"
Insert: "PROVIDING ENFORCEMENT AUTHORITY TO GAME WARDENS;"
4. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS 87-1-505 AND"
Following: "87-3-304"
5. Page 1, line 13.
Strike: "Every resident and nonresident must have obtained"
Insert: "Except when incidental to and necessary for the recreational
use of surface waters, as provided by law, any person must
obtain permission of the landowner, lessee, or their agents
before hunting or taking any wild animal, fish, or bird on
posted private property.
(2) Any person must obtain"
Renumber: subsequent subsection
6. Page 1, line 15.
Following: "animals"
Strike: "or taking any wild animal, fish, or bird"
Insert: "big game animals"
7. Page 1, line 16.
Following: "property"
Insert: ", whether or not such property is posted"
8. Page 1, line 17.
Following: "(1)"
Insert: "and (2)"
9. Page 1.
Following: line 19
Insert: "Section 2. Section 87-1-505, MCA, is amended to read:

**"87-1-505. Warden's power in protection of private property.
Wardens (state conservation officers) shall have the power of peace officers
in the enforcement of 45-6-101, 45-6-203, and 75-10-212(2), and 87-3-304.""**

Renumber: subsequent section

LICENSE AGENTS
30¢ VERUS 40¢ COMMISSIONS
BY DEALER

<u>TOTAL SALES</u>	<u>NUMBER OF DEALERS</u>	<u>COMMISSIONS PER DEALER</u>		
		<u>30¢</u>	<u>40¢</u>	<u>INCREASE</u>
Less than 1,000	34	\$ 38.00	\$ 50.00	\$ 12.00
1000 - 2000	41	75.00	100.00	25.00
2000 - 3000	48	113.00	150.00	37.00
3000 - 4000	27	150.00	200.00	50.00
4000 - 5000	38	188.00	250.00	62.00
5000 - 10,000	95	375.00	500.00	125.00
10,000 - 20,000	67	750.00	1,000.00	250.00
20,000 - 50,000	60	1,875.00	2,500.00	625.00
50,000 - 100,000	12	3,750.00	5,000.00	1,250.00
Greater than 100,000	3	4,500.00	6,000.00	1,500.00

1 JOINT RESOLUTION NO. _____
2 INTRODUCED BY _____
3 BY REQUEST OF THE HOUSE FISH AND GAME
4 COMMITTEE

5
6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
7 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
8 INTERIM STUDY OF WAYS OF ALLEVIATING DAMAGE CAUSED BY WILD
9 ANIMALS TO AGRICULTURAL CROPS, LAND, AND FIXTURES THEREON.

10
11 WHEREAS, the wild animals of the state are a public
12 resource, held in trust by the state for the benefit and
13 enjoyment of all its citizens; and

14 WHEREAS, good game management policy requires
15 protecting the wildlife resource as well as mitigating
16 damage caused by wildlife through appropriate and
17 expeditious action of the Department of Fish, Wildlife, and
18 Parks; and

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

22 WHEREAS, a combination of current game management
23 techniques and policy and several recent mild winters has
24 resulted in an overpopulation of big game animals in many
25 parts of the state, with a consequent increase in damage to

1 agricultural crops and land; and

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

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

9 WHEREAS, the practice of certain landowners of closing
10 their land to hunting directly affects the occurrence of
11 game damage on adjoining lands.

12

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

15 That an appropriate interim committee be assigned to
16 study and determine:

17 (1) the types of damage caused by wildlife to
18 agricultural crops, land, and fixtures thereon;

19 (2) desirable population levels of wild animals to
20 adequately preserve the wildlife resource while at the same
21 time minimizing damage to private property;

22 (3) needed changes in the wildlife management policies
23 of the state that would alleviate damage to private property
24 caused by overpopulation of wild animals;

25 (4) whether current game management techniques and

1 capabilities of the Department of Fish, Wildlife, and Parks
2 are adequate to properly assess game populations and habitat
3 in determining hunting quotas and seasons;

4 (5) methods available to the Department for preventing
5 and mitigating damage, including but not limited to:

6 (a) methods of dealing with landowners who do not
7 permit hunting and whose neighbors suffer damage resulting
8 from the concentrations of wild animals on such land;

9 (b) cooperative agreements with neighboring states
10 concerning joint damage control measures;

11 (c) development of quick-response types of action by
12 the Department to individual complaints;

13 (d) preventive measures currently available or which
14 could be made available, such as new kinds of fencing or
15 repellants, herding, special hunting seasons, use of blood
16 meal, night hunting or herding, scare techniques, and
17 others;

18 (6) methods available to landowners of preventing and
19 mitigating damage to their land and information and
20 assistance that may be provided in implementing such
21 methods;

22 (7) the extent of damage that a landowner should be
23 reasonably required to bear, realizing that excessive and
24 unusual damage will be impossible to prevent in certain
25 individual circumstances;

1 (8) the feasibility of providing direct compensation
2 to landowners and circumstances when such compensation may
3 be payable;

4 (9) other, possibly alternative, compensation
5 programs, such as purchase of conservation or habitat
6 easements from landowners or providing tax or other
7 incentives for maintaining wildlife habitat on private land;
8 and

9 (10) the costs involved in any coordinated damage
10 control program and how such costs should be allocated
11 between landowners, sportsmen, and the general public.

12 BE IT FURTHER RESOLVED, that the committee report the
13 findings of the study to the 50th Legislature and, if
14 necessary, draft legislation to implement its
15 recommendations.

-End-

Memo: From Flathead County Farmers Union Members

Flathead County Farmers Union Supports:

HB 389 Imposes upon the Department of Fish, Wildlife and Parks the duty to mitigate substantial damage to property by wild animals

HB 191 Reimbursement for property damage by wild animals due to department delay.

NOTE: Deer populations in the farming communities of Flathead Valley are high. Flathead Valley farmers have a major problem with the presence of deer manure in their wheat. If only 1 or 2 deer pellets are found in a load of wheat the entire load has to be sold for feed. This can cause a loss to the farmer of \$60-100/acre.

HB 386 Postponement of certain farm foreclosures

SB 33 Keeps assessments on agricultural land at the current schedules through the next 5 years

SB 32 Exempts producer held grain in storage from property taxation

HB 92 Lowers the taxable % for property taxes on farm machinery from 11% to 6%

HB 24 Exempts all residential sewage and water supply systems from property taxes

HB 355 Prohibiting the Dept. of Revenue from using replacement cost as a substitute for market value when appraising property for tax purposes.

HB 498 Define laws governing the right and responsibilities of property owners and the public related to recreational use of State waters.

NOTE: We favor HB 498 over HB 265 because we believe that the Dept. of Fish and Game should administer this program rather than the Conservation District.

HB 498 is also more restrictive (which we favor) in regards to hunting and the operation of all-terrain vehicles.

Flathead County Farmers Union opposes:

HB 168 Requiring the Dept. of Revenue to use a method of valuation based on capitalization of net income for valuing agricultural lands after Jan. 1, 1986.

NOTE: We feel this bill gives the Dept. of Revenue too much leeway and power. It also conflicts with SB 33 which we favor.

We are opposed to the Governor's Rebate Program on coal taxes.

For further information please contact:

Ron de Yong

Legislative Chairman

473 Kinsella Rd.

Kalispell, Montana 59901

Phone 755-0698

VISITORS' REGISTER

HOUSE FISH AND GAME

COMMITTEE

BILL HOUSE BILL NO. 763

Date 2-19-85

SPONSOR MENAHAN

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE FISH AND GAME

COMMITTEE

BILL HOUSE BILL NO. 764

DATE 2-19-85

SPONSOR HARP

[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 HOUSE BILL NO. 770

DATE 2-19-85

SPONSOR ABRAMS

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.