

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Severson, on January 31, 1989,
at 1:00 p.m. in Room 402 at the State Capitol.

ROLL CALL

Members Present: Sen. Elmer Severson, Sen. John Anderson,
Jr., Sen. Judy Jacobson, Sen. Al Bishop, Sen. Paul
Rapp-Svrcek, Sen. Loren Jenkins, Sen. Bill Yellowtail.

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council

Announcements/Discussion: None

HEARING ON SENATE BILL 231

Presentation and Opening Statement by Sponsor: Sen.

Pipinich stated that the Trappers Association asked him to change some language in MCA 57-1-512 for the resale of carcasses of fur bearing animals after they are confiscated. That is because if someone bought a big horn sheep and then died, his heirs could not sell it legally according to this bill. Over the last 10 years the Trappers Association has asked for 12 language changes in the different sections. Out of the 12 only one was rejected. Some of the language goes back to 1945 and needs to be updated. In MCA 87-1-12 they want the confiscated animals for resale. So we put in "...the property off...for human consumption...". If you eat an animal you cannot sell the hide, if not we would like to re-sell the hides so the trappers in Montana can make money. According to the fiscal note, the State will come out ahead \$12,436 in the next few years. I feel anything that makes the state money is a good bill.

List of Testifying Proponents and What Group they Represent:

Wayne Harmon, President of Montana Trappers Association

List of Testifying Opponents and What Group They Represent:

Ron Marcoux, Department Fish, Wildlife & Parks
Don Chance, Montana Wildlife Federation

Testimony:

Wayne Harmon stated that he got involved because two years ago some bobcats were sold to an out-of-state fur buyer. He didn't register as an out-of-state fur buyer, he was from Colorado. That year bobcat furs were bringing \$500 - \$600 a piece. The Montana fur buyer who was at that sale couldn't buy one because he can't resell it. But they can sell them to an out-of-state buyer and he can sell it outside of Montana. I can sell a fur to a fur buyer and he can resell it, but he can't buy one from the State. The State isn't opening fur buying to the highest bidder. In MCA 85-1-511 it states the furs are supposed to sell to the highest bidder. But the highest bidder is not allowed to bid.

A few years ago the trappers had to turn in the carcass of the bobcat when they tagged the skin. The State wanted to examine them for age, etc. Then the State sold those carcasses to lure makers. That year the State made \$10,000. Before that, the State was burning them. See Exhibits #1, 1a - 1d.

Ron Marcoux left his testimony. See Exhibit #2.

Don Chance stated that they are opponents of the bill.

Questions From Committee Members: Sen. Yellowtail asked Sen. Pipinich if the amendments proposed by the Department would seriously hamper the intention that he has for the bill.

Answer: Sen. Pipinich stated that "...for human consumption..." had to be included because that would open the door for confiscated deer, elk, moose, mountain goat and mountain lion to be purchased by professionals and take the carcasses out of the state. They buy them for the hides, heads and the meat. The writer added "...for human consumption..." so this would not be done.

Question: Sen. Yellowtail asked Sen. Pipinich about teeth, claws, parts and carcasses. Sen. Pipinich stated that they didn't delve into that. We were just looking at MCA 57-1-512.

Question: Sen. Jenkins asked Sen. Pipinich if we had passed a law that outlawed the sale of teeth and claws intended for those coming into the state for grizzly bear parts.

Answer: Sen. Pipinich said it is stated in MCA 57-1-511. That was amended in 1985. The whole carcass cannot be sold at all. Only the trophy hunter can do that.

Question: Sen. Jenkins mentioned to Mr. Harmon that bears had been included in the amendment and it should be a department concern.

Answer: Mr. Harmon stated that the main concern the trappers had is that the fur bearer itself was a trophy. But the other body parts are not considered to be trophies. The trappers had to turn in the bobcat carcasses for study purposes and the State incinerated them. But lure manufacturers were buying them and last year the State made \$10,000 from those sales.

Closing by Sponsor: Sen. Pipinich stated that if the language "...for human consumption..." has no bearing on the bill then there is no reason to leave it in there. But, when we consulted professional bill writers that language was included. If Fish and Game wants the amendment, I would be in agreement with them.

HEARING ON SENATE BILL 219

Presentation and Opening Statement by Sponsor: Sen. Mike Walker stated that this bill is a peace gathering device. It seems that landowners and hunters have been working with each other and against each other during the last several years. A lot of people where I live, which is an urban area, have been complaining against the rural landowners. The rural ranchers have been giving me the landowners viewpoint.

In this bill I tried to establish a situation where things are delineated in law to the point where people can't exaggerate. This bill says that public hunting access requires game damage reimbursements. There are three parts. Part (a) and (b) on page one is written to help reduce problems of damage caused by game animals, qualifying the landowner for game damage reimbursement. Part (2) under sub-section (b) is written for special circumstances. A christmas tree farm is a haven for deer who like to eat the bark off those trees. It is also an extremely populated area

and you couldn't have a lot of people hunting there without jeopardizing the safety of his neighbors. He could post his land and receive game damage reimbursement.

This bill is a peace-maker between landowners and landowners, as well as landowners and sportsmen. When someone closes off their land to hunting, it creates a haven for animals to flock to. There is approximately \$200,000 to \$300,000 being spent currently on game damage reimbursement. Those monies are sportsman's license and tag fees. I'm advocating that if someone does not want hunting on their land, they have the right to post it.

List of Testifying Proponents and What Group they Represent:

Don Chance, Montana Wildlife Federation
Ron Marcoux, Department Fish, Wildlife & Parks
Vera Cahoon, Montana Bow Hunters Association
Julie Hacker, Montana Landowner
Lorna Frank, Montana Farm Bureau

List of Testifying Opponents and What Group They Represent:

Kim Enkerud, Montana Stockgrowers Association

Testimony:

Don Chance stated that the origin of this bill comes from efforts of the last two years. It involves two separate conferences and working committees. This bill, in concept, constitutes an idea which states that game damage can be a serious problem. The most efficient and cost-effective way to deal with this problem is through ample and well-directed hunting. The Department currently spends between \$200,000 and \$300,000 annually on the problem. The principal behind this bill is that it is unfair to the landowners who need those dollars the most. It is also unfair to the sportsman, who gained a tag, to have to pay for game damage assistance when public hunting is prohibited or severely restricted.

There are two examples. Ted Turner is purchasing vast amounts of acreage in Broadwater County. He wants to make it a private fishing and hunting reserve. He has a serious interest in significantly increasing the elk heard on that property. He will be closing that land to public hunting. The surrounding landowners will have to pay the price for that in terms of increased

game damage as a result of the increase of those herds in that area.

The second example is an instance where a ranch may be leased out and the landowner or the outfitter has chosen to restrict hunting on the property, to the people who have been brought in, to a six point bull. There is very little hunting pressure brought against that heard during normal hunting season. But the landowner will still ask for game damage assistance. The Montana Wildlife Federation has been working with the landowner community on this bill long before the session began.

Copies of the bill were provided to the Stockgrowers and Woolgrowers with an open invitation to see if we couldn't come up with something that was constructive to all parties. We fully support the amendments that were offered later by the Stockgrowers Association. The bill states that if you close your land to public hunting, you are not eligible for game damage assistance. If you open your land for public hunting, you are eligible for game damage assistance. We hope the committee gives this bill a do pass recommendation.

Mr. Marcoux left his testimony. See Exhibit #3.

Vera Cahoon left her testimony. See Exhibit #4.

Julie Hacker stated she is a landowner in the Blackfoot area. She has been the recipient of the increasing elk heard numbers by an out of state person who came and purchased the land. Our elk heard has grown in 20 years from zero to 80 elk feeding on my property every night. I fully support the concept of this bill.

Lorna Frank stated that they fully support this bill.

Kim Enkerud left her testimony. See Exhibit #6 & 6a.

Questions From Committee Members: Sen. Paul Rapp-Svrcek asked Don Chance how this bill would help people from situations like Ted Turner buying land and closing it off from hunters.

Answer: Mr. Chance stated that Ted Turner is probably not the kind of person to ask the Department for game damage assistance. There are some examples around the state where landowners ask the State for assistance and the Department is obligated to provide that assistance. We feel it is a matter of fairness. The easiest way to solve the problem is to exert a lot of hunting pressure in these areas.

Question: Sen. Rapp-Svrcek asked Don Chance if the Federation was in agreement with the Stockgrowers amendments to delete "lease hunting and fee access".

Answer: Mr. Chance stated that it was their preference to leave that language in the bill. But the nature of an effort like this is compromise and the Stockgrowers have gone the extra mile to work with us. The groups involved have come to an agreement. So, the Montana Wildlife Federation would be opposed to regaining that language simply because we feel we have an obligation to follow through on our commitments to the Stockgrowers and Woolgrowers.

Question: Sen. Rapp-Svrcek stated to Kim Enkerud that he was concerned about the way they deleted the language regarding lease hunting and fee access. He is worried about landowners charging exorbitant fees which would leave the average Montana hunter out, but that landowner would still be able to get game damage assistance. Was there any thought given to putting some limiting language as to the amount a landowner could lease rights for, and still be eligible.

Answer: Ms. Enkerud stated that at their natural resources committee meeting that exact point was brought up. But, the members are split, so we did not really delve into the issue.

Response: Mr. Chance responded to Sen. Rapp-Svrcek that the second phrase, as it would read under the proposed amendments, we think deals with it. It still leaves some discretion to the Department as to what constitutes a significant restriction. But, if a landowner is charging very high rates for hunters, most people would say because it was such a high rate, game damage assistance should be restricted. It is our belief that in those kinds of instances, it would be deemed by the Department as a significant restriction and game damage assistance would not be offered. Our original language in this bill was dealing with the extremes. We are not trying to penalize anyone for charging for fee access hunting.

Question: Sen. Paul Rapp-Svrcek asked Ron Marcoux if he would address the same concern. Are you comfortable with the Department being able to make a concern under the Stockgrowers proposed amendments?

Answer: Mr. Marcoux stated that the key as they have it is, it does not significantly reduce public hunting

access. So there may be the need for some restrictions in the form of lease hunting and fee access fees. An illustration might be a situation where fees were charged for taking only the male segment of the population. And, consequently the female segment of the population was untouched and continued to allow the population to build. That is an entirely different situation than an individual who charges a reasonable fee and allows hunting on both segments of the population and keeps it under somewhat more control. There will have to be discretion, as it is worded here, utilized by the Department.

Question: Sen. Jenkins asked Mr. Marcoux if money was being given to ranchers.

Answer: Mr. Marcoux stated that the Department has received appropriations authority from the legislature as part of our base level program in order to administer the game damage assistance program. We are currently operating right around \$100,000 per year. That is the level of the program we are dealing with. It doesn't deal with dollars for an individual as far as salary. It only deals with supplying game damage materials, etc. But, nothing to the ranchers.

Question: Sen. Jenkins asked Kim Enkerud if she understood why (3) had been included in 1987. He stated they were addressing game damage. They could never get the Department to come up with the money. But your amendment is giving Fish and Game discretion. He asked her if she was aware of how successful fencing was.

Answer: Ms. Enkerud stated she is from a ranch by Glasgow and they have problems. They fenced them in with bloodmeal and it works for a time and after a while the deer get smart.

Question: Sen. Bishop asked Ron Marcoux if he knew that a property owner must recognize the fact that there may be some injury to property or inconvenience from wild game, for which there is no recourse. So there is no automatic answer.

Answer: Mr. Marcoux stated that our interpretation is that we are responsible under game damage problems to go out and find a reasonable way to address that concern. In every case you might not have to hold a damage hunt to go to a kill permit situation. It is realistic to have other options open to us.

Question: Sen. Bishop asked Mr. Marcoux if they investigate in every case. And, then do you give assistance in all instances?

Answer: Mr. Marcoux stated he couldn't think of a specific instance where they don't give assistance. We feel the responsibility to provide some assistance if it is feasible or reasonable to do it. There is a technique available.

Question: Sen. Bishop asked Mr. Marcoux if when the Department does, do you take into the consideration that it might have been posted "No Hunting" on the property.

Answer: Mr. Marcoux replied that in those cases there are generally too many animals and the only realistic way to deal with the situation is to reduce numbers. In most cases the landowner will go with a hunt. In other cases we end up satisfactorily dealing with the problem by providing fencing.

Question: Sen. Bishop asked Mr. Marcoux if they ever refused to help someone.

Answer: Mr. Marcoux stated that our position, under the law, is to find a reasonable way to help.

Question: Sen. Bishop asked Mr. Marcoux how they rectify that with this case which is our law in Montana? There may be some injury to property or inconvenience from wild game from which there is no recourse.

Answer: Mr. Marcoux stated that if there is a game damage hunt your objective is not to go out and kill every animal in the area. If you are going to take reasonable steps, understanding that there is still going to be some game that may still be impacted, you would have to deal with each existing situation and the number of animals and the degree of impact that is occurring.

Question: Sen. Jenkins stated that the way the law was written it said that you shall investigate, but it gives you the discretion that the Department may then decide to open a special season, or you may not decide to open a special season.

Answer: Mr. Marcoux stated that they are currently dealing with the law in that way.

Question: Sen. Jenkins asked Mr. Marcoux if the Department has people that strictly outfit or lease hunt during the regular season.

Answer: Mr. Marcoux stated that there are some areas where we do have a hunting season that takes place during the regular season such that the general public is not allowed, and we have initiated late season hunts after the regular season to accommodate the landowner to reduce the game animals.

Question: Sen. Jenkins asked Kim Enkerud if the stockgrowers agree that this is the way the game animals should be handled.

Answer: Kim Enkerud stated that this was brought up in the natural resources committee. They had a split again.

Question: Sen. Severson mentioned to Mr. Marcoux about a problem in the Bitterroot with a large state owned elk herd of 1,000 head. They are damaging private owned land. The last time I was at a meeting with the Department, stock farm people and landowners, it was discussed that the only answer was an elk-type fence. But, I don't think that is the answer. This problem relates to this bill and we need some discussion on it. There is a game range very close to that area. These elk are coming to green-feed both spring and fall. The elk are tearing down the fences to get to the green feed and we need a way to keep the elk out.

Answer: Mr. Marcoux stated the resolution is ultimately to have an ownership that will allow some way to disburse the animals ownership.

Closing by Sponsor: Sen. Walker mentioned the point about fee-hunting. We must remember that there is a cost of doing business and in those situations their business relies heavily upon the fact that those animals are on their property. Otherwise, they wouldn't have any fee-hunting. The most important thing that I've seen here today is that I've been to four or five meetings during the interim with both groups, and there has been a lot of arguing and emotion. Today, we see the culmination of a bill after all sides of the fence are working together to try and put a cap on this situation and restore some peace and tranquility for hunter/landowner relationship. I appreciate that because these issues are extremely important. So I would encourage a Do Pass.

DISPOSITION OF SENATE BILL 48

Discussion: Sen. Yellowtail moved that the committee reconsider action on SB 48. Sen. Jacobson stated that we need to amend the bill. She suggested a Statement of Intent and read it to the committee. Sen. Jenkins wanted to change the time period from ten years to seven.

Amendments and Votes: Sen. Yellowtail moved to amend the bill by striking the word "bull" from the bill and it passed on a voice vote. See Exhibit #7.

Amendments and Votes: Sen. Jenkins moved to change 10 years to seven. The amendment passed on a voice vote.

Amendments and Votes: Sen. Jacobson moved the statement of intent. It passed on a voice vote. See Exhibit #7.

Amendments and Votes: Sen. Paul Rapp-Svrcek moved to pass the bill with the new statement of intent as amended. It passed on a voice vote.

Recommendation and Vote: Senate Bill 48, with a statement of intent DO PASS AS AMENDED on a voice vote.

DISPOSITION ON SENATE BILL 231

Discussion: None

Amendments and Votes: Sen. Jenkins moved that the amendments of the Department be accepted. The amendments passed on a voice vote. See Exhibit #8.

Recommendation and Vote: Senate Bill 231, with amendments DO PASS AS AMENDED on a voice vote.

DISPOSITION ON SENATE BILL 219

Discussion: Sen. Jenkins resisted the amendments of the Montana Stockgrowers Association. The Stockgrowers and the Fish and Game Department have been trying to work together, but I'm adamant that they have to allow enough public hunting on their land to allow the Fish and Game Department to harvest the game animals. If they take that discretion away from the Fish and Game Department then they will be liable for the damage caused by the game animals.

Sen. Paul Rapp-Svrcek didn't think that the amendments hindered the Department's discretion regarding game damage. It seems to clarify the situation. Also, this is the first time I've seen these two groups come in on a game damage bill on the same side. I think we should accept the amendments.

Sen. Jacobson stated that the bill gives the Department more discretion on how they interpret the law, but the safeguards are all still there.

Sen. Severson repeated the fact the two groups are together today on one issue, based on these proposed amendments, and we should definitely take that into consideration. Sen. Anderson, Jr. concurred on that point.

Amendments and Votes: Sen. Paul Rapp-Svrcek moved to pass the first five amendments suggested by the Montana Stockgrowers Association. The amendments passed on a voice vote. See Exhibit #9.

Amendments and Votes: Sen. Paul Rapp-Svrcek moved that the last amendment proposed by the Montana Stockgrowers be passed. The amendment passed on a voice vote.

Recommendation and Vote: Sen. Paul Rapp-Svrcek moved that the bill as amended be passed. It was passed on a voice vote. DO PASS AS AMENDED.

ADJOURNMENT

Adjournment At: 2:30 p.m.


ELMER D. SEVERSON, Chairman

LAB/FISMIN.131

FISMIN.131

ROLL CALL

FISH AND GAME

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 1/31/89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Elmer Severson	X		
Sen. John Anderson Jr.	X		
Sen. Judy Jacobson	X		
Sen. Al Bishop	X		
Sen. Paul Rapp-Svrcek	X		
Sen. Loren Jenkins	X		
Sen. Bill Yellowtail	X		

Each day attach to minutes.

1987

DEPARTMENT
STATE GAME WARDE

NTA & CC NO. HOW OBTAINED	DESCRIPTION OF ARTICLE(S)	AMOUNT RECEIVED AMT DEPOSITED
	#97 buffalo hide & head	275.00
	#69 bear skull	25.00
	#68 bear skull	50.00
	#33 BH cape	75.00
	#32 BH cape	370.00
	#36 BH cape	100.00
	#34 BH hide	375.00
	#37 BH hide	350.00
	#51 BH ewe horns	22.50
	#100 BH horns	500.00
	#52 BH horns	475.00
	#96, 87, 94, 91, 90, 95, 88, 89 bear claws	360.00
	#92 & 93 bear feet 2	130.00
	#55 BH horns	590.00
	#31 otter	100.00
	#66 bobcat	125.00
	#15 lion hide	100.00
	#50 BH horns	700.00
	#46 BH horns	640.00
	#56 BH horns	550.00
	#76 bear skull	72.50
	#98 2 mink	50.00
	#67 bear skull	55.00
	#77 lion skull	100.00
	#86 lion skull	120.00
	#99 marten	62.50
	#4 bear hide	70.00
	#10 bear hide	37.50
	#9 bear hide	25.00

SENATE FISH AND GAME
 EXHIBIT NO. 1
 DATE January 31, 1989
 BILL NO. SB 231

DEP

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<u>DESCRIPTION OF ARTICLE(S)</u>	<u>TO AN</u>	<u>AMOUNT RECEIVED AND DISPOSITION</u>
#110 - lion	Bc Wz	\$ 475.00
#157 - lion	B 2 B	100.00
#104 - buffalo	J 1 F	170.00
#117 - lion	J J	275.00
#194 - BH Sheep		150.00
#65 - red fox		22.50
#57 - lion		50.00
#63 - fisher		130.00
#82 - BH Sheep		175.00
#9 - B. Bear		150.00
#13 - B. Bear		110.00
#93 - BH Sheep		100.00

87
D

	Pat	225.00
Sheep	222	350.00
	Boz	
#178 - mink	Joh	
	P.	4.00
	Ana	
#98 - BH Sheep	Cra	225.00
	Box	
	Big	
#195 - BH Sheep	Ala	175.00
#73 - Bobcat	80	150.00
#5 - B. Bear	Boz	55.00
#44 - Lion	Dai	125.00
#54 - Mt. Goat	Rt	250.00
	Li	
#177 - Elkhorns	Wa	275.00
	Bo	
	Be	
#128- Elk Antlers	Cl	125.00
#130 - Elk Antlers	20	125.00
#55 - Elk Antlers	Mi	150.00
#105 - BH Sheep		200.00
#41 - lion	Ro	150.00
#149 - Elk Cape	Bo	5.00
	Th	
#28 - B. Bear	Ch	125.00
	48	
	Be	
#91 - BH Sheep	Jc	225.00
	P.	
	Te	
#14 - B. Bear	Bo	7.50
	2	
	L	
#22 - B. Bear Cub	J	105.00
#3 - B. Bear	2	80.00
#116 - B. Bear	H	110.00
#26 - B. Bear Cub		100.00
#141 - Bear Claws		40.00
#139 - Bear Claws		40.00
#143 - Bear Claws		45.00
#145 - Elk Canines		17.50

Bear	125.00
#1 - BH Sheep	175.00
#2 - BH Sheep	150.00
#20 - B. Bear Cub	80.00
#74 - Bobcat	175.00
#70 - Bobcat	200.00
#193 - BH Sheep	300.00
#171 - BH Sheep Cape	425.00
#106 - BH Sheep	400.00
#187 - BH Sheep	250.00
#33 - BH Sheep Cape	225.00
#51 - Tanned Sheep H	800.00
#86 - BH Sheep	325.00
#87 - BH Sheep	350.00
#188 - BH Sheep	225.00
#174 - Bobcat	90.00
#168 - MT. Goat	300.00
#61 - MT. Goat	60.00
#62 - MT. Goat	40.00
#8 - B. Bear	150.00
#27 - B. Bear	30.00
#120 - 5 beaver	10.00
#46 - 2 beaver	10.00
#66 - Albino mink	27.50
#64 - fisher	100.00
#122 - 5 beaver	10.00
#123 - 4 beaver	10.00
#67 - muskrat	5.00
#121 - 5 beaver	10.00
#68 - otter	70.00
#111 - B. Bear	130.00
#21 - B. Bear	60.00
#131 - Elk Antlers	120.00
#11 - Black Bear	325.00
#18 - lion	250.00
#1 - B. Bear Cub	50.00
#158 - Bobcat	150.00
#159 - Bobcat	35.00
#151 - MT. Goat	250.00
#23 - B. Bear	50.00
#103 - Buffalo	65.00
# 7 - B. Bear	30.00
#185 - BH Sheep	110.00

#150 - MT. Goat	Rober	200.00
#58 - lion	322 S Livin	150.00
#192 - BH Sheep	Joe T 413 W White	150.00
#69 - otter	Joe C 305 E Hamil	70.00
#39 - BH Sheep cape	Burl	425.00
#77 - Bobcat	Rt. 6	175.00
#78 - Bobcat	Livin	75.00
#34 - BH Sheep Cape		325.00
#198 - BH Sheep		325.00
#189 - BH Sheep		275.00
#198 - BH Sheep		250.00
#72 - Bobcat		80.00
#75 - Bobcat		100.00
#90 - BH Sheep	Ron C	225.00
#191 - BH Sheep	609 1 Havre	250.00
#108 - MT Goat	Richa	275.00
#148 - Elk Cape	303 M	30.00
#176 - Elk Cape	Helen	10.00
#173 - Elk Cape		20.00
#180 - Antelope Horns	Joe T 413 W	4.00
#179 - Antelope Horns		7.50
#144 - Elk Canines	R. C.	25.00
#146 - Elk Canines	1811	20.00
#147 - Elk Canines	Kalis	20.00
#71 - Bobcat		100.00
#43 - Lion	Hugh Box 7 Harlo	300.00
#100 - BH Sheep	Terry	300.00
#84 - BH SHEEP	NW 41 Hamil	150.00
#45 - lion	Billy P. O. E. He	375.00

#56 - Elk Antlers	75.00
#59 - lion	300.00
#52 - lion	110.00
#184 - M. Deer Horns	4.00
#4 - B. Bear	50.00
#53 - B. Bear	40.00
#24 - B. Bear	85.00
#6 - B. Bear	40.00
#83 - BH Sheep	100.00
#161 - Lion	25.00
#94 - BH Sheep	80.00
#95 - BH SHeep	60.00
#119 - B. Bear	80.00
#109 - B. Bear	110.00
#166 - Elk Antler	40.00
#49 - B. Bear	65.00
#155 - Mink	1.00
#17 - B. Bear	45.00
#140 - Bear Claw	45.00
#31 - B. Bear	30.00
#178 - Elk Antle	100.00
#142 - B. Bear C	40.00
#136 - Elk Antle	40.00
#138 - B. Bear C	55.00
#32 - B. Bear	65.00
#48 - B. Bear	75.00
#30 - B. Bear	60.00
#25 - B. Bear	75.00
#152 - Bobcat	25.00
#114 - B. Bear	75.00

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83

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e	Roge Box Glob		10.00
Sheep Horn	Ron		85.00
Sheep Horn			80.00
- Elk Antlers			130.00
7 - BH Sheep			800.00
#81 - BH Sheep	Len 1405 Bill		15.00
#115 - B. Bear	Don		95.00
#112 - B. Bear	Box		55.00
#167 - B. Bear	Enni		100.00
#118 - B. Bear			75.00
#113 - B. Bear	Don		95.00
#15 - B. Bear	Box		75.00
#163 - Elk Antlers	Enni		40.00
#165 - Elk Antlers			12.50
#182 - M. Deer Antlers			30.00
#164 - Elk Antlers			17.50
#181 - Elk Antlers			30.00
#129 - Elk Antlers	Don		65.00
#126 - Elk Antlers	Box		45.00
#134 - Elk Antlers	Enni		35.00
#156 - Elk Cape			10.00
#133 - Elk Antlers			100.00
#127 - Elk Cape			35.00
#135 - Elk Antlers			45.00
#153 - Elk Antlers	Don		15.00
#88 - BH Sheep	Box		225.00
#79 - Sheep Ewe	Enni		35.00
#190 - BH Sheep & Cape			500.00
#60 - Lion			110.00
#80 - BH Sheep			50.00
#38 - BH Sheep Cape			500.00
#50 - Lion	Don		175.00
#186 - BH Sheep	Box		120.00
#160 - Lion	Enni		200.00
#42 - Lion			250.00
#96 - BH Sheep			110.00
#29 - B. Bear			70.00
#47 - Lion			400.00
#92 - BH Sheep			65.00
#153 - Lion			120.00
#102 - BH Sheep			625.00

THE

TAXIDERMIST

PHONE (406) 549-6671

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CHRIS BASHAM

Butch Harmon
Box 1224
Condon Mt. 59826.

1-23-89

SENATE FISH AND GAME

EXHIBIT NO. 1a

DATE January 31, 1989

BILL NO. SB 231

Dear Butch,

I am writing in regards to the possible change in the Fish & Game laws concerning the resale of skins, capes, and antlers brought on a Fish & Game auction. In the past we have not attended these auctions since the law forbid us to resell or use any of the items for commercial purposes.

If this law was changed we would be interested in the items sold as would other taxidermists in the state. To give you an idea we would bid the following prices

THE

TAXIDERMIST

PHONE (406) 549-6671

221 COMMERCE STREET

MISSOULA, MONTANA 59802

CHRIS BASHAM



on lions bears deer

elk etc

MT Goats - \$200 - \$500

MT Lion - \$200⁰⁰ to \$400⁰⁰

Bighorn capes - \$500⁰⁰ to \$1200⁰⁰

Bighorn horns - \$200⁰⁰ to \$1000 and up

Black Bear hides - \$30 to \$150⁰⁰

elk antler - up to \$600 lb. + up

elk capes - up to \$175

deer capes - \$20 to \$50

prices vary depending on size
condition etc.

Sincerely
Chris Basham

TROPHY SALE

Form No. FG-35
Revised 7-69

STATE OF MONTANA

DEPARTMENT OF FISH AND GAME

STATE GAME WARDEN'S REPORT OF CONFISCATED PROPERTY

Date 4/20/85

NFA&G NO. or HOW OBTAINED	DESCRIPTION OF ARTICLE(S)	T A	AMOUNT RECEIVED AND DISPOSITION
	#36 mtn. lion		\$ 360.00
	#44 black bear		100.00
	#56 wolverine		160.00
	#51 black bear		75.00
	#18 bobcat; #19 bob- cat; #25 bobcat; #21 bobcat; #45 black bear; #43 black bear; #42 black bear; #38 black bear		400.00
	#70 ewe horns		12.50
	#62 beaver; #30 lion #32 lion		214.00
	#15 sheep hide		5.00
	#39 black bear; #41 black bear; #49 black bear		215.00
	#46 black bear		55.00
	#12 bighorn sheep horns		750.00

SENATE FISH AND GAME

EXHIBIT NO. 16

DATE January 31, 1989

BILL NO. SB 231

CLB

STATE GAM

PROPERTY

Date of Sale _____

ARTICLE NO. or HOW OBTAINED	DESCRIPTION OF ARTICLE(S)	PT. OF SERIAL NO.	AMOUNT RECEIVED AND DISPOSITION
	#72 ewe horns	272	\$ 22.50
	#54 moose antler	273	90.00
	#57 Buffalo hide	274	45.00
	#59, 58, 60 buff: hides; #7 & 3 big horn sheep horns; #53 moose hide	275	146.00
n	#10 bighorn sheep horns; #14 bighor sheep horns (ewe)	76	565.00
	#63 otter #64 2 mink	77	47.00
	#5 bighorn sheep horns; #6 bighorn sheep horns	78	62.50
	#35, 31, 34, 33 - mtn. lion; #26, 2: 23, 16, 28, 24-bob cats; #68, 4 bigho sheep horns; #40, 37, 47 - black bea #9 bighorn sheep horns; #2 bighorn sheep horns; #73 ewe horns; #71 ewe horns; #67 elk ant #27 & 20 bobcats	9	2085.00
			125.00

TROPHY SALE-3

STATE _____

PROPERTY _____

Date of Sale _____

NIA&C NO. or HOW OBTAINED	DESCRIPTIO. OF ARTICLE	CERT. OF SALE NO.	AMOUNT RECEIV AND DISPOSIT
	#11 & #8 - sheep horns	62282	\$ 850.00
	#29 bobcat	62283	105.00
	#74 bighor horns	62284	425.00
	#1 bighor horns	62285	150.00
	#52, 48, black be muskrat	62286	220.00
	#61 buff	62287	67.50
	#13 ewe		
	#69 ewe		
		TOTAL	\$7352.00

Signed _____

Date _____

BEST COPY
AVAILABLE

STATE GAME WA

e of Sale _____

NIA&C NO. or HOW OBTAINED	DESCRIPTION OF ARTICLE(S)	OF O.	AMOUNT RECEIV AND DISPOSITI
	#11 & #8 - bighorn sheep horns	2	\$ 850.00
	#29 bobcat	3	105.00
	#74 bighorn sheep horns	4	425.00
	#1 bighorn sheep horns	5	150.00
	#52, 48, 75, 50- black bear; #66 muskrat #65 mink	36	220.00
	#61 buffalo hide #13 ewe cape #69 ewe horns	87	67.50
		AL	\$7352.00

LEGISLATIVE ACTION

AGENCY: DEPT OF FISH, WILDLIFE, PARKS

PROGRAM: WILDLIFE PROGRAM

BUDGET ITEM	Fiscal 1990		Fiscal 1991		Difference
	Executive	LFA Curr Lvl	Executive	LFA Curr Lvl	
FTE	94.69	93.94	94.69	93.94	-0.75
Personal Services	\$2,715,896	\$2,643,943	\$2,726,564	\$2,656,279	(\$72,285)
Operating Expenses	2,930,511	1,562,447	2,957,167	1,608,645	(1,348,522)
Equipment	125,324	91,885	134,173	91,885	(42,288)
Non-Operating	1,826,930	1,175,000	1,823,380	1,175,000	(648,380)
TOTAL EXPENSES	\$7,598,661	\$5,473,275	\$7,643,284	\$5,531,809	(\$2,111,475)
FUNDING					
State Special Rev	\$3,563,732	\$2,277,386	\$3,577,443	\$2,295,057	(\$1,282,386)
Federal Revenue	4,034,929	3,195,889	4,065,841	3,236,752	(829,089)
TOTAL FUNDING	\$7,598,661	\$5,473,275	\$7,643,284	\$5,531,809	(\$2,111,475)

	FTE	General Fund	Gross
1. Pheasant Program: The LFA current level does not contain this item because in fiscal 1988 the department expended only \$24,117 and it was proposed that the legislature would wish to revise the program, its direction, and costs.	0.75	\$ -0-	\$1,974,866
2. Mt. Haggin Timber Contract <i>passed</i>	0.00	-0-	120,000
3. Wildlife Habitat Improvements <i>passed</i>	0.00	-0-	128,034

SENATE FISH AND GAME

EXHIBIT NO. 13
 DATE January 31, 1989
 BILL NO. SB 231

4. State Revenue Accounts

Base Reduction Overstatement

A. Wetlands	\$22,000	\$19,080		
B. Sheep	-0-	5,467		
C. Non-game	3,769	522		
D. Pheasant	4,268	2,920		
	<u>\$30,037</u>	<u>\$27,989</u>		
Base Reduction by LFA			0.00	-0-
Overstatement by OBPP			0.00	-0-
5. Reduction for Vacancy Savings made by OBPP			0.00	-0-
6. The executive proposes increasing the base because of a mild winter resulting in less flying.			0.00	-0-
7. High vacancy savings caused low expenditure in the base period.			0.00	-0-
8. Grizzly bear damage control			0.00	-0-
9. Higher rates for the new helicopter			0.00	-0-
10. Private helicopter rate increase			0.00	-0-
11. Student stipends			0.00	-0-
12. LCA			0.00	-0-
13. Equipment			0.00	-0-
14. Differences in contracted services			0.00	-0-
- LFA reduced below current level			0.00	-0-
- Increase above current level by OBPP			0.00	-0-
15. House Appropriations eliminated 6 positions which resulted in 1.95 FTE being eliminated.			1.95	-0-

Budget Modifications

The executive budget recommends three budget modifications for the Wildlife Division. Table E details the three modifications for fiscal 1990 and 1991 by FTE, the recommended amount of general hunting and fishing revenues to finance the modification, and the total cost of the modifications.

Table E
Wildlife Division
Budget Modifications

	FTE	Fiscal 1990 General License Acct.	Total	FTE	Fiscal 1991 General License Acct.	Total
Impact on Timber Sales/Hunting	0.33	\$16,608	\$16,608	0.33	\$16,625	\$16,625
Habitat/Timber Sales Planning	0.50	16,063	16,063	0.50	16,107	16,107
Nongame Program	0.60	27,814	27,814	0.60	28,748	28,748
Total Budget Modifications	1.43	\$60,485	\$60,485	1.43	\$61,480	\$61,480

The impact of timber sales/hunting budget modification proposes a cooperative project with the USFS and the BPA, to be funded one-third by each participating agency, for the purpose of providing personnel to plan timber sales by the forest service in the Lolo National Forest and the BPA powerline access.

The habitat/timber sales planning budget modification would jointly fund a wildlife biologist with the Department of State Lands (DSL) to implement habitat guidelines for state forest lands on timber sales and to continue training DSL employees for timber sale planning which is compatible with wildlife values and concerns.

The non-game program budget modification is to add 0.60 FTE to help promote the non-game tax check-off by informing the public of the program benefits and to develop comprehensive regional inventories.

ISSUE 1: CONTINUED FUNDING ON NEW WILDLIFE PROJECTS

In the current level analysis the Wildlife Division's budget was analyzed from a line-item perspective. The division's budget can also be analyzed from a project perspective. A project is an allotment of funds and personnel to accomplish specifically defined tasks. The \$5,046,300 which the division expended in fiscal 1988 can be separated into 229 projects. Table 8 lists the 229 projects with 213 projects listed in groups and 16 projects which didn't relate to any particular group listed separately.

Table
Wildlife Project Groups and Individual Project Expenditures

<u>Groups of Projects</u>	<u>Number of Projects</u>	<u>Fiscal 1988 Expenditure</u>
Deer	30	\$ 844,700
Elk	18	843,500
Legislative Contract Authority	38	628,000
Wildlife Management Areas	10	406,800
Regional Administration	8	403,000
Division Administration	2	440,500
Waterfowl/Migratory Birds	13	200,600
Grizzly Bear	8	152,600
Antelope	8	114,300
Furbearers	10	100,900
Upland Game Birds	11	87,500
Non-game	9	76,800
Sheep	13	49,800
Black Bear	7	30,500
Landowner Co-op	3	27,900
Moose	7	24,200
Weed Control	7	20,500
Goats	5	19,600
Mountain Lion	6	17,300
Subtotal Project Groups	213	\$4,489,000

Table 8 - cont'd.
Wildlife Project Groups and Individual Project Expenditures

<u>Groups of Projects</u>	<u>Number of Projects</u>	<u>Fiscal 1988 Expenditure</u>
<u>16 Individual Projects</u>		
Harvest Surveys	1	\$ 174,800
Mt. Haggin Timber Consultant	1	78,000
Wildlife Laboratory	1	59,800
Hunters' Maps	1	55,300
Bio-Economic Surveys	1	36,500
Research Statewide	1	32,500
Pheasant Enhancement Habitat	1	24,600
Oil and Gas Coordinator	1	22,900
NW Power Act Mitigation Coord.	1	22,500
Deer/Elk/Antelope - Modification	1	21,400
Chisel Plowing Evaluation	1	12,200
Coal Coordinator	1	7,200
Mule/Whitetail/Antelope Dist./Density	1	4,000
Rocky Mountain Front Study	1	3,600
Endangered Species	1	1,900
Small Other	1	100
Subtotal Individual Projects		\$ 557,300
TOTAL PROJECTS	<u>229</u>	<u>\$5,046,300</u>

Projects can be categorized into two types, continuous and one-time projects. An example of continuous projects would be the projects to monitor animal numbers for the setting of harvest quotas. Every year the regional wildlife biologists monitor the numbers of animals within hunting regions to determine the number and types of animals that can be harvested from each region.

An example of a one-time project is a \$46,900 appropriation for a biennial study to determine the statewide effects of archery hunting on elk. The study as approved by the legislature in 1987 was a two-year study to be concluded at the end of fiscal 1989. The project is one of the 18 projects listed as "Elk" projects on Table 8.

It has been the budgeting practice in past bienniums for the division's budget to be based upon previous year expenditures of continuous and one-time projects. The use of expenditures from one-time projects allows the division to initiate new projects or expand existing projects without bringing the new or expanded projects to the legislature's attention. For example, the division's 1991 biennial current level includes \$27,228 of expenditures from the one-time archery study. The budget presentation material does not elaborate on which projects receive the \$27,228 of reprogrammed funds, but the expenditures are part of the 1991 current level.

This type of budgeting practice eliminates the legislature's opportunity to evaluate and prioritize all of the new one-time or expanded projects of the division. Some of the expanded and new one-time projects are presented to the legislature in the form of budget modifications. Those budget modifications which the legislature judges to be necessary are included in the appropriations bill. But other divisional projects financed with reprogrammed funds are not evaluated by the legislature.

The result of this type of budgeting practice is that the legislature's flexibility to evaluate, prioritize, and finance the division's projects has been diminished. The legislature has not been shown all of the available financial options when making budgetary decisions.

To allow the legislature greater flexibility in evaluating the 1991 biennial budget a list of seven new projects initiated in fiscal 1989 has been compiled. These projects were not included in budget modifications approved by the legislature but rather represent reprogramming of funds. The seven new projects are budgeted at \$126,152 in fiscal 1989 and consist of \$85,826 state special revenue funds and \$40,326 federal funds. The projects are listed on Table 9. Also listed on Table 9 are eight one-time projects which terminate at the end of fiscal 1989 and seven projects which terminate at the end of fiscal 1990. The fiscal 1988 expenditures for these projects are included in the division's current level even though these projects terminate before or during the 1991 biennium.

Wildlife Division Projects Which Either Began in Fiscal 1989,
Will Terminate at the End of Fiscal 1989, or
Will Terminate at the End of Fiscal 1990

	<u>State Funds</u>	<u>Funding</u>	<u>Federal Funds</u>
<u>New Projects in Fiscal 1989</u>			
Region 1 Moose Monitoring	\$ 5,000		\$ -0-
South Fork Grizzly Bear Study	10,741		-0-
Noxious Weeds in Big Game Diets	14,410		-0-
Mule Deer Research	13,442		40,326
Cabinet Mountain Fisher Transplant	14,955		-0-
Western Beaver Ecology Study	12,718		-0-
Northwest Otter Study	<u>14,560</u>		<u>-0-</u>
Subtotal New Projects	<u>\$ 85,826</u>		<u>\$40,326</u>
<u>Projects Terminating in Fiscal 1989</u>			
Mule Deer Harvest Rate Evaluation	\$ 2,608		\$ 7,823
Elk Harvest Rate Evaluation	2,005		15,015
Red Rocks Moose Study	2,000		-0-
Lone Pine Mule Deer	1,750		5,250
Little Belt Elk	2,500		7,500
Rocky Mountain Front Grizzly	25,165		-0-
Custer National Forest IPA Position	6,181		18,542
Elk Archery Impact Evaluation	<u>4,775</u>		<u>14,325</u>
Subtotal	<u>\$ 46,984</u>		<u>\$68,455</u>
<u>Projects Terminating in Fiscal 1990</u>			
Mt. Haggin Timber Consultant	\$ 70,000		\$ -0-
Taylor-Hilgard Bighorn Sheep Study	2,000		-0-
Sweetgrass Hills Evaluation	2,250		-0-
Hunting Districts 441 & 442 Eval.	600		1,800
Mule Deer All. Rate of Harvest	2,000		6,000
Chisel Plowing Evaluation	12,060		-0-
Pesticide Testing - Waterfowl	<u>13,500</u>		<u>-0-</u>
Subtotal	<u>\$102,410</u>		<u>\$ 7,800</u>

The legislature does not have to accept the automatic programming of funds. All or some of the new projects listed on Table 9 could be removed from the current level. Likewise, the funds reprogrammed from fiscal 1989 and fiscal 1990 expenditures could be removed from the current level.

If the legislature does remove any of the new projects or reprogrammed funds, then the legislature's flexibility to finance budget modifications or postpone hunting and fishing fee increases is enhanced.

Option A: Eliminate some or all of the new projects started in fiscal 1989. The current level could be reduced by \$85,826 state funds and \$40,326 federal funds in both fiscal years of the biennium if all projects are eliminated.

Option B: Eliminate the funding in the 1991 biennium of projects which terminate at the end of fiscal 1989. If all of the funds of projects which terminate at the end of fiscal 1989 are eliminated from the current level, the current level would be reduced by \$46,984 per year state funds and \$68,455 federal funds.

Option C: Eliminate the funding in fiscal 1991 of projects which terminate at the end of fiscal 1990. If all of the funds of projects which terminate at the end of fiscal 1990 are eliminated from the current level, the current level would be reduced by \$102,410 state funds and \$7,800 federal funds in fiscal 1991.

Option D: Combine all of the previous three options which, if all three are used, would reduce the current level by \$132,810 state funds and \$108,780 federal funds in fiscal 1990, and \$235,220 state funds and \$116,581 federal funds in fiscal 1991.

Option E: Maintain the present current level.

ISSUE 1: TRUST LANDS SUBSIDY OF HUNTING AND FISHING ACTIVITIES

In January 1988 the Legislative Finance Committee was presented with a report which analyzed the income earned from the state's trust lands. The report entitled "Trust Lands Income" presented the committee with two main issues. First, were the various trusts receiving a fair market value from grazing leases, and second, would trust income be increased if the trust lands were sold and the assets financially managed? It is from the second issue that this current level issue was developed. Specifically, could the state maximize the trust's income if some of the trust lands were sold and the assets financially managed?

There appears to be an unwritten policy in Montana that under no circumstances should the possibility of selling trust lands ever be considered. This policy was evident at the November 18, 1988 Legislative Finance Committee meeting where a follow-up report to the "Trust Lands Income" report was presented. At that meeting Secretary of State Bertelsen stated:

[selling trust lands] is an issue that I really have very strong feelings about. Now I think we might well look back ... what would have happened if the first legislators in Montana's history had decided they were going to sell state lands for about a nickel an acre? What would we have in the trust fund today? ... I think it is ridiculous to sell state lands. As far as ... the future of Montana's people and children ... I think that [selling trust lands] would be a terrible mistake.

This issue, through examples, will show that the policy of not selling trust lands is resulting in trust lands subsidizing hunting and fishing activities.

The first example involves the July 1988 purchase of the Robb Creek Ranch by the Department of Fish, Wildlife, and Parks. The department purchased 17,170 acres of deeded land and the right to lease 10,817 acres of state trust lands and 6,802 acres of federal land. The purchase price for the ranch's 34,789 acres was \$1,820,000. The \$1,820,000 is the appraised value determined by Robert Kembel, an appraiser from Missoula.

Mr. Kembel determined that 15,681 acres of the ranch's 17,170 deeded acres were native rangeland with a value of \$94 dollars per acre. There was no attempt to value the trust lands. The appraiser noted that the 10,817 acres of trust lands supported 3,082 AUM's (Animal Unit Months) or an average of 0.285 AUM/acre, while the 15,681 acres of deeded land supported 4,100 AUM or 0.261 AUM/acre. Therefore, based upon AUM's per acre, it can be concluded that, per acre, the trust lands are of equal if not greater value than the deeded lands. At \$94 per acre the 10,817 acres of trust land would be valued at \$1,016,798.

According to the Department of State Lands, the lease income from grazing on Robb Creek Ranch will be \$9,070 in fiscal 1989. The \$9,070 represents a 0.89 percent return on land valued at \$1,016,798. If, as is detailed in the "Trust Land Income" report, trust assets financially managed can receive a 10.25 percent interest rate, then a \$1,016,798 investment would earn \$104,222 per year of interest income. Since the grazing leases are producing \$9,070 per year, whereas a financially managed asset would produce \$104,222 per year, the trusts are subsidizing wildlife management activities at a rate of \$95,152 per year.

The 10,817 acres of trust lands includes lands from three different trusts. There are 9,053 acres of public school trust lands, 550 of Pine Hills School trust lands, and 1,214 acres of public building trust lands. Table 3 details: 1) the trust lands of each trust; 2) the value of each type of trust lands based on \$94 per acre; 3) the income that could be received if the lands were sold and the assets invested at 10.25 percent; 4) the current income received by each trust; and 5) the estimated loss each trust is incurring by not selling the land assets.

Table 3
Annual Income Lost by Various Trusts

<u>Trust</u>	<u>Acres Owned</u>	<u>Value of Acreage at \$94 per Acre</u>	<u>Income if Invested at 10.25%</u>	<u>Current Lease Income</u>	<u>Net Loss</u>
Public Schools	9,053	\$ 850,982	\$ 87,226	\$7,591	\$(79,635)
Pine Hills	550	51,700	5,299	461	(4,838)
Public Buildings	<u>1,214</u>	<u>114,116</u>	<u>11,697</u>	<u>1,018</u>	<u>(10,679)</u>
Total	<u>10,817</u>	<u>\$1,016,798</u>	<u>\$104,222</u>	<u>\$9,070</u>	<u>\$(95,152)</u>

The second example involves 26,670 additional trust acres the Department of Fish, Wildlife, and Parks leases. The Department of Fish, Wildlife, and Parks is leasing the 26,670 acres for \$18,435 per year, or \$0.69 per acre per year. To earn \$0.69 per year through financial management requires a \$6.75 investment at 10.25 percent interest. Therefore, if the leased land were sold to the Department of Fish, Wildlife, and Parks for \$6.75 per acre the trusts would neither lose nor gain income. The "Trust Lands Income" report estimated the value for all trust grazing lands at \$40 per acre. Using \$40 per acre, the value of the 26,670 acres would be \$1,066,800. At a 10.25 percent interest rate a \$1,066,800 investment would earn \$109,347 per year. Because the trust assets are not earning their full potential, the hunting and fishing activities on the leased lands are being subsidized at a rate of \$90,912 per year.

The net loss to the trust accounts from the Department of Fish, Wildlife, and Parks leasing of the trust lands in these two examples is \$186,064 per year. If the \$186,433 of lost income is replaced, the general fund appropriation to the trusts can be reduced by \$186,064.

To eliminate the trust's subsidy of hunting and fishing activities and any other activities in which a state agency leases trust lands, the legislature should consider the following. First, all trust lands leased by the Department of Fish, Wildlife, and Parks and all other state agencies should be appraised to establish a fair market value. Second, a financial plan should be developed to either transfer ownership of the lands to the managing agency or the trust should be compensated annually for lost trust income.

In the examples used in this issue the legislature could use the wildlife habitat fund to purchase or fully compensate the trust funds. The wildlife habitat fund is projected to receive \$2.2 million per year for wildlife habitat purchase and maintenance, and a portion of that income could be designated to purchase or compensate trust accounts.

Option A: Appropriate an additional \$186,064 per year wildlife habitat revenue to replace the lost income of the three trust funds.

Option B: Appropriate \$1,016,798 of wildlife habitat revenue to purchase the trust lands located on the Robb Creek Ranch. This option would reduce general fund obligations to three trusts by \$95,152 a year.

Option C: Request that the Department of State Lands appraise the 26,760 acres leased by the Department of Fish, Wildlife, and Parks to determine a fair market value for the property. The fair market value would be used to set a sales price of the property to the Department of Fish, Wildlife, and Parks.

Options D: Take no action.

STATE OF MONTANA

DEPARTMENT OF
 STATE GAME WARDEN'S

1988 Trophy Sale

, 1988

NTA & CC NO. HOW OBTAINED	DESCRIPTION OF ARTICLE(S)	1 A	AMOUNT RECEIVED DEPOSITED
	#1 bear hide		50.00
	#35 BH cape		620.00
	#26 lion hide		420.00
	#30 moose cape		115.00
	#49 BH horns		65.00
	#58 BH horns		200.00
	#47 BH horns		210.00
	#59 BH horns		110.00
	#57 BH horns		650.00
	#54 BH horns		310.00
	#53 BH horns		27.50
	#63 moose antlers		32.50
	#40 moose antlers		350.00
	#39 moose antlers		52.50
	#74 bear skull		25.00
	#20 lion hide		100.00
	#72 bear skull		17.50
	#85 lion skull		42.50
	#70 bear skull		25.00
	#79 lion skull		40.00
	#16 lion hide		80.00
	#14 lion hide		55.00
	#22 lion hide		55.00

SENATE FISH AND GAME

EXHIBIT NO. 1d

DATE January 31, 1989

BILL NO. SB231

STA
 DEPARTMENT OF
 STATE GAME WARDEN'S

NTA & CC NO. HOW OBTAINED	DESCRIPTION OF ARTICLE(S)		AMOUNT RECEIVED DEPOSITED
	#18 lion hide		75.00
	#17 lion hide		105.00
	#29 goat hide		305.00
	#43 goat horns		275.00
	#24 lion hide		100.00
	#84 lion skull		40.00
	#101 lion hide		125.00
	#25 lion hide		125.00
	#41 WT Deer Antlers		65.00
	#27 WT Cape		45.00
	#7 bear hide		42.50
	#11 bear hide		50.00
	#19 lion hide		125.00
	#12 cub hide		105.00
	#5 bear hide		135.00
	#103 lion hide		320.00
	#83 lion skull		42.50
	#71 bear skull		20.00

STATE
 DEPARTMENT OF F
 STATE GAME WARDEN'S REF

NTA & CC NO. HOW OBTAINED	DESCRIPTION OF ARTICLE(S)	TO I AND	T RECEIVED EPOSITED
	#44 goat horns	L	0.00
	#42 2 sets elk horns	X	0.00
	#64 antelope horns	B	12.50
	#28 goat hide		10.00
	#80 lion skull	R 2 B	0.00
	#13 bear hide	P	0.00
	#75 bear skull	K B	7.50
	#23 lion hide	L R L	0.00
	#102 goat hide piece	M K B	5.00
	#6 bear hide	L B E	0.00
	#2 bear hide	D L B	0.00
	#38 elk cape	H R L	.50
	#61 BH horns	D X B	.00

No. FG-35
Revised 6-87

ST/

DEPARTMENT O
STATE GAME WARDEN'S

NTA & CC NO. HOW OBTAINED	DESCRIPTION OF ARTICLE(S)	AMOUNT RECEIVED NOT DEPOSITED
	#44 goat horns	90.00
	#42 2 sets elk horns	40.00
	#64 antelope horns	12.50
	#28 goat hide	510.00
	#80 lion skull	50.00
	#13 bear hide	70.00
	#75 bear skull	17.50
	#23 lion hide	120.00
	#102 goat hide piece	25.00
	#6 bear hide	50.00
	#2 bear hide	75.00
	#38 elk cape	22.50
	#61 BH horns	65.00

DEPARTMENT
STATE GAME WAR

Y

CC NO. OBTAINED	DESCRIPTION OF ARTICLE(S)	AMOUNT RECEIVED AMT DEPOSITED
	#21 lion hide	100.00
	#65 antelope cap	10.00
	#73 bear skull	17.50
	#81 lion skull	25.00
	#82 lion skull	50.00
	#78 lion skull	20.00
		\$13587.50

SB 231
January 31, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife and Parks.

The department must oppose SB 231 as it is written. We are concerned that it encourages the commercialization of wildlife and wildlife parts.

The department would support allowing the pelts of fur-bearing animals to be resold or used for commercial purposes. Furbearers are taken primarily for sale to fur dealers and the resale of furbearer pelts would be consistent with current law, Section 87-3-111.

SB 231, in its present form, conflicts with other language in Section 87-3-111. Section 2(b) allows only the sale of the hides, heads or mounts of lawfully taken game fish, game birds, furbearing animals or game animals, with the exception of grizzly bears which are covered in a separate section.

We recommend that this same provision be allowed in our game auctions. This would mean that only the hides, heads, mounts and pelts could be resold.

We believe allowing the resale of wildlife meat and separate parts purchased at auction would create insurmountable enforcement problems.

Individuals purchasing a bear carcass would be allowed to sell the claws as well as the hide and meat. In such a case it would be difficult, if not impossible, to control illegal traffic since no record, receipt or other documentation is required beyond the first purchase. The illegal trafficking of separate bear parts is prevalent due to demands of the oriental market. We do not want to contribute to this market through our sales.

For these reasons, we oppose SB 231 in its present form. We have proposed amendments for the committee, which, if adopted, would address our concerns.

SENATE FISH AND GAME
EXHIBIT NO. 2
DATE January 31, 1989
BILL NO. SB 231

AMENDMENT TO SB 231
INTRODUCED (WHITE) COPY

1. Page 2, lines 1 and 2.

Strike: "heads, hides, teeth, claws, pelts, parts, or carcasses
not intended for human consumption."

Insert: "hides, heads, mounts or pelts."

SB 219
January 31, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks.

The department's responsibility for wildlife damage is found in 87-1-225 MCA. This statute requires the department to investigate all wildlife damage complaints within 48 hours and to assist in resolving the problems. The law does not require landowners to meet any criteria in order to qualify for assistance.

The department estimates approximately 30% of the complaints investigated involve situations where inadequate hunting has occurred. These situations occasionally cause problems to neighboring landowners. Many are a result of very restricted hunting due to lease or trespass fees or, in some cases, the landowner allowing no hunting at all.

In some cases, we have to address the problems with late season hunts which are costly and time consuming, or, as a last resort, allow kill permits to more quickly deal with a problem.

The department supports passage of SB-219.

SENATE FISH AND GAME

EXHIBIT NO. 3

DATE January 31, 1989

BILL NO. SB 219

WITNESS STATEMENT

NAME: Keri Cahoon DATE: 1/31/89

ADDRESS: 908 Park Ln.

PHONE: 442-2264

REPRESENTING WHOM? Montana Bow Hunters Assn

APPEARING ON WHICH PROPOSAL: S.B. 219

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: MBA would like to voice our support for S.B. 219.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE FISH AND GAME
EXHIBIT NO. 4
DATE January 31, 1989
BILL NO. SB 219

WITNESS STATEMENT

NAME: Julie Hacker DATE: 1/31

ADDRESS: Rand Avenue

PHONE: _____

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: SB 219

DO YOU: SUPPORT? AMEND? _____ OPPOSE? _____

COMMENTS: _____

Support concept of letting access to
hunters in order to receive compensation
for damage -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

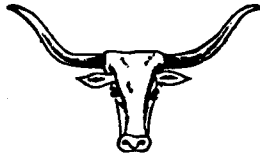
SENATE FISH AND GAME
EXHIBIT NO. 5
DATE January 31, 1989
BILL NO. SB 219

MONTANA STOCKGROWERS ASSOCIATION, INC.

P.O. BOX 1679 - 420 NO. CALIFORNIA ST. - PHONE (406) 442-3420 - HELENA, MONTANA 59624

OFFICERS:

WM. J. BROWN, JR. SAND SPRINGS PRESIDENT
JAMES COURTNEY ALZADA FIRST VICE PRESIDENT
EDWARD J. LORD PHILIPSBURG SECOND VICE PRESIDENT
JEROME W. JACK HELENA EXECUTIVE VICE PRESIDENT
KIM ENKERUD HELENA NATURAL RESOURCES COORDINATOR



EXECUTIVE COMMITTEE:

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BILL CHRISTENSEN HOT SPRINGS
LYNN CORNWELL GLASGOW
M.E. EDDLEMAN WORDEN
NANCY ESPY BOYES
WM. T. HARRER FORT BENTON
KNUTE HEREIM MARTINSDALE
EARL LINDGREN JOLIET
ROLAND MOSHER AUGUSTA
GREG RICE HARRISON

January 31, 1989

TO: Senate Fish and Game Committee
FROM: Montana Stockgrowers Association
SUBJECT: SB 219, an Act Establishing Public Hunting Access
Requirements for Game Damage Assistance

Mr. Chairman, Members of the Committee:

My name is Kim Enkerud. I am representing the Montana Stockgrowers Association.

We oppose this bill as written and offer the following amendments:

Page 1, Line 16 - delete "or special damage hunts".

We feel special damage hunts should be available as a management tool for the Montana Department of Fish, Wildlife and Parks to use at all times, not when certain requirements are met by landowners. This bill addresses problem situations that require the attention of the Department. We question whether the Department wants their ability to handle problem situations curtailed.

Page 1, Lines 18 and 19 - delete "sufficient to accomplish adequate game herd reduction".

There are many instances in which the wildlife give the rancher no problems during the hunting season. However, as soon as cold weather hits or the alfalfa, crested wheat, or grain crops start to grow, wildlife are creating a problem. Maybe a rancher has provided access, perhaps not. But in instances I have just mentioned, game herd reduction was not accomplished.

Page 1, Lines 22 and 23 - delete "lease hunting provisions, fee access rates, or other restrictions", add - "imposed restrictions".

The Montana Stockgrowers Association respects the right of a landowner to lease hunting privileges and to charge an access fee. We feel if this were to be left in the bill, it could be misconstrued that the State of Montana is actively seeking to curtail these avenues.

SENATE FISH AND GAME

EXHIBIT NO. 6

DATE January 31, 1989

BILL NO. SB 219

We also have a question what the term "significantly reduce" means. A landowner's definition could be and probably will be entirely different than the Department's or a sportsman's.

Page 2, Line 15 after "damage." Add - "The Department may use other game damage control techniques deemed necessary by the Department to assist in resolving game damage.

As this section is written now, the avenues for game damage are special seasons, destruction of the animals by the Department, and kill permits. If this language were added, it would open a door for other methods of game damage assistance. We still feel the Department should also look at the avenue of monetary compensation in special cases.

Our Natural Resources Committee was given the opportunity to review this bill by Mr. Chance of the Montana Wildlife Federation. What I have presented here today is the committee's recommendations. We have met with Mr. Chance and Mr. Marcoux in regard to these amendments and all parties have agreed to their inclusion in this bill.

Our organization is still very concerned with the interpretation of some of the language in this bill as I have stated. The relationship between the Department and some landowners is very touchy in certain areas. We are concerned with an occasion arising in which the landowner has a problem and calls the Department. The Department then determines, by reading this bill as to whether the landowner qualifies for game damage. If a difference of interpretation of the language occurs, will this help or harm landowner-sportsmen relationships?

In closing, we oppose this bill as written, but would support it if the amendments are adopted and language definitions are cleared up.

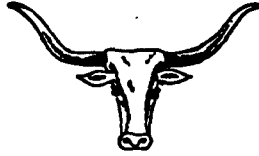
Thank you.

MONTANA STOCKGROWERS ASSOCIATION, INC.

P.O. BOX 1679 - 420 NO. CALIFORNIA ST. - PHONE (406) 442-3420 - HELENA, MONTANA 59624

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KNUTE HEREIM MARTINSDALE
EARL LINDGREN JOLIET
ROLAND MOSHER AUGUSTA
GREG RICE HARRISON

Senate Bill 219 Amendments

Page 1, Line 16

Delete - or special damage hunts

Line 18

Delete - sufficient to

Line 19

Delete - accomplish adequate game herd reduction

Line 22

Delete - lease hunting provisions, fee access
rates

Line 23

Delete - or other restrictions
Add - imposed restrictions

Page 2, Line 15

Add after "damage." - The Department may use other game
damage control techniques deemed necessary by the
Department to assist in resolving game damage.

SENATE FISH AND GAME

EXHIBIT NO. 6a

DATE January 31, 1989

BILL NO. SB 219

SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SB 48 (first reading copy -- white), respectfully report that SB 48 be amended and as so amended do pass:

1. Title, line 4.
Strike: "10-YEAR"
Insert: "7-YEAR"

2. Page 1, line 8.
Following: line 7
Insert:

"STATEMENT OF INTENT"

The department of fish, wildlife, and parks shall implement this bill by adopting rules to require that an applicant for a special license under the provisions of Title 87, chapter 2, shall include on the required application form a statement that the applicant has not been successful in taking the applicable game animal in the previous 7 years. The written statement must be adjacent on the form to a notice in bold lettering that states that an unsworn falsification of the statement is punishable by 6 months in the county jail or by a fine of not more than \$500, or both, as provided in 45-7-203.

The department may not implement this bill by adopting rules that would require an unsuccessful hunter to return any unused license tags to the department or would provide for maintenance of lists of successful or unsuccessful hunters, including any maintenance of computer records on the subject of this bill.

The legislature intends that this bill be enforced through voluntary compliance and selected prosecutions for unsworn falsifications."

3. Page 2, line 7.
Following: "goat,"
Strike: "bull"

4. Page 2, line 9.
Strike: "10"
Insert: "7"

SENATE FISH AND GAME

EXHIBIT NO. 7

DATE January 31, 1989

BILL NO. SB 48

AND AS AMENDED DO PASS

Signed: _____
Elmer D. Severson, Chairman

SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SB 231 (first reading copy -- white), respectfully report that SB 231 be amended and as so amended do pass:

1. Page 2, lines 1 and 2.

Strike: "teeth, claws,"

Following: "pelts,"

Strike: remainder of line 1 through "consumption" on line 2

Insert: "or mounts"

SENATE FISH AND GAME

EXHIBIT NO. 8

DATE January 31, 1989

BILL NO. SB 231

AND AS AMENDED DO PASS

Signed: _____
Elmer D. Severson, Chairman

72C.
2/1/89
10:28 a.m.

SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SB 219 (first reading copy -- white), respectfully report that SB 219 be amended and as so amended do pass:

1. Page 1, line 16.

Strike: "or special damage hunts"

2. Page 1, lines 18 and 19.

Following: "access"

Strike: remainder of line 18 through "reduction" on line 19

3. Page 1, lines 22 and 23.

Following: "through"

Strike: remainder of line 22 through "other" on line 23

Insert: "imposed"

4. Page 2, line 15.

Following: "damage."

Insert: "The department may use other game damage control techniques considered necessary to assist in resolving the damage."

SENATE FISH AND GAME

EXHIBIT NO. 9

DATE January 31, 1989

BILL NO. SB 219

AND AS AMENDED DO PASS

Signed: _____
Elmer D. Severson, Chairman

Handwritten:
y.c.
2/1/89
10:28
A.M.

SB 48
Jan. 31, 1989

STATEMENT OF INTENT

The department is directed to implement SB 48 by adopting rules which would provide for the inclusion of a statement by an applicant for a special license to the effect that he has not been successful in taking ~~the~~ the applicable game animal in the previous ~~year~~ ⁷ years. The ~~the~~ statement should be adjacent to a notice in bold print that ^{an} unsworn ~~statement~~ falsification is punishable by ^{6 months in the county jail and/or a \$500 fine} pursuant to Sec. 45-7-203 M.C.A.

The legislature specifically does not intend that SB 48 be implemented by rules which would require unsuccessful hunters to return unused tags to the department, maintenance of lists by

the department, or design and development

of a computer system as contemplated
in the original fiscal note to SB 48.

The legislature intends that SB 48 will
be enforced largely through voluntary compliance
and selected prosecutions for unsworn falsification

VISITORS' REGISTER

FISH AND GAME

COMMITTEE

BILL NO. SB 230

DATE January 31, 1989

SPONSOR Bepinich

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Don Chance	MUF		<input checked="" type="checkbox"/> As written
Ron Marcoup	FWP		<input checked="" type="checkbox"/>
Walter Hammes	condon		<input checked="" type="checkbox"/>

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

FISH AND GAME

COMMITTEE

BILL NO. SB 219

DATE January 31, 1989

SPONSOR Walker

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Kim Enkerud	MT. Stockgrowers		AS WRITER X
Kyle Cahoon	Mt Bowhunters Assn	X	
Julie Hacker	Landowner	X	
Don CHAPNE	M. WILDLIFE FED.	X	
Ron Marcum	FWP	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.