MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN JIM ELLIOTT**, on February 14, 1991, at 3:00 p.m.

ROLL CALL

Members Present:
Jim Elliott, Chairman (D)
John Johnson, Vice-Chairman (D)
Beverly Barnhart (D)
Fred "Fritz" Daily (D)
Roger DeBruycker (R)
Orval Ellison (R)
Gary Forrester (D)
Bob Gilbert (R)
Marian Hanson (R)
Vernon Keller (R)
Bea McCarthy (D)
Bruce Measure (D)
John Phillips (R)
Ted Schye (D)
John Scott (D)
Wilbur Spring (R)

Members Excused: Bill Strizich (D)

Staff Present: Doug Sternberg, Legislative Council
Ginger Puntenney, Committee Secretary

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

HEARING ON HOUSE BILL 615

Presentation and Opening Statement by Sponsor:

REP. BOB THOFT, House District 63, Stevensville, said this bill extends the shooting preserve season by 3 months. This should help Montana's economy as more tourists will utilize game farms.

Proponents' Testimony:

Pat Graham, FWP, supports this bill. **EXHIBIT 1**

Thomas A. Fox, Fetch Inn Hunting Preserve, said there would be more hunters and increased revenue for game farms if the season is extended. Nonresident hunters feel the yearly license fee is too high.

Loran Perry said he has owned a shooting preserve for 25 years and supports HB 615.

Thomas L. Fox, Fetch Inn Hunting Preserve, said the season should be extended. Nonresident hunters will not hunt in Montana due to cost, so he supports the 3-day nonresident stamp. It is hard to compete with other states.

Opponents' Testimony: none

Closing by Sponsor:

REP. THOFT asked for support of HB 615.

HEARING ON HOUSE JOINT RESOLUTION 19

Presentation and Opening Statement by Sponsor:

REP. NORM WALLIN, House District 78, Bozeman, said this resolution would make it possible, after a study is done by FWP, to know which parks should have services reduced, which should be closed or disposed of to reduce costs, and which should be provided funding.

Proponents' Testimony:

Pat Graham, FWP, supports this resolution. **EXHIBIT 2**

Janet Ellis, Montana Audubon Legislative Fund, supports this resolution. There is strong public objection to disposal of any parks unless a study is done. An amendment was submitted to include a method for citizen review of the disposal of any state park as an element of the study.

Opponents' Testimony: none

Questions From Committee Members:

REP. GARY FORRESTER said the park issue has been studied to death. What will this study cost? **REP. WALLIN** said there would be no fiscal impact and very little cost for the study.

Closing by Sponsor:

REP. WALLIN said this is a worthwhile resolution and asked support of HJR 19.

HEARING ON HOUSE BILL 611

Presentation and Opening Statement by Sponsor:

REP. TED SCHYE, House District 18, Glasgow, said this bill would revise the drawing provisions applicable to special antelope licenses and reserve a portion of the licenses available to nonresidents for applicants who intend to use the services of a licensed outfitter.

Proponents' Testimony:

Jo Bruner, Montana Outfitters and Guides Association, supports this bill.

Paul Cornwell supports this bill. **EXHIBIT 3**

Roy Ereaux supports this bill and submitted letters of support from Malta Chamber of Commerce and Phillips County Livestock Association. **EXHIBIT 4**

Jack Billingsley supports this bill. **EXHIBIT 5**

Steve Schindler submitted written testimony in support of this bill. **EXHIBIT 6**

Opponents' Testimony:

Bill Holdorf, Skyline Sportsmen, said to obtain an antelope permit in Montana a person needs lots of money or to be an out-of-state hunter. More land will be closed to hunting if this bill passes.

Gary Sturm, Prickly Pear Sportsmen Association, is opposed to HB 611. **EXHIBIT 7**

Tony Schoonen, Skyline Sportsmen, said this bill will cause more land closures and allow only the wealthy to hunt.

Valerie Horton, Montana Wildlife Federation, said this bill is unfair because some people can't afford an outfitter. An additional drawing would have to be added. Would the landowner or outfitter have preference? It would cause commercialization of Montana's wilderness.

REP. ED GRADY said there had been a compromise reached with the outfitters, now they want more. This will create a high price for hunting and it will cause closure of more land.

Jim Kehr said this bill is discriminatory because only people that have money will be able to afford hunting in Montana. Outfitters are expecting too much and causing too many complications.

Don Miller said wage earners of this state should be given more consideration. Let's not make Montana a permit-only hunting state.

Informational Testimony:

Pat Graham, FWP, pointed out the potential benefits and limitations of this legislation. **EXHIBIT 8**

Closing by Sponsor:

REP. SCHYE said this bill does not affect resident licenses, only nonresident licenses. This is a fairness bill. These outfitters are taxpayers and need business stability. They have a legitimate problem.

HEARING ON HOUSE BILL 623

Presentation and Opening Statement by Sponsor:

REP. BEN COHEN, House District 3, Whitefish, said people resent paying fees to use state parks. Fee collection has not earned the revenue that the department anticipated and it is costing too much money to collect these fees. The Conservation Corps was mandated, but FWP decided to put these dollars into their parks operation budget and lost federal funding. The Conservation Corps could have helped maintain parks. The coal tax revenue should be utilized for these parks. He reviewed the fiscal note and budget informational documents. **EXHIBIT 9**

Proponents' Testimony:

Wayne Hirst, Montana State Parks Foundation, supports this bill. **EXHIBIT 10**

Chester Kinsey, MSCA, supports this bill because some low income and senior citizen can't afford park fees.

Lloyd Anderson said he supports the bill because fees are too high for the facilities offered. There has been a decrease in campsite usage.

Clyde Daily, Montana Senior Citizens Association, said the fee system is ridiculous and wants to return to the old system. Another way needs to be found to fund these parks.

Cliff Stevens said some people can't afford the fees, such as welfare recipients. It is costing the department too much to collect these fees.

REP. PHILLIPS said there are many people opposed to park fees so attendance has dropped. The slight increase in revenue is not worth the harassment to citizens.

George Ochenski, Montana State Parks Foundation, said park access should not be based on the ability to pay. **EXHIBIT 11**

REP. BRUCE MEASURE said these fees offend him and are not cost effective.

REP. ED GRADY supports this bill.

Opponents' Testimony:

Don Miller is opposed to HB 623. Fees should not be the same for everyone. There have not been any improvements made at park sites.

Informational Testimony:

Pat Graham, FWP, presented testimony. **EXHIBIT 12**

Closing by Sponsor:

REP. COHEN said the department wants to manage parks, not collect fees. There is a confidence crisis and decreased use of state parks. The fee system is not working. Why are dollars being spent on tourism, but not state parks?

HEARING ON HOUSE BILL 563

Presentation and Opening Statement by Sponsor:

REP. DICK KNOX, House District 29, Winifred, said this bill revises the elk license and special elk permit landowner preference system by requiring that a person issued a license or permit under the preference shall own or be contracting to purchase the land rather than that the land be held in fee title. A person who owns or is contracting to purchase 640 acres or more of contiguous land, at least some of which is used by elk, in a hunting district where Class A-7 licenses are awarded under this section must be issued, upon application, a Class A-7 license.

Proponents' Testimony:

Pat Graham, FWP, supports HB 563. **EXHIBIT 13**

Jim Kehr supports this bill if amended. On page 2, line 7, insert "antlerless elk" so it would read "no person may take more than one antlerless elk during any license year".

Ron Bugini, Prickly Pear Sportsmen, supports this bill if the landowner preference law clarifies it is for cow elk or antlerless elk and would like the bill amended. **EXHIBIT 14**

Gary Sturn, Prickly Pear Sportsmen, said this is a good bill but needs to clarify bull elk permits. **EXHIBIT 15**

Valerie Horton, Montana Wildlife Federation, supports this bill with the amendments.

J.A. Kummer, Prickly Pear Sportsmen, said this is a good bill.

Opponents' Testimony: none

Questions From Committee Members:

REP. PHILLIPS asked if the suggested amendments fit into the title. **Mr. Sternberg** said it would be questionable if they are within the scope of this bill, which basically changes the requirements for ownership of the property in order to qualify for landowner preference. **REP. PHILLIPS** asked if the Fish and Game Commission has the authority to regulate these permits as they see fit. **Mr. Graham** said when the law was passed all that was being issued were cow permits, but there is now one district where bull permits are being issued. It doesn't distinguish, as it is written, between cow and bull elk. **REP. FRED DAILY** asked Mr. Graham if the intention of special permits for landowner preference was for antlerless elk. **Mr. Graham** said as a result of the law, whether bull or antlerless, the same provisions apply. **REP. DAILY** asked if the commission now has the authority to make special permits antlerless. **Mr. Graham** said that would not accomplish the management objective the department is trying to achieve by regulating bull harvest by issuing permits. The department does not want to get into special permit situations, but in some areas it is necessary. **REP. MARIAN HANSEN** said now the landowner can get a preference for deer or antelope if he is just buying his land, but if he seeks a landowner preference for elk, he has to have paid for his land. This bill only changes it to say if he is buying land he can get landowner preference for elk. **REP. KNOX** said that is correct. **REP. ELLISON** said the amendment does not fit in this bill. **CHAIRMAN ELLIOTT** made a ruling that the amendment does not fit into the scope of the title.

Closing by Sponsor:

REP. KNOX said it is a cow only permit and that is the intent. FWP should have the authority to manage areas if special situations arise where they want to grant antlerless bull permits.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 19

Motion: REP. VERNON KELLER MOVED HJR 19 DO PASS.

Motion/Vote: REP. MEASURE MADE A SUBSTITUTE MOTION TO TABLE HJR 19. Motion failed 8 - 8. **EXHIBIT 16**

Motion: REP. ELLISON MOVED HJR 19 DO PASS.

Discussion:

REP. ELLISON said with this bill FWP would have to set priorities on how to handle each park. **REP. MEASURE** said this bill will not do any good. It could snowball and get rid of too many parks. **REP. KELLER** said a study is needed. **REP. BOB GILBERT** said this study is needed in order to decide which parks need to be disposed of. An amendment is needed requiring that results of the study be provided to the 1993 legislature.

Motion: **REP. PHILLIPS** moved to adopt the amendment. **EXHIBIT 17**

Discussion:

Mr. Sternberg explained the amendment. **REP. ELLISON** said it is a good amendment because people would realize that some parks will be lost. **REP. MEASURE** disliked the idea of getting rid of any land. **REP. BEV BARNHART** said this is a resolution urging a study and the amendment does not fit. **Mr. Sternberg** said the bill states what type of study the department should do and also sets out a statement of legislative intent to relate how the study would be applied in funding and classification.

Vote: Motion to adopt amendment carried unanimously.

Motion/Vote: **REP. ELLISON MOVED HJR 19 DO PASS AS AMENDED.** Motion carried 9 - 7. **EXHIBIT 18**

EXECUTIVE ACTION ON HOUSE BILL 563

Motion/Vote: **REP. ELLISON MOVED HB 563 DO PASS.** Motion carried 14 - 2 with Reps. Daily and Schye voting no.

EXECUTIVE ACTION ON HOUSE BILL 615

Motion: **REP. ROGER DEBRUYCKER MOVED HB 615 DO PASS.**

Discussion:

REP. BEA MCCARTHY asked if the new section on page 2, line 10, would change the fee to $20 and whether that is the only change. **Mr. Sternberg** said the 3-day nonresident stamp is a new and separate category of license. **REP. MCCARTHY** said a nonresident can still buy a full season bird license for $53. How many times during the year could a 3-day stamp be purchased? **Mr. Sternberg** said as many as a person wants. **REP. DAILY** said he is opposed to the bill due to opening Montana up to fee hunting.

Motion/Vote: **REP. DAILY MADE A SUBSTITUTE MOTION TO TABLE HB 615.** Motion failed 7 - 9. **EXHIBIT 19**

Discussion:

REP. DEBRUYCKER asked if within scope of the title game farms could be changed to 20 to 30 miles apart instead of 10. **Mr. Sternberg** said the issue has been raised in another bill and the committee will have a chance to address it. **REP. DEBRUYCKER** said he would like the distance apart increased so we don't end up with so many hunting preserves that it closes the whole state. This is a good bill. It will increase game farm revenue.

Vote: HB 615 DO PASS. Motion carried 9 - 7. **EXHIBIT 20**

EXECUTIVE ACTION ON HOUSE BILL 31

Motion/Vote: REP. DEBRUYCKER MOVED HB 31 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 495

Motion/Vote: REP. MEASURE MOVED TO TAKE HB 495 OFF THE TABLE. Motion failed 5 - 11.

ADJOURNMENT

Adjournment: 5:30 a.m.

Jim Elliott, Chair

Ginger Puntenney, Secretary

JE/gp

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL **DATE** 2-14-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN	✓		
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER	✓		
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH			✓
REP. JIM ELLIOTT, CHAIRMAN	✓		

CS05FISH&G.MAN

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Mr. Speaker: We, the committee on Fish and Game report that House Joint Resolution 19 (first reading copy -- white) do pass as amended .

Signed: _____

Jim Elliott, Chairman

And, that such amendments read:

1. Page 3, line 7.
Following: line 6
Insert: "(2) including a method for citizen review of the disposal of any state park as an element of the study;"
Renumber: subsequent subsections

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Mr. Speaker: We, the committee on Fish and Game report that House Bill 563 (first reading copy -- white) do pass .

Signed: _____

Jim Elliott, Chairman

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Mr. Speaker: We, the committee on Fish and Game report that House Bill 615 (first reading copy -- white) do pass .

Signed: _____

Jim Elliott, Chairman

EXHIBIT 1
DATE 2-14-91
HB 615

(1)

HB 615
February 14, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks

HB 615 provides for a three-day nonresident shooting preserve stamp and extends the shooting preserve season by three months.

In previous testimony before this committee on HB 31, our department stated we would not object to an extension of the shooting preserve season to the period from September 1 through March 31. We also supported the concept of the three-day nonresident shooting preserve stamp.

EXHIBIT 2
DATE 2-14-91
HB HJR 19

(2)

HJR 19
February 14, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks

The resolution presented by Representative Wallin is valuable because it raises the issue of balancing funding with the amount of land in the State Park System. It also raises this issue in the appropriate forum, the State Legislature. The plight of the State Park System has been well publicized over the last two years.

Montana's Parks System is in a serious state of degradation. Since 1975, 15 parks have been added to the system with legislative approval. During this time visitation has doubled, but funding has declined.

The State Park Futures Committee, appointed to address the parks dilemma, concluded that $4 to $6 million dollars per year would be needed to preserve and rehabilitate our State Park System to a healthy condition over the next five years. An alternative to adequately funding the system is to reduce the size of the system. This balancing could involve eliminating lower priority sites. HJR 19 addresses this alternative.

In your deliberations on this matter, we ask you to consider the following:

- Because of low revenues and budget cutbacks over the last several years, we have already reduced or eliminated spending on low priority sites.

- In an effort to assess the viability of the park system in the presence of declining funding sources, an independent consultant was hired to study Montana's State Park System several years ago. The study concluded that of over 60 sites which we still retain, only eight are inappropriate for our system. Divesting the system of these sites would produce a net savings to the Parks Division of about $80,000.

- Most of the eight sites identified by the consultant's report are more appropriate as city or county parks. We have already contacted local governments and offered them the chance to manage these sites - for example, Lake Elmo in Billings and Spring Meadow Lake in Helena. In only two cases has this offer been accepted (East Gallatin in Bozeman and Les Mason on Whitefish Lake). In every other case, local government cannot afford to assume the parks.

- Federal Land and Water Conservation Funds have been used for acquisition and development on 95 percent of our sites. This program requires that if a site is taken out of public park use it must be replaced with park land of equal value and

(4)

EXHIBIT 3
DATE 2-14-91
HB HB 611

House Fish and Game Committee February 14, 1991

HB611 Support X

Mr. Chairman, members of the committee for your information my name is Paul Cornwell. I am a rancher and a licensed outfitter from Glasgow.

I am on the Board of Directors of the Valley County Sportsmens club. I have a letter supporting HB 611 from the club, signed by the President.

A copy of that letter was previously mailed to all members of the House and Senate Fish and Game Committees.

The Valley County Sportsmens club has a membership of 240 landowners, hunters and outfitters who represent a good cross section of the residents of Valley, Roosevelt, McCone and Phillips counties.

The membership of the club endorses this bill because it will not effect the land owner preference on antelope licenses, doesn't go beyond the 10% set aside for non-resident hunters and will not increase the number of licenses available to the non-resident hunters.

We need this legislation to increase stability in the antelope hunting segment of the industry which will in turn provide benefits to all outfitters and guides and to the economy of our local communities and the state of Montana.

EXHIBIT 4
DATE 2-14-91
HB 611

(5)

House Fish and Game Committee February 14, 1991

HB611 Support

Mr. Chairman, members of the committee my name is Roy Ereaux and I am an Outfitter from the Malta area.

I am here to support HB611. I have with me a letter from support from the Phillips Livestock Association and the Malta area Chamber of Commerce, strongly in favor of the passage of this bill.

In view of the financial conditions of the state in general and the county in particular, it strikes me as good economical sense to support a state industry which brings into the state $115M annually from out of state sources. One facet of our industry namely, antelope hunting is starting a precedence which if allowed to continue, will be economically detrimental to outfitters in this area as well as outfitters from the west who use antelope and deer hunting in the Eastern part of Montana to maximize their business.

In past years securing a permit by an out of state hunter, wanting to hunt with a licensed outfitter was merely a matter of applying correctly for the license. Last year, in 1990, the results of the antelope drawings started to take a toll on would be outfitter clients.

To you members who are unfamiliar with the outfitting industry, booking clients is your bread and butter. When you book a group of clients in March for a hunt in October and

find out in August that they cannot draw a license it is generally too late to fill the slot and you are just out that income.

In Montana out of state hunters are already limited to 10% of the quota of permits issued for the district.

What we are asking for in this bill is to give us a chance at 50% of the 10% in order to provide some stability in our industry in our part of the state .

At this time this effects only a portion of the districts involved. Two years ago it effected none!

This is merely the tip of the iceberg and in time will effect all districts.

There is no need to wait for this to effect to more outfitting families and their incomes. The time to address this issue is now.

There are those who say this will establish a precedent. If this is the case, it will be a precedent that will benefit the outfittings industry as well as the people of Montana.

Please support HB611.

EXHIBIT 4
DATE 2-14-91
HB 611

Phillips County Livestock Association

Malta, Montana

February 13, 1991

To Whom It May Concern:

The Phillips County Livestock Association supports House Bill No. 611. We feel that it will benifit our community and more wildlife will be harvested. we seem to be still overrun with antelope after the 1990 hunting season.

Lary Poulton
Secretary

EXHIBIT 4
DATE 2-14-91
HB 611

Malta Area Chamber of Commerce

Drawer GG - Malta, Montana 59538

February 12, 1991

House Fish and Game Sub-Committee
Capitol Station
Helena, MT 59620

Ladies and Gentlemen:

The Malta Area Chamber of Commerce and Agriculture would like to go on record in support of House Bill 611 as introduced by Representative Ted Schye. We urge your support and passage of the proposed amendment to reserve a portion of the licenses available to nonresident applicants who will use the services of a Montana licensed outfitter.

Sincerely,

Curtis Starr
President

EXHIBIT 5
DATE 2-14-91
HB 611

(6)

House Fish and Game Committee
HB 611 Support

Febuary 14, 1990

My name is Jack Billingsley, I am a rancher from Glasgow where we operate an outfitting business in conjunction with our ranch.

I am a proponent of H.B. 611.

In past years we have been licensing antelope hunters with no problems and have seen licenses left over after the draw. 1990 saw things change drastically. The following are figures I received from the Region 6 Department of Fish, Wildlife and Parks office in Glasgow:

Area	Total Quota	10% Non R. Quota	Non R. Applicants	Non R. Unsuccess	Resident Applicants
620	1500	150	460	310	2459
630	1200	120	516	396	1184
670	700	70	158	88	688

Five Valley and Phillips County outfitters had the following success in the 1990 antelope draw with their booked hunters: 50%, 30%, 25%, 23%, 0%.

In 1990 our outfitting business lost $12,000 Because of unsuccessful applicants in the Antelope Draw.

Any loss of outfitted hunters decreases the 115 million dollar economic impact of the outfitting industry in Montana.

Antelope hunters send in booking deposits and license fees by June 1st. Notification is in late August for the hunter who is unsuccessful in obtaining an antelope license. If unsuccessful the hunter must cancel the hunting vacation time and travel arrangements. After several months of planning it is very disappointing to cancel a long looked forward to hunt. In most cases it is to late for the hunter to make alternate plans.

Hunters become very difficult to book when there is uncertainty in obtaining an antelope license. This in turn creates a financial loss to the outfitter (its to late to fill the cancelled booking) and a loss of tourism dollars to the State of Montana.

Thank you.

Feb. 18,1990

Fish and Game Committee Members
Montana House of Representatives
Capitol Station
Helena, MT 59620

Fish and Game Committee Member:

I am writing to urge your support of H.B. 611.

The hearing on H.B. 611 (Feb. 14, 1990) heard testimony that did not address the facts of the bill nor did the oponents substantiate their claims.

Let me clarify again that the bill is not asking for a set aside of any additional licenses. It is asking for 50% outfitter use of the present 10% nonresident quota for antelope tags. This is not taking away any licenses from resident hunters.

The Valley Sportsman Club of Northeast Montana has sent a letter of support for this bill.

Unsucessful clients, in the draw, created a $12,000 loss in 1990 to our business. If we draw at the same percent of sucess in 1991 we stand to lose $25,000 in booked hunters.

Please consider these facts and support H.B. 611.

Thank you.

Sincerely,

Jack Billingsley

Jack Billingsley
Glasgow, MT. 59230

EXHIBIT 6
DATE 2-14-91
HB 611

VALLEY COUNTY SPORTSMEN'S CLUB
P.O. Box 664
Glasgow, Montana 59230

January 24, 1991

House of Representatives
Fish & Game Committee
Capitol Station
Helena, Montana 59601

Representative Jim Elliot, Chairman,

The Valley County Sportsmen's Club supports any legislation regarding L.C. 1862 in the context that it would allow (50%) fifty percent of the Non-resident Antelope hunting licenses be allocated to Licensed Outfitters.

Thank you,

Steve Schindler
Pres. VCSC

EXHIBIT 7 (8)
DATE 2-11-91
HB 611

WITNESS STATEMENT

NAME Gary Sturm BILL NO. HB 611

ADDRESS 146 Briarwood, Helena MT 59601

WHOM DO YOU REPRESENT? Prickly Pear Sportsmen Association

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: We are strongly opposed to this bill. We can not support further commercialization of our wildlife resources. Within the recognized 10 percent allocation of special permits to non-residents, we believe all applicants should have an equal opportunity to draw a permit regardless of whether or not they can afford to hire an outfitter. This is simplely a matter of fairness. This bill is not fair. We urge you not to pass this bill.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

EXHIBIT 8
DATE 2-14-91
HB 611

E (9)

HB 611
February 14, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks

HB 611 proposes to set aside one-half of the nonresident antelope quota for clients of outfitters. The department would like to point out both the potential benefits and limitations of this legislation.

Potential benefits of HB 611 could include:

- Reducing the problem some outfitters' clients have in drawing antelope permits each year in portions of northeastern Montana.
- Providing more guaranteed and stable business for outfitters.
- Improving department/outfitter relations.

Drawbacks with HB 611 could include:

- A potential reduction in the success of drawing antelope licenses for residents and non-outfitted nonresidents.
- The risk of significantly increasing errors by adding another preference to an already complex drawing system. This would also increase our costs.
- The creation of a competition for drawing preference between landowners and outfitters.
- Potential increased leasing of land by outfitters, reducing hunting opportunities for non-outfitted hunters.

We recognize these outfitters have a concern in three hunting districts. However, the majority of nonresidents (82%) are successful in the drawings.

The department would attempt to implement HB 611 if the committee feels these tradeoffs are appropriate, and could provide options for implementation and the associated costs. We did not do that today because of the complexity of this process. A separate fact sheet is also attached.

If the committee chooses not to support HB 611, we would commit to working more closely with these outfitters in an attempt to reduce their problems.

FACT SHEET

HB 6B 611
Antelope License Drawing Process

1. Residents represent 85% and nonresidents 15% of the applicants for antelope permits in 72 districts.

2. Nonresidents are limited to, but not guaranteed, up to 10% of permits in each hunting district.

3. Because there are more permits than resident applicants in some districts, nonresidents actually received 16% of the permits in 1990.

4. Also in 1990, 82% of the nonresidents, 72% of the residents, and 86% of the landowner applicants received a license.

5. 77% of the nonresidents received a permit in the district they preferred.

SPONSOR'S FISCAL NOTE

Form BD-15S

There is hereby submitted a Sponsor's Fiscal Note for: HB 0623, Version: As introduced

DESCRIPTION OF PROPOSED LEGISLATION:
An act providing for free access to state parks by eliminating park entrance and camping fees; replaci this fee revenue with a portion of the coal severance tax interest income.

ASSUMPTIONS:
1. Coal tax trust fund interest earnings will be $49,234,000 and $51,155,000 in FY92 & FY93,respectiv
2. If the proposal is adopted, 1.3% of the interest earnings of the coal trust fund would be allocated to the parks fund, 15% to the school foundation program, and the remainder to the general fund.
3. State employees shall receive a 4% raise in pay and benefits in FY92 and FY93.
4. The Department will no longer incur collection costs.

FISCAL IMPACT:

Fish, Wildlife and Parks:

Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Differenc
Operating costs (see attached)	490,785	0	(490,785)	510,416	0	(510,416
Capital outlay-code #6817	34,000	0	(34,000)	34,000	0	(34,000
Total	524,785	0	(524,785)	544,416	0	(544,416
Funding:						
State Special Revenue	524,785		(524,785)	544,416		(544,416
Revenues:						
Entrance & camping fees	575,000	0	(575,000)	600,000	0	(600,000
Coal tax trust interest	41,858,900	41,208,858	(640,042)	43,481,750	42,816,735	(665,015
School foundation	7,385,100	7,385,100	0	7,673,250	7,673,250	0
Parks fund	0	640,042	640,042	0	665,015	665,01
Total	48,809,000	49,234,000	(575,000)	51,755,000	51,155,000	(600,00

EFFECT ON OTHER REVENUES AND EXPENDITURES:
The proposal would allocate 1.3% of the interest income from the coal severance tax trust fund to the state special revenue fund for state parks, thus reducing the percentage available for other uses. The department would no longer pay the 4% accomodations tax on camping fees (about $7,390 for 199

ADDITIONAL FISCAL NOTES ATTACHED-see pg. 2

2/14/91
PRIMARY SPONSOR DATE

Fiscal Note for: _____ Version: _____

DATE 2-14-91
HB 623

Exhibit A

Montana State Park System

Fee System Personnel Costs

FY 91

Region #1	$105,999
Region #2	54,080
Region #3	72,547
Region #4	57,144
Region #5	79,106
Region #7	30,842
Region #8	72,191
Personnel costs	471,909
Plus, Code #6817	34,000
Total Fee System Costs =	$505,909

Note: Code #6817 is Fee System code for purchases, ect.

EXHIBIT 9
DATE 2-14-91
HB 623

Fee System Personel Costs
From FWP Position Control Reports dated 11/30/90
Budgeted for FY91
Region #1 - Kalsipell
(No longevity included)

Employee Budget Code	Position Descrip.	Wages	Benefits	Total	% to Fee Sys.	Total
16101	Reg. Manager	34,135	6,859	40,994	20%	8,199
16102	Mtnce. Supr. II	21,950	5,961	27,911	20%	5,582
16103	Mtnce. Wkr. III	17,083	5,034	22,117	10%	2,212
16104	Laborer III	6,892	3,095	9,987	50%	4,993
16105	Park Op. Spec. I	19,234	4,644	23,878	30%	7,163
16112	Laborer III	10,550	3,801	14,351	20%	2,870
26101	"	4,403	968	5,371	30%	1,611
26102	"	138	20	158	30%	47
26103	"	4,687	1,515	6,202	30%	1,861
26104	"	4,686	881	5.567	30%	1,670
26107	"	5,396	1,029	6,425	30%	1,927
26108	Mtnce. Wkr. III	8,545	2,560	11,105	10%	1,110
26109	Laborer I	3,910	1,330	5,240	50%	2,620
26110	"	2,290	770	3,060	50%	1,530
26111	"	4,239	1,401	5,640	50%	2,820
26112	"	1,248	439	1,687	50%	843
26113	"	4,980	1,580	6,560	50%	3,280
26114	"	9,407	3,075	12,482	30%	3,745
26115	"	2,609	491	3,100	50%	1,550
26116	"	4,239	918	5,157	"	2,578
26117	"	3,404	1,197	4,601	"	2,300
26118	"	1,428	476	1,904	"	952
26119	"	1,135	232	1,367	"	683
26120	"	2,370	520	2,890	"	1,445
26121	"	6,956	2,223	9,179	"	4,589
26122	"	7,036	2,270	9,306	"	4,653
26123	"	2,199	325	2,524	"	1,262
26124	"	3,910	1,330	5,240	"	2,620
26125	"	3,989	1,352	5,341	"	2,670
26127	"	2,836	997	3,833	"	1,916
26128	"	6,811	2,080	8,891	"	4,445
26129	"	2,042	252	2,294	"	1,147
26130	"	3,631	1,276	4,907	"	2,453
26132	"	987	217	1,204	"	602
26133	"	3,909	579	4,488	"	2,244
26134	"	1,248	439	1,687	"	843
26137	"	2,491	877	3,368	"	1,684
26139	"	3,665	1,246	4,911	"	2,455
26142	"	5,737	1,946	7,683	"	3,841
26144	"	3,858	1,356	5,214	"	2,607
26148	"	3,898	856	4,754	"	2,377
Total for Reg. #1 Fee System Personel Costs					=	105,999

Fee System Personel Costs
From FWP Position Control Report dated 11/30/90
Budgeted for FY91
Region #2 - Missoula
(No Longevity included)

Employee Budget Code	Position Descrip.	Wages	Benefits	Total	% to Fee Sys.	Total
16201	Park Mgr.	26,618	6,848	33,466	20%	6,693
16202	Op. Supv. I	22,648	5,801	28,449	30%	8,550
16203	Mtnce. Supr. I	22,131	6,023	28,154	10%	2,815
16204	Not Classified	4,424	654	5,078	***	***
26201	Lab. III	4,111	902	5,013	50%	2,507
26202	Lab. I	2,369	520	2,889	50%	1,445
26203	"	2,559	561	3,120	50%	1,560
26204	"	6,109	1,997	8,106	50%	4,053
26205	"	4,221	927	5,148	50%	2,574
26207	"	4,651	1,634	6,285	50%	3,142
26208	"	3,665	688	4,353	50%	2,176
26210	"	6,031	1,152	7,183	50%	3,591
26211	"	5,131	964	6,095	50%	3,047
26212	"	5,131	1,745	6,876	50%	3,438
26216	Mtnce. Wkr. III	10,113	2,985	13,098	10%	1,310
26221	Lab. I	3,665	453	4,118	50%	2,059
26223	"	2,565	379	2,944	50%	1,472
26224	"	1,955	289	2,244	50%	1,122
26225	"	1,954	367	2,321	50%	1,160
26226	Lab. III	2,049	683	2,732	50%	1,366
Total for Reg. #2 Fee System Personel Costs					=	54,080

*** - Not classified, but budgeted, employees cannot be allocated to fee system costs, as their duties are not identified.

EXHIBIT 9
DATE 2-14-91
HB 623

Fee System Personel Costs
From FWP Positon Control Report dated 11/30/90
Budgeted for FY91
Region #3 - Bozeman
(No longevity included)

Employee Budget Code	Position Descrip.	Wages	Benefits	Total	% to Fee Sys.	Total
16301	Park Mgr.	32,766	10,694	43,460	20%	8,692
16303	Op. Supv. I	26,530	6,665	33,195	30%	9,958
16304	Op. Spec. II	21,087	5,798	26,885	30%	8,065
16305	Op. Spec. I	13,518	4,381	17,899	30%	5,370
16307	Mtnce. Supv. I	20,841	5,775	26,616	10%	2,662
16308	Op. Spec. I	18,508	5,143	23,651	30%	7,095
16309	Mtnce. Wkr. III	19,182	5,495	24,677	10%	2,468
26313	Lab. I	3,909	599	4,508	50%	2,254
26322	"	2,986	566	3,552	50%	1,776
26323	"	122	17	139	50%	70
26324	"	3,543	683	4,226	50%	2,113
26325	"	3,543	666	4,209	50%	2,104
26327	"	1,404	308	1,712	50%	856
26332	Not Classified	4,155	913	5,068	***	***
26334	Lab. III	6,641	1,267	7,908	50%	3,954
26335	Lab. I	5,859	1,112	6,971	50%	3,485
26339	"	3,454	758	4,212	50%	2,106
26340	"	1,776	390	2,166	50%	1,083
26341	"	2,083	749	2,832	50%	1,416
26342	"	3,407	749	4,156	50%	2,078
26343	Mtnce. Wkr. III	13,704	4,571	18,275	10%	1,828
26346	Lab. I	3,543	666	4,209	50%	2,104
26352	Lab. I	1,701	319	2,020	50%	1,010
Total for Reg. #3 Fee System Personel Costs					=	72,547

*** - Not classified, but budgeted, employees cannot be allocated to fee system costs, as their duties are not identified.

Note - Tour Guide labor costs of 76,478, for Lewis & Clark Caverns, are not included above, as they concentrate on Cavern tours.

Fee System Personel Costs
From FWP Position Control Report dated 11/30/90
Budgeted for FY91
Region #4 - Great Falls
(No longevity included)

Employee Budget Code	Position Descrip.	Wages	Benefits	Total	% to Fee Sys.	Total
16401	Park Mgr.	31,437	7,520	38,957	20%	7,791
16402	Mtnce. Supv. I	24,515	6,632	31,147	10%	3,115
16404	Mtnce. Wrk. III	16,744	4,949	21,693	10%	2,169
16410	Op. Spec. I	20,428	5,668	26,096	30%	7,829
26401	Lab. III	3,515	439	3,954	50%	1,977
26402	Lab. I	4,642	873	5,515	50%	2,757
26403	Lab. III	4,399	967	5,366	50%	2,683
26404	Lab. I	2,758	527	3,285	50%	1,642
26406	Lab. I	2,839	358	3,197	50%	1,598
26407	Lab. III	8,467	3,405	11,872	30%	3,562
26408	Lab. I	9,140	3,533	12,673	30%	3,802
26412	Lab. III	2,544	559	3,103	50%	1,551
26414	Lab. I	4,276	632	4,908	50%	2,454
26415	Lab. III	4,019	761	4,780	50%	2,390
26416	Lab. I	4,021	769	4,790	50%	2,395
26417	"	3,909	736	4,645	50%	2,322
26418	Not Classified	5,736	848	6,584	***	***
26420	"	3,722	550	4,272	***	***
26421	Lab. III	4,018	761	4,779	50%	2,389
26424	Pk. Patrol Off.	11,831	3,896	15,527	30%	4,718
Total for Reg. #4 Fee System Personel Costs					=	57,144

*** - Not classified, but budgeted, employees cannot be allocated to fee system costs, as their duties are not identified.

EXHIBIT 9
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Fee System Personel Costs
From FWP Position Control Report dated 11/30/90
Budgeted for FY91
Region #5 - Billings
(No longevity included)

Employee Budget Code	Position Descrip.	Wages	Benefits	Total	% to Fee Sys.	Total
16501	Park Mgr.	32,766	7,761	40,527	20%	8,105
16502	Mtnce. Supv. I	22,580	6,173	28,753	10%	2,875
16503	Op. Spec. II	26,426	6,901	33,327	30%	9,998
16504	Op. Spec. I	20,020	5,591	25,611	30%	7,683
16505	Op. Spec. II	21,515	5,879	27,394	30%	8,218
26501	Lab. III	134	29	163	50%	81
26502	Lab. I	1,973	433	2,406	50%	1,203
26503	Lab. III	5,072	1,115	6,187	50%	3,093
26504	Lab. I	119	26	145	50%	72
26505	"	2,867	544	3,411	50%	1,705
26506	Lab. III	4,267	938	5,205	50%	2,602
26507	Lab. I	946	208	1,154	50%	577
26508	"	1,832	227	2,059	50%	1,029
26509	Lab. III	7,582	3,226	10,808	30%	3,242
26510	"	8,236	2,633	10,869	30%	3,260
26511	Off. Clerk	1,832	271	2,103	0%	0
26512	Research Aide	2,068	306	2,374	0%	0
26513	Lab. I	5,331	1,002	6,333	50%	3,166
26514	"	122	17	139	50%	69
26515	Lab. III	7,306	3,174	10,480	30%	3,144
26516	Lab. I	2,687	398	3,085	50%	1,542
26517	"	2,688	914	3,602	50%	1,801
26518	"	2,495	468	2,963	50%	1,481
26519	"	2,687	398	3,085	50%	1,542
26520	"	3,782	832	4,614	50%	2,307
26521	"	6,964	2,275	9,239	30%	2,772
26522	"	2,495	468	2,963	50%	1,481
26523	Lab. III	4,962	733	5,695	50%	2,847
26525	Lab. I	1,655	364	2,079	50%	1,039
26526	"	3,565	779	4,344	50%	2,172
26531	Not Classified	10,542	3,065	13,607	***	***
Total for Reg. #5 Fee System Personel Costs					=	79,106

*** - Not classified, but budgeted, employees cannot be allocated to fee system costs, as their duties are not identified.

Fee System Personel Costs
From FWP Position Control Report dated 11/30/90
Budgeted for FY91
Region #7 - Miles City
(No longevity included)

Employee Budget Code	Position Descrip.	Wages	Benefits	Total	% to Fee Sys.	Total
16701	Park Mgr.	25,449	6,392	31,841	15%	4,776
16702	Op. Spec. I	17,867	4,447	22,314	30%	6,694
16703	Mtnce. Sup. I	19,623	5,507	25,130	10%	2,513
16704	Op. Spec. I	19,234	5,415	24,649	30%	7,395
26701	Lab. III	5,889	1,108	6,997	10%	700
26702	Lab. I	3,787	711	4,498	20%	900
26703	"	4,886	919	5,805	20%	1,161
26704	"	4,990	618	5,608	20%	1,122
26705	"	4,764	895	5,659	20%	1,132
26706	"	4,886	919	5,805	30%	1,742
26708	"	5,235	993	6,228	30%	1,868
26709	Pk. Patrol Off.	2,292	504	2,796	30%	839
Total for Reg. #7 Fee System Personel Costs					=	30,842

Note - The Miles City Region has a much higher percentage of time spent on maintaining fishing access sites than any other region. Thus, percentages allocated to fee system costs are lower than any other region.

EXHIBIT 9
DATE 2-14-91
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Fee System Personel Costs
From FWP Position Control Report dated 11/30/90
Budgeted for FY91
Region #8 - Helena (Administration)
(No longevity included)

Employee Budget Code	Position Descrip.	Wages	Benefits	Total	% to Fee Sys.	Total
16801	Div. Admin.	39,119	7,678	46,797	10%	4,680
16802	Admin Asst. (D. Monger)	29,016	6,092	35,108	20%	7,022
16804	Admin. Asst. (J. Domino)	20,669	4,878	25,547	80%	20,438
16805	Admin. Asst. (J. Tiberi)	34,243	7,039	41,282	50%	20,641
16808	Clerical	17,083	4,344	21,427	0%	0
16809	Clerical	11,006	2,977	13,983	10%	1,398
16813	Project Evaluator	3,642	946	4,588	0%	0
16814	Admin. Off. I	24,829	5,599	30,428	0%	0
16817	Admin. Asst. II	22,470	5,122	27,592	***	***
16820	Prog. Off. I	22,471	6,073	28,544	50%	14,272
16830	Admin. Off. (G. Olheiser)	30,880	6,524	37,404	10%	3,740
26819	Spec. Asst. (D. Hyppa)	40,758	9,882	50,640	0%	0
26838	Drafter III	16,745	4,280	21,025	***	***
Total for Reg. #8 Fee System Personel Costs					=	72,191

*** - These positions are not filled, ect., and so are not included in the above costs, as their exact job duties are unknown, so an accurate estimation of time spent related to fees cannot be done.

Exhibit B

PARKS DIVISION BUDGET REDUCTIONS -- FY90
(note: Coal Tax, Parks Earned Revenue and Boat Fuel Tax only)
January, 1990
BUDGET\90REDUCT
H5

FY 90 - 286,009 Budget reduction.

Project: TOTAL PARKS DIVISION

	02408 Coal Tax	02411 Parks Earned Revenue	02412 Boat Fuel Tax	Total
12/31/89 balance	559,219	560,747	342,841	1,462,807
Reductions by Responsibility center:				
6122	(655)	(454)	0	(1,109)
6123	(1,565)	(726)	0	(2,291)
6141	0	(2,303)	(2,093)	(4,396)
6142	0	(23)	(27)	(50)
6143	0	(47)	(51)	(98)
6244	(4,437)	0	0	(4,437)
6331	(56)	(83)	0	(139)
6332	(3,234)	(1,342)	0	(4,576)
6333	(855)	0	0	(855)
6423	(9,000)	0	0	(9,000)
6431	(263)	0	0	(263)
6435	(783)	0	0	(783)
6442	0	(1,027)	(1,386)	(2,413)
6521	(17)	(106)	0	(123)
6532	(1,203)	(638)	0	(1,841)
6544	0	(1,808)	(1,988)	(3,796)
6545	0	(147)	(853)	(1,000)
6721	(2,000)	(941)	0	(2,941)
6731	(1,269)	0	0	(1,269)
6802	(41,492)	(6,557)	(28,275)	(76,324)
6808	(4,000)	0	0	(4,000)
6812	(18,013)	(7,987)	0	(26,000)
6814	0	0	(26,000)	(26,000)
6817	(5,682)	(4,318)	0	(10,000)
6818	0	(95,000)	0	(95,000)
6881	(11,961)	0	0	(11,961)
R2 Vacancy Savings:				
6201	(1,891)	(309)	0	(2,445)
6221	(454)	(769)	0	(1,223)
6231	(1,528)	0	0	(1,528)
6241	(2,584)	(3,529)	0	(6,113)
6243	0	(1,528)	0	(1,528)
Total Reductions	(112,944)	(129,640)	(60,673)	(303,502)
Add Ass't.Admin.:				
6801	9,068	6,055	2,369	17,492
Adjusted reductions	(103,875)	(123,585)	(58,304)	(286,009)
Balances	455,344	437,162	284,537	1,176,798

02/08/90

EXHIBIT 10 (cont.)
DATE 2-14-91
HB 623

bit C

udgets - FY89 vs. FY90

lation, Inc.

Y89	FY90	Inc./Dec.	%Chng.
,398* (ough grants)	3,966,029*	857,631	27.6%
,139	971,220	85,081	9.7%
,104	617,267	126,163	25.7%
,917	385,937	67,020	21.0%
,160	1,974,424	278,264	16.4%
,235	454,154	49,919	12.3%
,480	224,637	92,157	69.6%
,246	45,850	6,604	16.8%
,176	216,222	29,046	15.5%
,806	79,868	(30,938)	(27.9%)
,201	55,330	14,129	34.3%
,970	502,890	178,920	55.2%
,234	148,510	135,276	N/A
,890	264,144	104,254	N/A
238	1,991,605	579,367	41.0%

in Budget - 523,523 = 16.8% of total.

in Budget - 614,778 = 15.5% of total.

ng Access Sites)

aise of daily entrance fees
This shows the direction our
y feeling they are being
our parks? To be a system

ntana Conservation Corps,
f additional funds from fee
nployees needed to collect fees.
ove our State Parks, while

to collect the fees. An
on fees, thus taking time
to be funded from other

se our State Parks, due to fees,
to the higher cost of just
s the camping fee).

ve public reaction to the
g of fees, as that is what
. (Example - a person stops
employee for $3 to enter).

manpower effectively?
ction is needed for maintenance?
ermanent employees? The
ienced in park and recreation
at they do best, manage parks.

having more employees?
themselves.

ng each State Park, the
g in the parks and in

EXHIBIT 10
DATE 2-14-91
HB 623

Montana Department of Fish, Wildlife & Parks

1420 East Sixth Avenue
Helena, Montana 59620

January 29, 1991

Representative Edward J. (Ed) Grady
Star Route
Canyon Creek, MT 59633

Dear Representative Grady:

Per your request, the following is information on the State Park Fee Collection System:

A. 1990 Park Season

Total fees collected	=	$ 722,507
Camping	=	192,091
Caverns tours	=	200,416
Entrance fees	=	330,000
Total expenditures to collect fees	=	$ 60,760

B. 1989 Park Season

Total fees collected	=	$ 645,450
Total expenditures to collect fees	=	$ 88,748

It is quite evident that the dollars we spend collecting fees are well worth the return we receive.

Sincerely,

ARNOLD OLSEN
Administrator
Parks Division

ks

c: K. L. Cool
Don Hyyppa

DATE 2-14-91
HB 623

I'm a low income mother. It takes all the money I have to put gas in the car so I can do camping with my boys at times.

The fees going to prime camping spots are a real hardship on low income families that want to spend quality time with their families.

It irritates me, to have to pay fees for what God gave to us free.

Chris Chapman
521 Buckeridge
Helena, MT.

Chairman Elliot, members of Commitee -

I am Mike O'Sullivan a student at Carroll College. I am Here in support of housebill 623. I have found that Montana has much more to offer if the parks & camp grounds are accesable. Quite often on the breaks, students at Carroll head out to the camp grounds. For many - these parks are much easier to look forward to and enjoy if we know that we can afford them.

I Feel this would be an attraction For more out of state students IF they knew their access to this beauty was Free

I am aware of a lady who is on A.F.D.C. who is in support of this bill because she enjoys camping Yet she had a chance to earn extra money cleaning someones house.

I agai encourage you to vote for House bill 623

EXHIBIT 12
DATE 2-14-91
HB 623

HB 623
February 14, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks

I am testifying today neither as a proponent nor an opponent to HB 623. Our testimony will simply address its benefits and limitations from our perspective.

Benefits of HB 623 include:

- State Parks would receive a net increase in income due to:

  - a decrease of collection costs
  - a decrease of administrative time
  - a decrease of physical improvements needed for collection
  - an increase in base earnings - coal tax vs. fees.

- Elimination of fees and increased funding provided by this bill should reduce the number of complaints received from park users who prefer a free park system.

  - fees and roads are the two most common complaints received; increased base revenue could be used to improve roads.

- By reducing fee collection efforts, park employees would have additional time to provide other visitor services.

- The bill will reduce the cost for a visitor to enter or stay in a park, thus making park use more affordable.

- These factors will likely increase use of the Montana State Park System.

The limitations of HB 623 as viewed by our department are:

- With no camping or day use fees, nonresidents would not contribute any funding for state park use. Statewide, 43% of current park use is by nonresidents.

- The bill would result in a reduction of income diversity. Under HB 623, the funding sources for parks would come primarily from coal tax and motorboat fuel tax.

- State Parks could be susceptible to fluctuations or reallocations of the Coal Tax account as the economic or political climates change.

- Resistance to the current fee system is declining, collection efficiency is increasing; therefore, net revenue generation is expected to increase.

EXHIBIT
DATE 2-14-91
HB 563

HB 563
February 14, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks

Landowners are given a preference in the special drawings for elk, deer and antelope. This preference allows 15% of the permits in a hunting district to be issued to landowners before the remaining quota is issued to the general sportsman. This is a benefit provided to landowners in appreciation for providing habitat for wildlife.

To qualify for antelope and deer landowner preference, an individual must own the land in fee title or be contracting for deed to purchase the land.

For elk landowner preference, an individual must own the land in fee title. A person purchasing land through a contract for deed is not eligible for elk preference. This difference is confusing to landowners and is difficult for us to explain. This legislation would make the ownership qualifications similar. We do not anticipate a large increase in the number of landowners who will qualify for elk landowner preference.

We urge your support for HB 563.

EXHIBIT
DATE 2-14-91
HB 563

Montana Department of Fish, Wildlife & Parks

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

FACTS

1989	District 380	1990
75 available permits		75 permits
825 total applicants		1035 total applicants
77 non-resident		101 non-resident
15 landowner pref.		15 landowner pref.

SUCCESSFUL APPLICANTS		SUCCESS
6 non-resident	- 9.09% success	7% non-resident
11 landowner pref.	- 73.33% success	73.77% landowner pref.
58 resident	- 6.91% success	5.6% resident

The resident sportsman is getting little if any chance to hunt this trophy animal. We sportsmen support landowner preference as it was intended by the legislature originally; that was cow elk.

In order to be considered a landowner, you need own only 640 acres. The law now reads that non-resident landowners are eligible for landowner preference. This landowner permit may be transferred to any individual in the family related by blood or marriage. Partnerships may delegate landowner preference to members of the family or employees. A corporation may delegate the landowner preference to a shareholder.

In summary, the law allows most anyone who wants to buy 640 acres of land an opportunity to hunt trophy bulls on a pretty regular basis. The opportunity to hunt moose, sheep and goats by residents has about the same odds as this brow-tine bull season and should be treated accordingly - no special permits for landowners on the bulls. The legislature never intended to allow brow-tine landowner permits, as this type of season had not been implemented when landowner preference was initiated. The department has chosen a broad interpretation of the law.

E

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.

EXHIBIT
DATE 2-14-91
HB 563

WITNESS STATEMENT

NAME Gary Sturm BILL NO. HB 563

ADDRESS 146 Briarwood, Helena MT 59601

WHOM DO YOU REPRESENT? Prickly Pear Sportsmen Ass.

SUPPORT _____ OPPOSE _____ AMEND X

COMMENTS: We would only support this bill, if it is amended to exclude special permits for either sex or antlered bull. We do not believe these highly prized permits should be allocated on any but a totally equitable basis. We do not allow landowner preference for the special moose, sheep or goat. We believe a bull elk is every bit as much a trophy as are these three animals. When the original landowner preference law was enacted, there were no special permits for either sex or antlered bulls. We believe a return to the original intent of this bill is required.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

EXHIBIT 16
DATE 2-14-91
HB HJR 19

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 **BILL NO.** HJR 19 **NUMBER** _____

MOTION: HJR 19 Do Table

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN		✓
REP. BEVERLY BARNHART	✓	
REP. FRED "FRITZ" DAILY	✓	
REP. ROGER DEBRUYCKER		✓
REP. ORVAL ELLISON		✓
REP. GARY FORRESTER	✓	
REP. BOB GILBERT		✓
REP. MARIAN HANSON		✓
REP. VERNON KELLER		✓
REP. BEA MCCARTHY	✓	
REP. BRUCE MEASURE	✓	
REP. JOHN PHILLIPS		✓
REP. TED SCHYE	✓	
REP. JOHN SCOTT		
REP. WILBUR SPRING		✓
REP. BILL STRIZICH	✓	
REP. JIM ELLIOTT, CHAIRMAN	✓	
TOTAL	8	8

EXHIBIT 17
DATE 2-14-91
HB HJR 19

Amendments to House Joint Resolution No. 19
Introduced (White) Reading Copy

For the Committee on F&G

Prepared by Doug Sternberg
February 15, 1991

1. Page 3, line 7.
Following: line 6
Insert: "(2) including a method for citizen review of the disposal of any state park as an element of the study;"
Renumber: subsequent subsections

EXHIBIT 18
DATE 2-14-91
HB HJR 19

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 **BILL NO.** HJR 19 **NUMBER** _____

MOTION: _____

Do Pass as Amended

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN	✓	
REP. BEVERLY BARNHART		✓
REP. FRED "FRITZ" DAILY		✓
REP. ROGER DEBRUYCKER	✓	
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER		✓
REP. BOB GILBERT	✓	
REP. MARIAN HANSON	✓	
REP. VERNON KELLER	✓	
REP. BEA MCCARTHY		✓
REP. BRUCE MEASURE		✓
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE		✓
REP. JOHN SCOTT		✓
REP. WILBUR SPRING	✓	
REP. BILL STRIZICH		
REP. JIM ELLIOTT, CHAIRMAN	✓	
TOTAL	9	7

EXHIBIT 19
DATE 2-14-91
HB 615

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 **BILL NO.** HB 615 **NUMBER**

MOTION:

HB 615 Re Tabled

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN		✓
REP. BEVERLY BARNHART	✓	
REP. FRED "FRITZ" DAILY	✓	
REP. ROGER DEBRUYCKER		✓
REP. ORVAL ELLISON		✓
REP. GARY FORRESTER	✓	
REP. BOB GILBERT		✓
REP. MARIAN HANSON		✓
REP. VERNON KELLER		✓
REP. BEA MCCARTHY	✓	
REP. BRUCE MEASURE	✓	
REP. JOHN PHILLIPS		✓
REP. TED SCHYE	✓	
REP. JOHN SCOTT		✓
REP. WILBUR SPRING		✓
REP. BILL STRIZICH		
REP. JIM ELLIOTT, CHAIRMAN	✓	
TOTAL	7	9

EXHIBIT 20
DATE 2-14-91
HB HB 615

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 **BILL NO.** HB 615 **NUMBER** _____

MOTION: HB 615 Do Pass

NAME	AYE	NO
REP. JOHN JOHNSON, CHAIRMAN	✓	
REP. BEVERLY BARNHART		✓
REP. FRED "FRITZ" DAILY		✓
REP. ROGER DEBRUYCKER	✓	
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER		✓
REP. BOB GILBERT	✓	
REP. MARIAN HANSON	✓	
REP. VERNON KELLER	✓	
REP. BEA MCCARTHY		✓
REP. BRUCE MEASURE		✓
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE		✓
REP. JOHN SCOTT	✓	
REP. WILBUR SPRING	✓	
REP. BILL STRIZICH	—	
REP. JIM ELLIOTT, CHAIRMAN		✓
TOTAL	9	7

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Fish and Game COMMITTEE BILL NO. HJR 19

DATE 2-14-91 SPONSOR(S) Wallin

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pat Graham	DFWP		
Gary Sturm	Prickly Pear Sportsmen	X	
MURRAY CARPENTER	[illegible]		X
Janet Ellis	MT. Audubon	Amend	
Wayne Hirst	MT. State Parks Found	Amend	X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Fish & Game COMMITTEE BILL NO. 623

DATE 2-14-91 SPONSOR(S) Rep Cohen

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bob Stephens	Self	X	
Chris Chapman	Low Income Families	X	
Mike O'Sullivan	Carroll College	X	
LLOYD ANDERSON	MSCA	X	
Clyde Dailey	MSCA	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Fish and Game COMMITTEE BILL NO. HB 615

DATE 2-14-91 SPONSOR(S) Rep. Thoft

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pat Graham	DFWP		
Loran A Perry	Ft Benton, Mt	✓	
DeLoris Perry	Ft. Benton, Mt.	✓	
Thomas J Fox	FETCH INN HUNTING PRESERVE	✓	
Thomas A Fox	FETCH INN HUNTING PRESERVE	✓	
Gary Sturm	Prickly Pear Sportsmen		✓
BOB BUGNI	" " "		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Fish and Game COMMITTEE BILL NO. 611

DATE 2-14-91 SPONSOR(S) Rep. Schye

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pat Graham	DFWP		
Paul Cornwell	Rancher-Outfitter Glasgow MT.	✓	
Roy Ereaud	OUTFITTER MALTA	✓	
Jack Billingsley	Rancher-Outfitter	✓	
Gary Sturm	Prickly Pear Sportsmen		✓
Bob Bugni	" " "		X
Jack Schoonen	Skyline Sportsmen		✓
Tony Schoonen	M.W.F.		✓
Bill Holdorf	SKYLINE SPORTSMEN		✓
Valerie Horton	MWF		✓
Bill Patrick	Skyline Sportsmen		✓
TA Kummer	Butte Silver Bow Sportsmen		✓
Bill Endy	Skyline Sportsmen		✓
Larry Thomas	Anaconda Sportsmen		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

F & G COMMITTEE BILL NO. 611

DATE 2-14-91 SPONSOR(S) SCHYE

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
J. Brunner	MOGA	X	
DON FILCHER	SELF		X
Jeni Kehn DDS	Self + Mont. Sportsmen		XX
Dan Miller			X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Fish and Game COMMITTEE BILL NO. HB 623

DATE 2-14-91 SPONSOR(S) Rep. Cohen

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pat Graham	DFWP		
Gary Sturm	Prickly Pear Sportsmen		X
Dan Miller			X
GEORGE OCHENSKI	(FREE THE PARKS) MT. STATE PARKS FNDTN	X	
Tony Schoonen	Skyline Sportsmen		X
BILL HOLDORF	SKYLINE SPORTSMEN		X
~~Jack Schoonen~~	Skyline Sportsmen		X
~~VALERIE HORTON~~	~~ADULT~~		~~X~~
LARRY THOMAS	ANACONDA SPORTSMAN		X
Bill Eudy	Skyline Sportsmen		X
BILL PATRICK	SKYLINE SPORTSMAN		X
Wayne Hirst	MT. State Parks Found.	X	
Chet Kenny	MSCA	X	
DON FILCHER	SELF		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Fish and Game COMMITTEE BILL NO. 563

DATE 2-14-91 SPONSOR(S) Rep. Knopf

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pat Graham	DFWP		
Gary Stern	Prickly Pear Sportsmen	w/ Amendment	w/ A
Bob Bugni	" " "	"	
Tony Schoonen	Skyline	w/ Amendment	
Bill Hocdorf	SKYLINE	w/ AMA	
JA Kuennen	Prickly Pear Sportsmen	"	
Valerie Horton	MWF	w/ Amm.	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.