

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By Bob Williams, on February 21, 1991, at 3:25 P.M.

ROLL CALL

Members Present:

Bob Williams, Chairman (D)
Don Bianchi, Vice Chairman (D)
John Anderson Jr. (R)
Eve Franklin (D)
Lorents Grosfield (R)
Greg Jergeson (D)
Dick Pinsoneault (D)
David Rye (R)
Paul Svrcek (D)
Bernie Swift (R)

Members Excused:

None

Staff Present: Andrea Merrill (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

Chairman Williams turned the meeting over to Vice-Chairman Bianchi while he presented a bill to another committee.

HEARING ON SB 415

Presentation and Opening Statement by Sponsor:

Senator Eleanor Vaughn, Senate Dist. No. 1, explained that SB 415 would establish a state park recreational fee for vehicles. We know that the State Parks do not have the funds to do the necessary maintenance and operation. The RV people need dump stations and larger spots for parking and they are willing to accept an additional fee. This would be an additional \$3.50 on

each license and the money would be deposited into a special revenue fund established by the FWP and the funds used only to provide recreational vehicle services and facilities in State parks. There are approximately 35,000 recreational vehicles owned by Montana residents and these people are the ones most likely to use the park system.

Proponents' Testimony:

Margaret Kochman, Member of the State Park Futures Committee, supports SB 415. See Exhibit No. 1.

Don Tuttle, member of the State Park Futures Committee and representing Montana Good Sams, supports SB 415 and is willing to pay an additional \$3.50 to improve the park system.

Janet Ellis, Montana Audubon Legislative Fund, has been active in trying to get money for the State Park System and this legislation will enable the State to get our park system back together. She urges committee support for SB 415.

Paul Kessler, Montana Good Sams, supports SB 415.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Pinsoneault asked how much money this will actually raise. Mr. Kessler stated that it would raise approximately \$122,000 per year.

Senator Bianchi asked Arnold Olson, head of the Parks Division, to give a breakdown of where these monies would go if this legislation is passed. Mr. Olson stated that a survey indicated that an additional \$4-6,000,000 a year was needed to put the park system back on its feet. This bill would enable them to provide dump stations and install electricity and water in many of the parks, which are necessary for the RV people to use our sites.

Closing by Sponsor:

Senator Vaughn stated that many of the dump stations at the highway rest areas are being removed and the RV people need to dump their vehicles. They are willing to pay an extra fee in order to retain these facilities.

EXECUTIVE ACTION ON SB 415

Motion:

Senate Bianchi made the motion to pass SB 415.

Recommendation and Vote:

Senate Bill 415 passed unanimously.

HEARING ON SB 292

Presentation and Opening Statement by Sponsor:

Senator Dennis Nathe, Senate Dist. No. 10, explained that SB 292 would repeal the restrictions on keeping a skunk, raccoon, fox or bat as a pet. The main reason for the original legislation prohibiting keeping these animals as pets was due to the lack of a rabies vaccine for these species. The Department of Health has never had any funding to enforce this bill and they approached him to carry a bill to transfer this authority back to the county health officer. See Exhibit No. 2.

Proponents' Testimony:

None

Opponents' Testimony:

Donald Ferlicka, Doctor of Veterinarian Medicine employed by the Board of Livestock as Administrator of animal health laws, presented an opinion pertaining to repeal of the present statutes. See Exhibit No. 3.

Judith Gedrose, Chief of the Preventive Health Services Bureau, opposes the repeal of the Rabies Control Act (Title 53, Chapter 23). See Exhibit No. 4.

Questions From Committee Members:

Senator Grosfield asked Senator Nathe who had requested him to sponsor this legislation. Senator Nathe advised it was the Department of Health and they wanted to give the authority back

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to the counties through SB 182 or repeal the Rabies Act in his bill. He is aware that the counties do not have the resources and if this legislature doesn't give the Department of Health the resources to make the public aware of the prohibition of these animals, problems will arise.

Senator Grosfield asked Dr. Ferlicka who it is that handles the rabid animals and the involvement by the Dept. of Livestock. Dr. Ferlicka explained that the rabies problem is primarily handled by deputy state veterinarians who have the authority to act as representatives of the Department of Livestock, but a lot of the work is done at the local level as a courtesy and a service.

Senator Grosfield expressed his concern regarding this bill and SB 182 recently heard and tabled by this committee. One of the persons testifying as an opponent to SB 182 was a county sanitation officer who had no idea how to capture a rabid animal. Senator Grosfield asked Bill Flanner, undersheriff for the Lewis and Clark County Sheriff's Dept., how his department handled rabid animals. Mr. Flanner explained that they have a working relationship with FWP and have the capability to trap a rabid animal. The cost is paid by the local humane society and a local vet removes the head if he suspects rabies and will send it to the appropriate place for testing.

Closing by Sponsor:

Senator Nathe was not aware that this committee had already heard Representative Keating's bill (SB 182). He does not believe that legislation should shove the problem back onto the counties, especially since so many of them cannot afford this additional responsibility.

EXECUTIVE ACTION ON SB 292

Motion:

Senator Bianchi made the motion to not pass SB 292.

Discussion:

Senator Grosfield commented that he feels there is a definite problem with the county health officers being able to deal with rabid animals. From the discussion heard today, everyone is depending on volunteers.

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Senator Swift stated that he knows for a fact that the Dept. of Livestock has been funded to deal with this problem.

Senator Rye agreed with Senator Grosfield's concern and feels that Senator Nathe's solution will not solve the problem.

Senator Jergeson made the substitute motion that SB 292 be tabled.

Recommendation and Vote:

Senate Bill 292 was tabled with Senators Swift and Pinsoneault voting "No."

HEARING ON SB 401

Presentation and Opening Statement by Sponsor:

Senator Bob Pipinich, Senate Dist. No. 33, gave a brief explanation of SB 401. Senate Bill 401 would allow the Department of Fish, Wildlife and Parks to seize game being transported by vehicle in an area that has been legally closed to the use of vehicles. Senator Pipinich presented amendments to SB 401. See Exhibit No. 5.

Proponents' Testimony:

Marx Skillicorn, security manager for Champion International, stated that Champion owns approximately 900,000 acres in Montana, of which most is open to the public with a few exceptions. The land is open for drive-in or walk-in hunting. Mr. Skillicorn passed out pictures of locked gates that had been vandalized in order to gain access to the area. The cost of these gates are from \$500-2,000 to replace. When a violator is caught behind the gate and taken to court, the fine is \$50.00 so there is no real penalty for the game violator to not go through their gates. Mr. Skillicorn presented a letter from Dave Ball, who is the Deputy Sheriff with the Missoula County Sheriff's Office, advising that SB 401 is a bill long overdue. See Exhibit No. 6.

K. L. Cool, Director of Montana Fish, Wildlife and Parks, supports SB 401. See Exhibit No. 7.

Linda Lee, representing Montana Audubon, goes on record as supporting SB 401.

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Scott Snelson, representing Montana Wildlife Federation, supports SB 401 and feels that it is critical to continue to be able to gain access to private property.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Pinsoneault asked Director Cool what was done with seized game? Director Cool explained that the game is liquidated through a confiscated game sale and anyone who wishes to bid on it has an opportunity at that time. As the bill is written, the arresting officer would have the discretion to decide whether the violator is or is not hunting in a closed area. The Department must be consistent in the way these situations are handled.

Senator Rye asked Director Cool if the Department had any problem with the proposed amendments to SB 401. Director Cool stated they have no problem with the amendments, nor with the bill.

Senator Svrcek asked Tucker Hill, public affairs with Champion, how Champion feels about mandatory versus discretionary confiscation. Mr. Hill stated that they would prefer a clarification and supported the amendments to make it nondiscretionary.

Chairman Williams asked Director Cool if the Department made money on the sale of confiscated game? Director Cool stated that in most instances the game is sold at auction. There are occasions such as spawning salmon from Lake Mary Ronan, where fish filets are donated to the food bank in Kalispell by the FWP.

Senator Pinsoneault asked Mr. Skillicorn if Champion's roads are conspicuously posted so that a hunter may not stumble across their roads unaware that they are closed to trespass? Mr. Skillicorn stated that the roads are posted but it has been difficult to keep signs on the gates.

Director Cool commented that the FWP has a good working relationship with Champion International, not only the donation of 4,000 acres that they have given to Montana residents for the future, but they provide a number of walk-in areas and some block management contracts that are very productive.

Closing by Sponsor:

Senator Pipinich feels SB 401 will allow the public and FWP to keep a good relationship with Champion. This is a good bill and urges a do pass.

EXECUTIVE ACTION ON SB 401

Amendments, Discussion, and Votes:

Senator Pinsoneault recommended amendments be made to SB 401.

Senator Pinsoneault made the motion to approve the amendments. The amendments passed unanimously.

Recommendation and Vote:

Senator Pinsoneault made the motion to approve SB 401 as amended. Senate Bill 401 passed unanimously.

HEARING ON SB 418

Presentation and Opening Statement by Sponsor:

Senator Rea, Senate District. No. 38, explained that SB 418 requests the employment of a full-time veterinarian on the FWP staff. Because of the complexities of the drugs used on wild animals, the FDA and DEA requires a vet to be present and having a full-time vet on staff would be beneficial to the Department in other ways.

Proponents' Testimony:

Dr. Mark Johnson, free-lance wildlife veterinarian, actively supports SB 418. A wildlife veterinarian can function as a wildlife handling expert, a pathologist, a researcher, a teacher, a manager and administrator, public relations person and a forensic expert. A full-time veterinarian could minimize financial cost to the State because of sometimes neglected attention to wildlife diseases.

Don Ferlicka, State Veterinarian, feels that the abilities of a licensed veterinarian within the Department would be an integral part of program planning.

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Roger Tippy, lobbyist for Montana Veterinary Medicine Assn., supports SB 418.

Opponents' Testimony:

K. L. Cool, Director of Fish, Wildlife and Parks, feels that SB 418 would be a duplication of services already donated by private veterinarians. See Exhibit 8.

Questions From Committee Members:

Senator Svrcek asked Director Cool about Dr. Johnson's testimony regarding immobilizing animals and he had said that it should be under the supervision of a veterinarian. Does the FWP use a veterinarian when immobilizing animals? Director Cool stated that the FWP works with local veterinarians through contractual obligations and do that in areas where they are needed. The FWP feels they are operating effectively at the current time without a full-time vet on hand.

Senator Svrcek asked Director Cool regarding the certification of individuals within the FWP to handle veterinarian duties. Arnold Olson of the FWP explained that the certification is under the supervision of contract veterinarians. These are only certain individuals who have access to specific drugs and are under inspection each year. Because of the remoteness of the State and the possibility of having two or three tagging operations going on, it would be very difficult to have a full-time veterinarian at each of these sites.

Senator Svrcek asked Director Cool if he was comfortable with the use of private veterinarians? Director Cool believes that the Department is adequately covered under the present policy that they are using.

Senator Pinsoneault asked Director Cool about the yearly cost of contractual agreements that the FWP has with veterinarians. Director Cool stated he does not have that figure but would find out. The Department does request specific veterinarians to do different jobs subject to the veterinarian's special skills.

Senator Rye asked Senator Rea if there is a policy prohibiting the FWP from hiring a full-time veterinarian at this time. Senator Rea explained, because of the budget crunch, it would be best to have legislation in place to enable the FWP to hire a veterinarian if needed.

Closing by Sponsor:

Senator Rea feels that it is just a matter of time before a full-time veterinarian will be required to be on staff by the FDA and DEA. He recommends a do pass.

EXECUTIVE ACTION ON SB 418

Motion:

Senator Pinsoneault made the motion that SB 418 do not pass.

Recommendation and Vote:

Senate Bill 418 did not pass with Senators Anderson, Grosfield, and Jergeson voting no.

HEARING ON SB 376

Presentation and Opening Statement by Sponsor:

Senator Mignon Waterman, Senate Dist. No. 22, introduced SB 376 at the request of a sportsmen's group. Senator Waterman explained that SB 376 would limit the landowner elk hunting preference to the hunting of antlerless elk.

Proponents' Testimony:

Bob Bugni, representing Prickly Pear Sportsmens Assn., supports SB 376. They request the legislature to clarify the landowner preference law for elk. Mr. Bugni presented a letter written to George Schiller from K. L. Cool where the Department is interpreting the statutes to include bull and elk permits under landowner preference. See Exhibit No. 9-10.

Mr. T.A. Kummer, member of Prickly Pear Sportsmens Assn., supports SB 376. He also feels that the landowner should be allowed to draw for a license once in every seven years. See Exhibit No. 11.

Dr. Jim Kehr, Vice President of Prickly Pear Sportsmens Club, supports SB 376. The Club is asking for fair play and landowner preference was intended for cow elk only. The trophy bull elk is

very rare as he has been hunting elk in Montana for sixteen years and has only shot one. With the regulations now in place, the opportunities to shoot this bull is very limited. See Exhibit No. 12.

K. L. Cool, Director of FWP, asked for permission to neither testify as a proponent nor opponent but wished to give information which would possibly allow the committee to make a better informed decision regarding this bill. See Exhibit No. 13.

Edward Finstad, East Helena, supports SB 376. See Exhibit No. 14.

Opponents' Testimony:

Rep. Grady, House Dist. No. 47, was in the legislature when the legislation was passed for landowner preference and the intent was not only for antlerless elk. Landowners who provides the winter forage for these animals should continue to keep their preference for elk hunting. The key of the legislation was to keep the land open for public hunting but he realizes that this has not happened.

Jim Peterson, rancher from central Montana, has never had a bull elk permit and has only had a few cow permits even though his ranch is located in the foothills of the Little Belt Mountains. He does not feel that the landowner preference should be taken away for fear it will cause more land to be closed to public hunting.

Questions From Committee Members:

Senator Svrcek asked Director Cool, that after having in place the additional computer system requested by FWP, would it be possible to track licensing and kills for difference species? Director Cool stated that according to their experts it would not be possible. The computer program expenditures for tracking licenses and kills of moose, sheep and goats were in the neighborhood of \$7-10,000.

Senator Bianchi asked Director Cool where the areas were that only allowed hunting for bull elk. Director Cool stated that the Missouri River Breaks and the late season hunt in the Gardner Area were the other areas besides the Elk Horn Mountains.

Senator Jergeson asked Director Cool if the landowner preference was instrumental in keeping land open for public hunting? The

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Department feels that the landowner preference was a definite help to keeping land open.

Senator Jergeson commented that the landowner preference for hunting was an incentive for the landowner to keep his land open for public hunting but would he still receive the preference even though he closed his land. Director Cool believes that would be correct.

Senator Bianchi asked Dr. Kehr if he was aware of the number of ranches closed for hunting, who get the landowner preference permit, and what his feeling is on that issue? Dr. Kehr stated that from 1987-1991 there is tremendously less hunting opportunity. Possibly there is a need for a law that if landowners close their land to public hunting, they will lose their preference. Now is the time to make laws that keep things equitable, because in the near future, the situation will require shooting bulls on a permit basis only.

Senator Pinsoneault suggested closing the season for a couple of years to shooting only antlerless to allow the bulls to mature. Director Cool said that it made sense, but the Department would not take a position on it.

Senator Jergeson asked Mr. Peterson his opinion of whether a person who closes his land to public hunting and allows only fee hunting should have the same landowner preference as one who leaves his land open? Mr. Peterson said that there should be some incentive for a man to leaves his land open to hunting. He believes the situation should be studied further before a bill like this is passed.

Senator Jergeson asked Director Cool how the Department determines if a landowner has his land open or posted for hunting when requests for game damage is presented. Director Cool stated that it is done on a case-by-case basis. When a game damage complaint or concern by a landowner for wintering animals comes to the Department, all wardens know which areas are closed and open. The majority of winter range belongs to private landowners so it is not just an access issue. We believe that without the cooperation between landowner and sportsmen, there would be a greatly reduced tolerance to the number of big game available today.

Closing by Sponsor:

Senator Waterman said that the bill will still allow preference for antlerless elk and landowners will still have the opportunity

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to put in for bull permits. She urges committee support of SB 376.

EXECUTIVE ACTION ON SB 376

Amendments, Discussion, and Votes:

Senator Jergeson presented amendments to SB 376. The amendments are submitted in order to be in line with the title of the bill and to include the stipulation that the landowner preference is for a landowner whose land is not closed to public hunting.

Senator Swift agreed with the amendments but felt that the amendments would wipe out the intent of the bill.

Senator Bianchi asked Senator Jergeson why he was not leaving the word "antlerless" in the bill? Senator Jergeson stated he did not want to. He is concerned about the person who closes his land to hunting and then permits fee hunting. He is then receiving compensation for what the game eats and the problems maintaining the ranch because of pressure from the elk. Preference should apply only if the land is open to the public for he is not charging a fee nor receiving any compensation for the grazing and damage to his property. Some type of compensation should be given for providing habitat and for having to deal with public trespass.

Ms. Merrill suggested changing the language to "limit the hunting preference to only those landowners who have not closed their land to the public" which would not interfere with the title of the bill.

The amendments passed with Senators Anderson and Swift voting no.

Recommendation and Vote:

Senator Jergeson made the motion to approve SB 376 as amended.

Senator Anderson commented that he does not feel this is good legislation. Over the years, the landowner/sportsman relationship has improved dramatically. He feels this bill discriminates against the landowner. Senator Jergeson stated that in his amendments "antlerless" had been taken out to enable the landowner to hunt both sex.

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Senator Franklin made the motion to approve SB 376 as amended. The bill did not pass with Senators Anderson, Grosfield, Pinsoneault, Rye, Swift and Chairman Williams voting no.

HEARING ON SB 362

Presentation and Opening Statement by Sponsor:

Senator Grosfield, Senate Dist. No. 41, explained that SB 362 would create park rangers and establish their powers and duties. He offered amendments to clarify the language of the bill. See Exhibit No. 15.

Proponents' Testimony:

K. L. Cool, Director of Fish, Wildlife and Parks, supports SB 362. See Exhibit No. 16.

Bill Flanner, Undersheriff for Lewis and Clark County Sheriff's Dept., supports the concept of park rangers. The county sheriff has worked with FWP in this particular area and believes the park ranger program, if used for preventive and education for users of the parks in the State of Montana, is an acceptable option.

Janet Ellis, Montana Audubon Council, supports SB 362.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Pinsoneault asked Senator Grosfield how the rangers would be identified? Jeff Tieberry, Bureau Chief who handles law enforcement issues in the parks, said they would be dressed similarly to other park employees but the rangers will wear a silver badge.

Senator Rye asked Director Cool to describe domestic violence that occurs in State parks. Director Cool stated that there is a very high proportion of domestic violence that does occur in the park system. He complimented the sheriff's and local police officers for their assistance. The most dangerous law enforcement job in the U.S. is that of a national park ranger.

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The FWP expects having a ranger in the area will curb potential violence but if it happens, the ranger may call the local sheriff for backup.

Senator Bianchi asked Jeff Tieberry what training the Department expected to give the rangers? He hopes that the Department will be able to work with the POST council to get them to certify a standard training course and set the curriculum for park rangers. The training may take place at the facility in Bozeman. The Department hopes to qualify four people as park rangers and later this spring have persons suitably qualified as park rangers.

Senator Bianchi asked the financial impact on the Department. Mr. Olson stated that no new revenue is needed to implement the bill as they have people who are already qualified to be park rangers. The appropriations subcommittee did pass a modification for some general fund revenue that would provide four additional seasonal people who would work part time during the summer.

Closing by Sponsor:

Senator Grosfield stated that the park rangers would be able to provide necessary law enforcement to the parks. There is a possibility that a park ranger reserve made up of volunteers would be implemented who would help the rangers and some training would be involved. This is a good concept and urges committee support.

EXECUTIVE ACTION ON SB 362

Amendments, Discussion, and Votes:

Senator Grosfield made the motion to approve the amendments to SB 362.

The amendments passed unanimously.

Recommendation and Vote:

Senator Franklin made the motion to pass SB 362 as amended.

Senate Bill 362 passed unanimously.

HEARING ON SB 439

Presentation and Opening Statement by Sponsor:

Senator Grosfield gave a brief explanation of SB 439. This legislation would establish guidelines applicable to any wild buffalo or bison management plan implemented by the FWP.

Proponents' Testimony:

Peggy Parmalee, representing Montana Assn. of Conservation Districts, speaks on behalf of Kara Ricketts, Executive Director of Greater Yellowstone Assn. of Conservation Districts. See Exhibit No. 17.

Jim Peterson, representing Montana Stockgrowers Assn., supports SB 439. This legislation takes one step forward by sending a message to Yellowstone National Park officials about their management responsibility as it relates to the bison issue. Over the last 30 years, the livestock industry in Montana has spent about \$30 million eradicating brucellosis, making Montana a certified brucellosis-free state.

Opponents' Testimony:

Janet Ellis, Montana Audubon Legislative Fund, is concerned how this legislation will affect the National Bison Range or other areas throughout the State that now have wild bison as this legislation will prohibit a permanent or seasonal establishment of bison in Montana.

Scott Snelson, Montana Wildlife Federation, does not support SB 439.

Questions From Committee Members:

Senator Rye asked Senator Grosfield since no money has been appropriated by Congress to take care of damages done by bison leaving the park, what good will it do to send the Federal Government a bill? Senator Grosfield stated this is an entirely different situation when dealing with buffalo because of the recent judgment handed down by the federal court. Judge Loble almost stated that it was the Federal Government's responsibility to take care of the problem in the sense of management and in reimbursing Montana. Bob Lane, Council for FWP, agreed that the Government will not pay just because they have been sent a bill. He agrees with Senator Grosfield's summary of Judge Loble's comment.

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Don Ferlicka, State Veterinarian for State Dept. of Livestock, has had some experience with billing the National Park Service for expenses incurred in '88 and '89, it was bantered about and discussed and the ultimate action by the Park Service was to reject the claim and accept no responsibility for the bison or the acts they commit once they leave the Park. This resulted in some national legislation under the sponsorship of Senator Conrad Burns in Washington to appropriate funds to make reimbursements for damages or costs associated with Park bison. This legislation is still being considered this session.

Senator Swift asked Director Cool if our present law allows the FWP authority to grant kill permits to private landowners and Director Cool said it does. He also stated that the Department did not take a pro or con on this bill because the Administration and the FWP is in support of HB 390 and are very hopeful that that legislation will pass and be considered in this committee.

Senator Jergeson asked Senator Grosfield if a hunter takes a buffalo there is only one or two things he will do with it, dress it out to use it as meat or take a trophy. What will happen if the landowner kills the buffalo? Senator Grosfield said that once again this will depend on whether HB 390 passes. Both of these bills deals with the management of the resource and if HB 390 passes all this bill does is give the FWP another avenue to consider. The landowner will not be allowed to shoot a buffalo without a kill permit and if he does, he will be subject to penalties.

Senator Jergeson asked Senator Grosfield if the anti-hunting persons around the country will be any less distressed by the landowners killing the bison rather than the hunters? Senator Grosfield feels there would still be controversy. Several Indian tribes have shown interest in helping the FWP deal with the population problem by allowing the tribes to shoot the buffalo and use the meat for their use. They could transport the animals live if proven disease-free but the economics of this are not very good. He is not addressing a "hunt" here. This legislation is not directing the type of economic policy FWP comes up with just so there is one.

Director Cool commented that it is not the Department's intent for any private individual to kill these bison. Their belief to serve the best interest for the State of Montana is for these animals to be controlled by government agents.

Senator Bianchi commented that if this bill would pass it would not allow the establishment of buffalo or bison in Montana.

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Closing by Sponsor:

Bison are a game animal and there may be an opportunity in some future time to actually safely introduce them in the State for hunting. Why exclude an opportunity at this point? Senator Grosfield stated that the Yellowstone herd is in Yellowstone, it is a national reservation of land. If we establish a herd out of the Yellowstone wild buffalo entering Montana, then we are losing our brucellosis free status. This will have tremendous impact on one of the major industries in this State. Secondly, the only place where you could establish a herd is in the lands that are being used for other things.

Senator Bianchi asked Senator Grosfield what would happen if the Federal Government wanted to introduce buffalo to the Charlie Russell Wildlife Management Area. This is a federally owned project and if this law was in effect, they would not be able to do that? Senator Grosfield stated that this would be right. Senator Bianchi wanted to know why we should take this option away if this was a federal decision to stock the area with bison? Senator Grosfield stands pat on his response to the possible exposure of cattle to brucellosis.

Senator Bianchi reminded Dr. Ferlicka of the time that 569 buffalo were shot by hunters and the fact that these buffalo were around cattle and were any of these cattle tested positive for brucellosis? Dr. Ferlicka agreed that in 1988-89 parts of the entire LaMar Valley Herd was in Montana at some point. Hunters were used to harvest these animals. Because there were as many as 300 head of bison at one time in the State, the cattle herds that were most at risk were tested. There was no brucellosis found. There is no doubt in his mind that if this bison herd had not been contained, contamination could have happened.

Senator Bianchi commented that he has heard of brucellosis testing in elk and a few being found positive. Dr. Ferlicka said that was true and the attack rate is 1.4% based on 7,000 tests. Senator Bianchi asked if this law becomes stricter and stricter, that the elk herds could well be eliminated? Dr. Ferlicka said that this makes the addressing of the problem in the park somewhat critical and if the disease is not controlled in the Park bison herd, the attack rate could very well increase in the elk herd. The current safeguards addressing the elk are adequate at this time; however, if someone were to propose the same mechanism for elk as they now have for bison, he would not oppose it.

Closing by Sponsor:

Senator Grosfield explained that if HB 390 dies, this bill might almost force the FWP to have some kind of law and would certainly force their hand in not allowing buffalo to repopulate in Montana. In 1989 when 569 buffalo were killed and two years later, the population of the herd is back to the same level as it was. The fires in '88 burned a lot of trees but it has provided a tremendous amount of grass and it seems logical that the bison herd will grow dramatically. Maybe this winter or next winter, when another 569 buffalo decide to come out and only 200 decide to go back, then we have 300 buffalo in the State of Montana. They decide that the "grass looks greener up the valley" and go wandering up Paradise Valley. There is a problem that needs a solution and this solution is not to let it happen in the first place. Place the responsibility on the Park Service's back and say "Take care of the problem." One of the reasons why he is very concerned about this is as a livestock producer and as a person concerned with the economy of the State. Over kill, as we say in the hunting business, ha!

EXECUTIVE ACTION ON SB 439Motion:

Senator Grosfield made the motion to pass SB 439.

Recommendation and Vote:

Senator Pinsoneault made a substitute motion to table SB 439 because of HB 390, which may be passed in the House.

Senator Jergeson agrees with Senator Grosfield that a problem needs to be corrected. He does not feel that this particular legislation as it is now written will solve the problem.

Senator Bianchi agrees with the motion to table the bill. To totally exclude the possibility of having wild buffalo in the State in the future is wrong.

Senate Bill 439 was tabled with Senators Anderson, Swift and Grosfield voting no.

HEARING ON SB 449

Presentation and Opening Statement by Sponsor:

Senator Grosfield presented an amendment to SB 449 with the approval of FWP and the fishing outfitters which satisfies their concerns. See Exhibit No. 18.

Proponents' Testimony:

Larry Fasbender, representing Fishing Outfitters Assn. of Montana (FOAM), said they will still require that the appropriations committee give authority to Dept. of Commerce for the Board of Outfitters to expend funds necessary to fund the cost of the FWP enforcement.

Opponents' Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

Senator Grosfield urged that SB 449 do pass as amended.

EXECUTIVE ACTION ON SB 449

Amendments, Discussion, and Votes:

Senator Grosfield made a motion to approve the amendments. The amendments passed unanimously.

Recommendation and Vote:

Senator Swift made the motion to pass SB 449 as amended. The bill passed unanimously.

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HEARING ON SB 312

Presentation and Opening Statement by Sponsor:

Senator Yellowtail requested that SB 312 be tabled as other legislation will address this issue.

EXECUTIVE ACTION ON SB 312

Motion:

Senator Bianchi made the motion to table SB 312.

Recommendation and Vote:

Senate Bill 312 was tabled with unanimous vote.

Senator Grosfield made the motion to pull SB 182 off the table. After many adverse committee member comments, a vote was taken to pull SB 182 off the table. The motion failed with a 4-6 vote with Senators Jergeson, Pinsoneault, Rye, Swift, Bianchi and Williams voting no.

ADJOURNMENT

Adjournment At: 6:58 P.M.


BOB WILLIAMS, Chairman


JULIA LEVENS, Secretary

BW/jl

FG022191.SM1

EXHIBIT NO. (1)

DATE 7/21/91

BILL NO. SB 415

MY NAME IS MARGARET KOCHMAN. I AM FROM GREAT FALLS AND A MEMBER OF THE STATE PARK FUTURES COMMITTEE, THE HERITAGE PARK BOARD, AND CHAIRMAN OF THE CASCADE COUNTY PARK BOARD.

I AM HERE TO VOICE MY SUPPORT OF SENATE BILL NUMBER 415.

AS A MEMBER OF THE STATE PARK FUTURES COMMITTEE, WHICH WAS ESTABLISHED IN AUGUST OF 1989, WE VISITED AND STUDIED MONTANA'S STATE PARK SYSTEM. WE HELD PUBLIC MEETING ALL ACROSS OUR STATE TO DETERMINE THE PROBLEMS AND NEEDS OF OUR PARK SYSTEM. THE NEEDS ARE SUBSTANTIAL AND VERY LEGITIMATE IN NATURE.

STRONG PUBLIC SUPPORT FOR MONTANA'S STATE PARK SYSTEM WAS EVIDENT IN EVERY PART OF OUR STATE. THE PUBLIC'S BELIEF THAT IT IS VITAL TO IMPROVE SERVICES AND FACILITIES THAT ARE OFFERED TO THE PUBLIC IN OUR STATE PARKS WAS MADE VERY CLEAR.

THE STATE PARKS FUTURE COMMITTEE IDENTIFIED THE RECREATIONAL VEHICLE FEE AS A VIABLE AND RELEVANT METHOD TO AID IN THE ACCOMPLISHMENT OF IMPROVING SERVICES AND FACILITIES IN OUR PARKS. WE ARE IN DIRE NEED OF DUMP STATIONS, POTABLE WATER STATIONS, ADEQUATE SIZED AND CONFIGURED CAMPING SITES, AS WELL AS OTHER PERTINENT SERVICES AND FACILITIES FOR VISITORS AND RESIDENTS USING RECREATIONAL VEHICLES WHILE ENJOYING THE INCREDIBLE DIVERSITY THAT OUR STATE PARKS HAVE TO OFFER. WE ARE ONE OF FIVE STATES WHICH OFFER NO MODERN CAMP SITES WITH ELECTRICAL AND WATER SERVICE. WE RANK 48TH IN THE UNITED STATES IN SPENDING PER VISITOR. IMPROVEMENT OF OUR STATE PARKS WILL BENEFIT ALL OF US. MONTANA'S RESIDENTS WANT OUR PARKS IMPROVED.

I URGE YOU TO SUPPORT SENATE BILL 415. THANK YOU FOR YOUR TIME.

Part 1

General Provisions

50-22-101. Determination of death. An individual who has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brainstem, is dead. A determination of death must be made in accordance with accepted medical standards.

History: En. 69-7201 by Sec. 1, Ch. 228, L. 1977; R.C.M. 1947, 69-7201; amd. Sec. 1, Ch. 86, L. 1983.

Cross-References

Uniform Anatomical Gift Act, Title 72, ch. 17.

Requirement that devisee survive testator,
72-2-511.

CHAPTER 23

RABIES CONTROL

Part 1 — Restrictions on Possession of Wild Animals

- 50-23-101. Definitions.
- 50-23-102. Prohibition of possession of wild animals — exceptions.
- 50-23-103. Quarantine — destruction — testing.
- 50-23-104. Payment of expenses.
- 50-23-105. Authority to adopt rules.
- 50-23-106. Injunction — recovery of costs.

Part 1

Restrictions on Possession of Wild Animals

Part Cross-References

Ownership of wild animals, 70-2-111.

50-23-101. Definitions. Unless the context requires otherwise, in this part the following definitions apply:

- (1) "Department of health and environmental sciences" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.
- (2) "Department of livestock" means the department of livestock provided for in Title 2, chapter 15, part 31.
- (3) "Person" means an individual, group of individuals, partnership, corporation, firm, or association.
- (4) "Wild animal" means a skunk, fox, raccoon, or bat. Other species of normally nondomesticated animals known to be capable of transmitting rabies may be added to this list through the adoption of rules by the department of health and environmental sciences with the approval of the department of livestock.

History: En. Sec. 1, Ch. 448, L. 1981.

TESTIMONY RELATIVE TO SENATE BILL #292
PRESENTED TO THE FISH AND GAME COMMITTEE
(February 21, 1991)

D.P. Ferlicka, D.V.M.

Administrator & State Veterinarian
Montana Department of Livestock

My name is Donald Ferlicka, I'm a doctor of Veterinary Medicine employed by the Board of Livestock as Administrator of animal health laws. I give the following information as a Representative for Mr. Les Graham and the Department of Livestock.

The Department of Livestock in 1981 supported the passage and implementation of measures prohibiting the ownership for companion purposes of all skunks, raccoons, foxes, and bats. These measures appear in Montana Codes as Title 50, Chapter 23, Part 1, Sections 1-6. Senate Bill 292 proposes to repeal these portions of law.

The prohibition under law serves to eliminate human rabies exposures due to ownership of the named species. The strategy of prohibition continues a prudent course of action and is an important safeguard because:

- 1) Skunks, foxes, raccoons (and bats) intended for sale as pets frequently originate in the wild and as a result have a high probability of being rabies affected.
- 2) The incubation period of rabies in these species is highly variable and prolonged and onset of the disease is subtle. This allows for multiple human exposures to occur when these animals come down with rabies.
- 3) A lucrative pet market for these species results in translocation of captured wild animals over long distances. This can result in new strains of rabies virus being introduced into new areas where previously they had not

SB 292

MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OPPOSITION TO BILL TO REPEAL RABIES CONTROL
MCA 50-23-101 through 106
JANUARY 1991

Chairman Williams and members of the committee. I am Judith Gedrose, Chief of the Preventive Health Services Bureau, Montana Department of Health and Environmental Sciences. I am here to oppose the repeal of MCA 50-23, the Rabies Control Act.

The statute was passed in the 1979 legislature. It was introduced because of a concern about the increase in the number of pet stores selling and Montana citizens keeping wild animals as pets. Other states were facing the same problem and enacting legislation similar to what was adopted in Montana.

As time has increased since the 1979 passage of the statute, fewer instances of bites by wild animals have been reported to MDHES. The recommendation when one of these species does bite someone is that the animal be euthanized and tested for rabies. The person having spent money to buy the animal and invested a commitment into making it a member of the family, must now pay to have it euthanized. They must also pay for rabies vaccine for themselves.

The average cost of a treatment series for an adult is \$500 and approximately \$350 for a child. This is the cost of the biologicals. There is also the cost of administration in a doctors office, walk-in clinic or emergency room. Each series requires at least 5 encounters with the medical care system. The rabies biologicals like all medication can cause side effects and discomfort for persons receiving it.

A pet raccoon that had had contact with 150 children and adults during the previous 7 months it was kept as a pet was diagnosed as rabid. Seventy-four persons who had had contact with the animal during the 60 days before it became ill were considered exposed and had rabies vaccine. The raccoon had been found in the woods of Florida and taken into a home where a pet collar was placed on its neck. It was then released into the wild. A couple who assumed it was a pet because it had a collar took it into their home.

A family picked up several raccoon kits along the side of a road and kept one as a pet. The young raccoon had barely attained adult size when it began to show signs of illness and upon testing it was found to be rabid. Twelve persons underwent post-exposure treatment of rabies. A skunk sold in a pet store in June of 1986 was confirmed as being rabid in May of 1987. There are many more of these stories.

Twenty-three persons in Arizona received anti-rabies treatment following exposure to a rabid pet skunk that had been purchased at a pet store. Rabies was confirmed in two pet skunks shipped

SENATE FISH AND GAME
EXHIBIT NO. 3 #5
DATE 2/21/91
BILL NO. SB 401

Amendments to Senate Bill No. 401
Introduced (White) Reading Copy

Requested by Sen. Pipinich
For the Committee on F&G

Prepared by Doug Sternberg
February 21, 1991

1. Title, line 4.
Strike: "PROVIDING"
Insert: "REQUIRING"
2. Title, line 5.
Strike: "MAY"
Insert: "SHALL"
3. Page 1, line 16.
Following: "to"
Insert: "mandatory"

SENATE FISH AND GAME
EXHIBIT NO. 6
DATE 2/21/91
BILL NO. LB 401

February 20, 1991

52nd Legislature
Senator Bob Pipinich

Dear Bob,

My name is David Ball, I am a Deputy with the Missoula County Sheriff's Office. I am proud to advise you that senate bill 401 is a needed act that is long overdue.

In my capacity as a Law enforcement officer I have come in contact with several hunters that have told me that they would go anywhere they wanted to retrieve game because they were not afraid to pay the current \$50. dollar fine imposed by most Judges for the violation of trespass in a closed area. It seems to be a big joke to the hunters because it would cost much more to hire a horse packer to pack out the game. In short they would take the chance of violating the law.

Currently, when a person is caught behind a locked gate the Fish and Game officers can impound the game but after the violator has gone to court the game is returned to the violator by the judge.

There is no incentive to prevent the trespass from occurring if the law is cheaper to violate than to abide.

This bill will allow for the forfeiture of the game which means more to the violator than any current fine that is being imposed.

Sincerely Yours,



David L. Ball

SB 401
February 21, 1991

Testimony presented by K.L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

SB 401 would provide our department authority to seize game being transported by a vehicle in an area that has been legally closed to the use of vehicles.

The following information is provided for the committee's consideration:

1. Each hunting seasons a number of areas are closed to vehicle travel. Federal, state, county or local governments, or individual landowners enact closures to protect property, resources, public safety, or the welfare of certain big game species.
2. The department receives numerous complaints about individuals violating these vehicle restrictions and closures.
3. The current minimum penalty for violating vehicle travel restrictions is \$50 on department lands and \$100 on private or federal lands. The seizure and loss of game for the violation would be additional.
4. Making the game warden choose whether or not to impose the additional seizure penalty is not a good idea. This places the enforcement officer in the position of imposing the sentence. We suggest keeping this process clean. Either make the seizure apply in all cases, or let the courts impose all aspects of the penalty.

SB 418
February 21, 1991

Testimony presented by K.L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

While we appreciate the support for a full-time veterinary position in our department, we do not believe it is necessary or cost-effective to maintain a veterinarian on staff. We require and utilize veterinary services on a part-time and occasional basis. Necessary veterinary services are obtained through cooperative agreements with the veterinary diagnostic and research labs at MSU in Bozeman and personal services contracts with independent veterinarians.

A number of private veterinarians also donate their services to local department personnel. These individuals have a special interest in wildlife and donate their time as a public service or as an opportunity for professional development.

Hiring and equipping a staff veterinarian would be expensive and unnecessarily duplicate the expertise and facilities currently available to this agency. Our current situation might be termed "the best of all worlds" -- a wide array of expertise, available from professionals who offer their services at a reasonable cost - or in some cases...without cost. We also believe that our cooperative agreements and working relationships with the veterinary laboratories on the campus of MSU are mutually beneficial to the university and to this agency.

**Montana Department
of
Fish, Wildlife & Parks**

SENATE FISH AND WILDLIFE
EXHIBIT NO. 9
DATE 2/21/91
BILL NO. SB376



Helena, MT 59620
October 31, 1990

Mr. George Schiller
Prickly Pear Sportsman Association
146 Briarwood Lane
Helena, MT 59601

Dear Mr. Schiller:

Thank you for the invitation to your meeting on November 13. I am looking forward to meeting with the Prickly Pear Sportsmen.

In your letter of October 15, 1990, you ask several questions. Following is information provided me by Jim Herman, our Chief of Licensing:

1. We are using the authority in M.C.A. 87-2-705 to issue landowner permits. The section does not specify cow or bull permits. In absence of any further clarification by the legislature, we have interpreted that the law requires us to issue 15% of the quota for both bull and cow elk permit districts. The landowner quota was 11 permits out of a total of 75 in district 380-04 last year. There were 15 landowner applicants of which four were unsuccessful.
2. Attached is a copy of a portion of our annual rule that pertains to the administration of landowner elk preference.
3. All other districts listed in the hunting regulations that have a branch antlered quota also have landowner preference.
4. Copies of all applications for antelope, deer and elk that have requests for landowner preference are sent to a local warden for verification.
5. The commission is involved with this annually as part of the season setting process.

I hope this answers some of your questions. Please call Jim at 444-4558 if you wish additional information. I am looking forward to seeing you on November 13.

Sincerely,


K. L. Cool
Director

SENATE FISH AND GAME
EXHIBIT NO. 10
DATE 2/21/91
BILL NO. 16376

BILL TO CLARIFY LANDOWNER PREFERENCE

What needs to be changed is landowner preference permits for brow-tine bull elk. One word should be added.

Section 87-2-705, MCA Drawing for special elk permits.
Subsection 4: Change to read.....

(4) fifteen percent of the ANTLERLESS special elk permits available each year under this section in a hunting must be available to landowners under subsection (2)

INTENT: When landowner preference was legislated, the intent was for antelope, deer and cow elk. The recent rule changes in the Department of Fish, Wildlife and Parks to create trophy elk hunting by use of the brow-tine concept has created a permit that is as valued as a goat, sheep or moose. These special permits have never been allocated to a landowner preference and neither should a brow-tine bull.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 21 day of February, 1991.

Name: TA Kummer

Address: Box 15 Blue Sky Heights
Cheney, MT. 59634

Telephone Number: 406 933 8501

Representing whom?

Prickly Pear Sportsman Assn - E. Helena

Appearing on which proposal?

SB 376

Do you: Support? X Amend? _____ Oppose? _____

Comments:

Initial intent for landowner preference
was for cow elk - most sportsman would
cherish a cow ^{ELK} tag periodically - even once
in ten years. Presently land owners in
area 380 have a 75% chance of drawing yearly
vs a 5% chance for sportsman - very unfair
this either say elk permit is as valuable
as a moose, sheep or goat permit and is
very sought after - one landowners son has
had 4 consecutive permits - 380 - very unfair -

would like to amend original Bill to one
permit every 2 years - like moose - sheep - goat -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



SENATE FISH AND GAME

EXHIBIT NO. 12

DATE 1/24/91

BILL NO. SB 376

TWO BIG REASONS

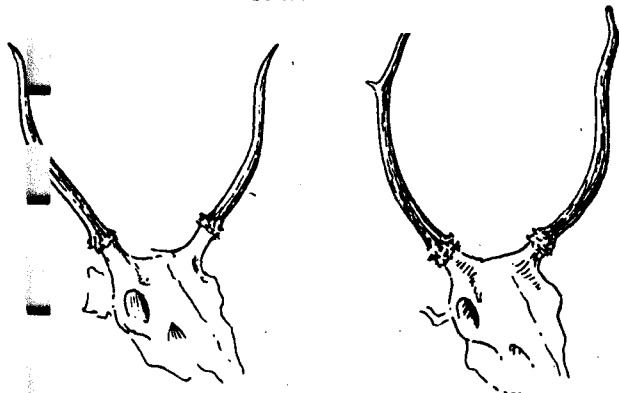
ONE - THE BRANCH ANTLERED BULL IS A TROPHY. It is just as valued as a moose, sheep or goat. This can be proven by the percentage chance of success to draw a tag for moose, sheep, goat or branch antlered bull - about 5%

TWO - The legislative intent was for cows, not bulls. That was the perception, however someone wasn't looking carefully enough during the legislative process.

We sportsmen support landowner preference. We always have, however we were under the impression it was for cows.

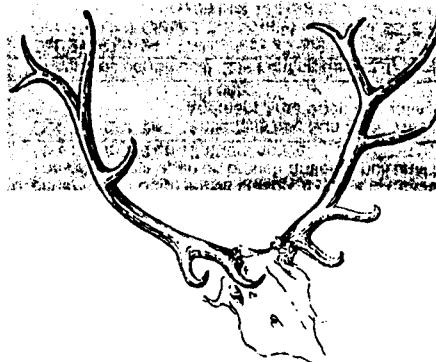
Montana has some elk hunting districts with special regulations governing the type of bull elk that is legal. The diagrams below are intended to assist the sportsmen in interpreting these special regulations.

SPIKE BULL

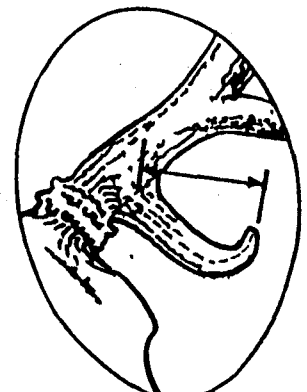


Spike Bull - any elk having antlers which do not branch, or if branched, branch is less than four inches long measured from the main antler.

BROW-TINED



Brow-Tined - any elk having an antler or antlers with a visible point on the lower half of either main beam that is greater than or equal to four (4) inches long.



ANTLER POINT MEASUREMENT

(Legal antler point must be 4 inches or more in length.)

SB 376
February 21, 1991

Testimony presented by K.L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

SB 376 would limit landowner preference for special elk permits to antlerless elk only. In order for this committee to have a more thorough understanding of this issue, we would like to provide some background and information for you to consider.

- Landowner preference for 15% of special elk permits was created by the 1987 legislature. The original bill in 1987 would have given all qualifying landowners in a hunting district guaranteed permits each year. The 15% landowner preference was a result of an amendment introduced, and had broad-based support among landowners and sportsmen.
- Landowner preference for special elk permits reflects a desire to reward landowners that provide habitat for elk during at least a portion of the year.
- Most of the special elk permits issued each year are for antlerless elk only; the remainder are for either-sex or bull elk. For example, in 1990, 540 of 26,669 special elk permits were for either-sex or bull elk.
- Special elk permits are offered in about 100 hunting districts annually. In 1990, either-sex or bull permits were offered in 19 hunting districts.
- In the three hunting seasons since the creation of landowner preference for special elk permits, landowners have either: 1) received 15% of the either-sex or bull permits available, or 2) in instances where landowners constituted less than 15% of the applicants, all have received a permit. Passage of SB 376 would end this privilege.
- A few of the hunting districts that offer either-sex or bull permits provide unique opportunities for hunting mature bull elk. Consequently, these areas have large numbers of interested elk hunters competing for a relatively small number of permits. In these areas, landowners have a much higher likelihood of drawing a permit each year than the general public. Hunting district 380, the Elkhorn Mountains south of Helena, is an example of this situation.
- Reducing or even eliminating landowner preference in hunting districts offering unique opportunities to hunt mature bull elk would have some impact on increasing the chances of drawing a permit for the general public. For example,

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 21 day of Feb., 1991.

Name: Edward L. Finstad

Address: Box 592 East Helena MT.

Telephone Number: 227-6218

Representing whom?

Myself & My Family.

Appearing on which proposal?

SB 376

Do you: Support? X Amend? Oppose?

Comments:

The landowner preference was originally written to allow a landowner to harvest a cow elk on his own property. That has been changed to include the entire hunting district involved. We feel that this should still be in effect. The original intent of the law has been lost somewhere along the way. ~~There is getting to be ex~~

landowners not only get 15% of the permits, if they are not successful they are put back into the general drawing for a second chance!! (FWP Rules) This was sold to the public as allowing a cow elk harvest.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

AMENDMENT TO SB 362
INTRODUCED (WHITE) COPY

29387 ON THE
16/1/91 DATE
15 EXHIBIT NO.
SENATE AND GAME

1. Page 2, line 24
Following: "agency"
Insert: "for the purpose of obtaining the technical
assistance and support services available under
44-4-301"
2. Page 6, line 14
Following: "agency"
Insert: "for the purpose of obtaining the technical
assistance and support services available under
44-4-301"
3. Page 7, line 3
Following: "agency"
Insert: "for the purpose of obtaining the technical
assistance and support services available under
44-4-301"
4. Page 8, line 7
Following: "agency"
Insert: "for the purpose of obtaining the technical
assistance and support services available under
44-4-301"
5. Page 9, line 1
Following: "agency"
Insert: "for the purpose of obtaining the technical
assistance and support services available under
44-4-301"
6. Page 12, line 2
Following: "agency"
Insert: "for the purpose of obtaining the technical
assistance and support services available under
44-4-301"

SB 362
February 21, 1991

SENATE FISH AND GAME
EXHIBIT NO. 16
DATE 12/21/83 18362
Bill No. 18362

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

For most Americans, a park ranger is a person who protects the parks and its users, helps out visitors if they get into trouble, and settles disputes when they occur. For years the Montana State Park System has operated without formally designating the position of park ranger. Yet many of our people have been expected to perform many of these functions, mostly without the necessary training and experience and without a legal framework to protect them. Currently, enforcement of park regulations is accomplished by park employees who are acting as de facto law enforcement officials as a result of their responsibilities.

As the years have passed, more and more of our citizens have recognized the value of the natural and cultural resources in our care. Not only are more people using the parks on an annual basis, but more people are damaging or stealing Montana's heritage. The Lewis and Clark Caverns State Park vandalism incident last year and losses of portions of historic buildings at Bannack State Park are good examples. Many of these resources are nonrenewable and irreplaceable.

As crowding occurs, there are more social and domestic conflicts in our campgrounds and picnic areas. To counter these threats and unfortunate trends, we need professionally trained peace officers in our parks.

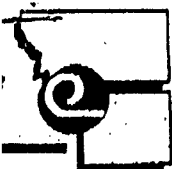
These peace officers would be called park rangers and will have as their main emphasis preventive and educational law enforcement and customer relations, and as such will not be armed. Their jurisdiction would be limited to lands managed by this department and Title 23 enforcement. No authority would exceed that of existing wardens.

Other provisions of the bill which are important to our program include:

- 1) Allowing rangers to fine registered owners of vehicles for non-fee compliance.
- 2) Designation of rangers as fire wardens to control wildfires if they occur in state parks.
- 3) Establishing the authority for a volunteer ranger program for qualified citizens.

We feel the provisions of SB 362 will make the state park system safer for Montanans, our visitors and our own employees. This program will also complement efforts to upgrade the Montana State Park System.

For clarification, we support the amendments presented by the sponsor which relate to training and technical assistance. These amendments were developed as a result of meetings with a representative of the Montana Sheriffs and Peace Officers Association.



Greater Yellowstone Association of Conservation Districts

SENATE FISH AND GAME

EXHIBIT NO.

17

DATE

2/21/91

BILL NO.

SB 439

February 21, 1991

Senate Fish and Game Committee
Capitol Station
Helena, MT 59624

Dear Members of the Committee:

The Greater Yellowstone Association of Conservation Districts lends its support for Senate Bill 439. The Greater Yellowstone Association of Conservation Districts (GYACD) is an organization comprised of 35 conservation districts from three states; Idaho, Montana, and Wyoming. We also have many associate members who represent a variety of interests.

The GYACD has worked closely with ranchers in the Paradise Valley and Gardiner area as well as livestock permittees in the West Yellowstone Area in preparing our comments today. In particular, we have included comments in our testimony as voiced by ranchers located nearest the Park. Those people wished to testify today; however they are busy delivering baby calves today (which is what this issue is all about!)

We support this bill because it gives people who are living in the magnificent Yellowstone area an opportunity to protect a way of life and to fulfill the desires of many people involved in the bison management issue. This bill would encourage Yellowstone National Park to manage bison properly within the boundaries of the Park. People, including us, who wish to view bison may do so in Yellowstone Park. Those who wish to make a living in the Greater Yellowstone area may also do so. A reasonable compromise don't you think?

The people living near Yellowstone National Park trying to make a living are not greedy, capitalistic machines, whose only desires in living in the area are to make money. They truly love Yellowstone National Park. I, personally, was raised on a cattle ranch 5 miles from Yellowstone's border and am still active in management of the ranch. We practice good conservation practices and try to insure that all resources are properly cared for. We do not glean pride from saying that we own the ranch, but rather view it as a place that we are stewards over for a twinkling of an eye in all eternity. The ranch has always been managed and will continue to be managed to benefit many people. Over the years, dozens of researchers from universities have conducted research on bobcats, grizzly bears, geology, and ranching practices on the ranch. We

Amendments to Senate Bill No.449
1st Reading Copy

SENATE FISH AND GAME

EXHIBIT NO. 18

DATE 2/21/91

BILL NO. SB 449

Requested by Committee on Fish and Game

Prepared by Andrea Merrill
February 21, 1991

1. Page 1, line 12.

Insert: "WHEREAS, under the provisions of section 37-47-306, MCA, fees collected by the Board of Outfitters may be used for investigation of license applicants, administrative costs, and enforcement of statutes and rules related to outfitters and guides; and

WHEREAS, wardens of the Department of Fish, Wildlife, and Parks have authority under section 37-47-345, MCA, to enforce violations of Title 37, chapter 47, MCA, relating to outfitters and guides, and this authority should be clearly provided in Title 87, MCA; and

WHEREAS, the Legislature intends that costs to the Department of Fish, Wildlife, and Parks related to enforcement of Title 37, chapter 47, MCA, by wardens of the Department be funded from the fees that are collected by the Board of Outfitters and transferred to the Department through memorandums of understanding or other agreements."

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 22, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 362 (first reading copy -- white), respectfully report that Senate Bill No. 362 be amended and as so amended do pass:

1. Page 2, line 24.

Following: "agency"

Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

2. Page 6, line 14.

Following: "agency"

Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

3. Page 7, line 3.

Following: "agency"

Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

4. Page 8, line 7.

Following: "agency"

Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

5. Page 9, line 1.

Following: "agency"

Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

6. Page 12, line 2.

Following: "agency"

Insert: "for the purpose of obtaining the technical assistance and support services provided by the board of crime control under the provisions of 44-4-301"

Signed: _____

Bob Williams, Chairman

191 2-22-91
And. Coord.

SR 2-22 1991
Sec. of Senate

411109SC.Sji

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 22, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 376 (first reading copy -- white), respectfully report that Senate Bill No. 376 be amended and as so amended do not pass:

1. Title, line 5.

Strike: "THE HUNTING OF ANTLERLESS ELK"

Insert: "PERSONS WHOSE LAND IS OPEN TO HUNTING"

2. Page 1, line 20.

Following: "elk"

Insert: "and is not closed to hunting"

3. Page 1, line 23.

Strike: "antlerless"

4. Page 2, line 5.

Strike: "antlerless"

Signed: _____

Bob Williams, Chairman

PR 2-22-91
Amd. Coord.

SR 2-22 12:55
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 22, 1991

MR. PRESIDENT:


We, your committee on Fish and Game having had under consideration Senate Bill No. 401 (first reading copy -- white), respectfully report that Senate Bill No. 401 be amended and as so amended do pass:

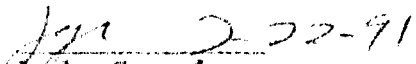
1. Title, line 4.
Strike: "PROVIDING"
Insert: "REQUIRING"

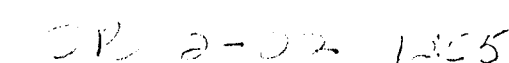
2. Title, line 5.
Strike: "MAY"
Insert: "SHALL"

3. Page 1, line 16.
Following: "to"
Insert: "mandatory"

Signed: _____


Bob Williams, Chairman


And. Coord.


Sec. of Senate

411114SC.S11


SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 22, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 415 (first reading copy -- white), respectfully report that Senate Bill No. 415 do pass.

Signed: _____


Bob Williams, Chairman

Amd. Coord.

R. 2-22 12:55
Sec. of Senate

411145SC.Spm

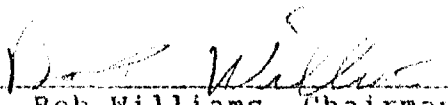
SENATE STANDING COMMITTEE REPORT


Page 1 of 1
February 22, 1991

MR. PRESIDENT:


We, your committee on Fish and Game having had under consideration Senate Bill No. 418 (first reading copy -- white), respectfully report that Senate Bill No. 418 do not pass.

Signed: _____


Bob Williams, Chairman



Amd. Coord.



Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 22, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 449 (first reading copy -- white), respectfully report that Senate Bill No. 449 be amended and as so amended do pass:

1. Page 1, line 12.

Insert: "WHEREAS, under the provisions of section 37-47-306, MCA, fees collected by the Board of Outfitters may be used for investigation of license applicants, administrative costs, and enforcement of statutes and rules related to outfitters and guides; and

WHEREAS, wardens of the Department of Fish, Wildlife, and Parks have authority under section 37-47-345, MCA, to enforce violations of Title 37, chapter 47, MCA, relating to outfitters and guides, and this authority should be clearly provided in Title 87, MCA; and

WHEREAS, the Legislature intends that costs to the Department of Fish, Wildlife, and Parks related to enforcement of Title 37, chapter 47, MCA, by wardens of the Department be funded from the fees that are collected by the Board of Outfitters and transferred to the Department through memorandums of understanding or other agreements."

Signed: 
Bob Williams, Chairman

SP 2-22-11
Amd. Coord.

SP 2-22 12:55
Sec. of Senate