

MINUTES OF THE MEETING OF THE FISH AND GAME COMMITTEE
January 24, 1981

The meeting was called to order at 12:35 p.m. by Chairman Ellison. All committee members were present except Representatives Burnett, Daily and Ryan, who were excused.

HOUSE BILL 251 (Copy attached)

Representative Curtiss, sponsor of HB 251 and HB 406, told the chairman she did not have enough time to get all her witnesses to the meeting. Chairman Ellison said this committee would grant her extra time to get testimony to this committee before executive action was taken on the bills.

Representative Curtiss gave committee members copies of EXHIBIT 1 and read the statement to the committee.

Proponents testified in support of HB 251.

Robert Van Der Vere, a concerned citizen lobbyist, told the committee he supported HB 251.

Gary Langley, lobbyist for Montana Stock Growers Association and Western Environmental Trade Association, supports HB 251. He said he does not think the Department of Fish, Wildlife, and Parks should be in the land business.

Don Allen, representing the Montana Petroleum Association, testified in support of HB 251. He feels land purchases should be made by the legislature.

Kermit Anderson, a rancher, testified in support of HB 251.

Opponents of HB 251 then testified.

Jim Flynn, Director of the Department of Fish, Wildlife, and Parks (F, W, & P) gave committee members copies of a prepared statement which he read to the committee (EXHIBIT 2).

Mr. Flynn told the committee the proposals to be presented to the legislature, that Representative Curtiss referred to in her opening statement, were not proposals of the F, W, & P. The Department of F, W, & P is a collection point in state government for proposals concerning land acquisition. The proposals being presented to the legislature are not priority acquisition requests from the Department of F, W, & P. Mr. Flynn also referred to Representative Curtiss' statement that HB 102 will allow the F, W, & P authority to buy and sell lands. Mr. Flynn said that is not correct.

Mr. Spence Hegstad, a member of the Fish and Game Commission, gave committee members copies of his prepared statement and read that statement to the committee (EXHIBIT 3).

Rich Day, representing the Montana Wildlife Federation, told the committee he had three main concerns with this bill. The first concern was over the adage of personal property rights. He feels the landowner is restricted on what he can do with his land. The second concern was over the tax issue. He said when agriculture land is acquired by the F, W, & P, often times the services are not required on maintenance as were required before the land was purchased. The third concern was over big game depredation. He felt any halt put on land acquisition would result in more depredation. Mr. Day feels it would be a mistake to take away the role of the Fish and Game Commission's ability to approve land acquisition.

Steve Mancinelli, representing Trout Unlimited, cited an example of a land purchase by the F, W, & P near Poindexter Slough (Dillon, Montana). He said if it weren't for the Fish and Game Commission's ability to approve land acquisition, that land could not have been purchased. He is opposed to HB 251.

Alred Elwell, Vice President of the Prickly Pear Sportsmens' Association, spoke in opposition to HB 251. He said tourism is a big factor in Montana's economy. He said there are very few tourists who do not buy a one or two-day fishing license. He said to restrict the Department of F, W, & P to a \$10,000 or 100 acre limit would be unthinkable. He said it is almost impossible to buy anything for that amount in this day and age. He asked that this bill be killed.

Hugh Zackheim, a private citizen from Twin Bridges, said if HB 251 passes, he feels a trust will be broken between Montana and the sportsmen and landowners of Montana.

Jack Atcheson, an opponent of HB 251, views this bill as a direct attack on sportsmen and land acquisition. He said the people who are trying to put through bills such as HB 251 do not like sportsmen. He said he gets the feeling that legislators think of the Department of F, W, & P as a "foreign thing" when in reality the legislators are acting against him. The money the Department of F, W, & P has is not taxpayers' money - it is the hunters' and fishermen's money. He feels the Department of F, W, & P should no longer be Montana's Fish and Game but should be the Public Fish and Game Department.

Gael Bissell, representing the Montana Audubon Council, told the committee she feels private landowners should be able to dispose

of their land as they see fit and also the Department of F, W, & P's hands should not be tied as far as land acquisition is concerned.

Representative Curtiss told the committee she is a sportsman and has no personal vendetta against the F, W, & P. She is concerned with the amount of money the F, W, & P can spend on land acquisition. She said the committee could estimate a better figure and number of acres, on acquisition, if they feel the \$10,000 and 100 acre limit is too low.

Representative Curtiss said she will offer amendments concerning land donations and also an amendment that would provide for the reporting of all purchases and expenditures made by the F, W, & P to the legislative audit committee.

Representative Fedas asked what the price paid for the land acquisition near Poindexter Slough was. Mr. Hegstad told him it was \$2,000 per acre and 440 acres were purchased.

Representative Devlin asked if there were any problems involved with the water rights for the land purchased near Dillon. Mr. Hegstad told him the water rights were purchased with the land purchase.

Representative Roush said he is concerned with access to BLM (Bureau of Land Management) lands. He asked if the F, W, & P has been able to purchase land as an access to BLM land. Mr. Hegstad said the F, W, & P has purchased land as an access to BLM land. He said with every purchase, the Commission looks at the accessibility to BLM land. He also said if HB 251 passes, the F, W, & P will be out of the land business.

Representative Devlin asked if there has been an attempt to buy only a right-of-way on land to get to BLM land. Mr. Hegstad said it is his opinion that any time the F, W, & P can buy an easement for access to BLM land, the Commission is in favor of it.

Representative Nilson asked Mr. Flynn if he foresees any big land purchase by the F, W, & P. Mr. Flynn said any land acquisition, except donations, will need dollars. The F, W, & P is in a difficult financial situation right now, so he is not aware of any potential land purchases in the near future.

Representative Hart asked if the whole legislature approves land acquisition projects. Mr. Flynn told her the Long-Range Building Committee will make recommendations to the House Appropriations Committee who will make the recommendations in a bill to the legislature.

The hearing on HB 251 was recessed.

HOUSE BILL 406

The hearing on HB 406 was opened.

Representative Curtiss requested this hearing be postponed until Tuesday, January 27, 1981.

The F, W, & P also requested the hearing be postponed until then.

Chairman Ellison said he would recess this hearing until Tuesday, January 27, 1981.

The meeting was adjourned at 1:55 p.m.


ORVAL ELLISON, Chairman

vml

HOUSE BILL NO. 251

INTRODUCED BY Curtiss Schultz
Mr. Belmont By Mr. Burnett Amended Conroy

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part may not be entered into or other obligation incurred until moneys have been appropriated by the legislature or are otherwise available and, if the contract or obligation

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partains to acquisition of areas or sites in excess of

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either 100 acres or \$10,000 in value, until the legislature

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has specifically approved such acquisition. The department

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also has jurisdiction, custody, and control of all state

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parks, recreational areas, public camping grounds, and

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historical sites, and monuments, except wayside camps and

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other public conveniences acquired, improved, and maintained

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by the department of highways and contiguous to the state

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highway system. The department may designate lands under its

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control as state parks, state historical sites, state

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monuments, or by any other designation it considers

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appropriate, remove or change the designation of any area or

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portion, and name or change the name of any area as

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designated. The department may lease those portions of

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designated lands which are necessary for the proper

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administration of these lands in keeping with the basic

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purpose of this part."

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Section 2. Section 87-1-209, MCA, is amended to read:

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"87-1-209. Acquisition and sale of lands or waters.

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(1) The department, with the consent of the commission and

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in the case of land acquisition involving more than 100

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acres or \$10,000 in value, the approval of the legislature,

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE LEGISLATIVE

APPROVAL OF LAND ACQUISITION BY THE DEPARTMENT OF FISH,

WILDLIFE, AND PARKS; AMENDING SECTIONS 23-1-102 AND

87-1-209, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-1-102, MCA, is amended to read:

"23-1-102. Powers and duties of department of fish,

wildlife, and parks. The department shall make a study to

determine the scenic, historic, archaeological, scientific,

and recreational resources of the state and may by purchase,

lease, agreement, acceptance of donations, or condemnation

acquire for the state any areas, sites, or objects which in

its opinion should be held, improved, and maintained as

state parks, state recreational areas, state monuments, or

state historical sites. The department may in its

discretion accept in the name of the state, in fee or

otherwise, any areas, sites, or objects conveyed, entrusted,

donated, or devised to the state. It may in its discretion

accept gifts, grants, bequests, or contributions of money or

other property to be spent or used for any of the purposes

of this part. A contract for any of the purposes of this

HB 251

1 may acquire by purchase, condemnation, lease, agreement,
2 gift, or devise and may acquire easements upon lands or
3 waters for the purposes listed in this subsection. The
4 department may develop, operate, and maintain acquired lands
5 or waters:

6 (a) for fish hatcheries, nursery ponds, or game farms;
7 (b) as lands or water suitable for game, bird, fish,
8 or fur-bearing animal restoration, propagation, or
9 protection;

10 (c) for public hunting, fishing, or trapping areas;
11 (d) to capture, propagate, transport, buy, sell, or
12 exchange any game, birds, fish, fish eggs, or fur-bearing
13 animals needed for propagation or stocking purposes or to
14 exercise control measures of undesirable species;

15 (e) for state parks and outdoor recreation;
16 (f) to extend and consolidate by exchange, lands or
17 waters suitable for these purposes.

18 (2) (a) The department, with the consent of the
19 commission, may dispose of lands and waters acquired by it
20 on those terms after that public notice, without regard to
21 other laws which provide for sale or disposal of state lands
22 and with or without reservation, as it considers necessary
23 and advisable.

24 (b) Notice of sale describing the lands or waters to
25 be disposed of shall be published once a week for 3

1 successive weeks in a newspaper with general circulation
2 printed and published in the county where the lands or
3 waters are situated or, if no newspaper is published in that
4 county, then in any newspaper with general circulation in
5 that county.

6 (c) The notice shall advertise for cash bids to be
7 presented to the director within 30 days from the date of
8 the first publication. Each bid must be accompanied by a
9 cashier's check or cash deposit in an amount equal to 10% of
10 the amount bid. The highest bid shall be accepted upon
11 payment of the balance due within 10 days after mailing
12 notice by registered or certified mail to the highest
13 bidder. If that bidder defaults on payment of the balance
14 due, then the next highest bidders shall be similarly
15 notified in succession until a sale is completed. Deposits
16 shall be returned to the unsuccessful bidders except bidders
17 defaulting after notification.

18 (d) The department shall reserve the right to reject
19 any bids which do not equal or exceed the full market value
20 of the lands and waters as determined by the department. In
21 department shall convey the lands and waters without
22 covenants of warranty by deed executed by the governor or in
23 his absence or disability by the lieutenant governor,
24 attested by the secretary of state and further countersigned
25 by the director.

1 (3) Notwithstanding the provisions of 18-4-102, the
2 department, with the consent of the commission, is
3 authorized to utilize the installment contract method to
4 facilitate the acquisition of wildlife management areas, in
5 which game and nongame fur-bearing animals and game and
6 nongame birds may breed and replenish, and areas which
7 provide access to fishing sites for the public. In no case
8 may the total cost of such installment contracts exceed the
9 cost of purchases authorized by the department and
10 appropriated by the legislature."

-End-



January 24, 1981

MONTANA STATE HOUSE OF REPRESENTATIVES

JANUARY 24, 1981

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE,

FOR THE RECORD, MY NAME IS AUBYN CURTISS, DISTRICT 20 REPRESENTATIVE.

MR. CHAIRMAN, HOUSE BILL 251 IS NO STRANGER TO THOSE OF YOU WHO HAVE BEFORE SERVED ON THE COMMITTEE, AND IN THE STATE LEGISLATURE. IT IS BEFORE YOU AGAIN, BECAUSE OF THE DEEP CONCERN MANY MONTANANS SHARE OVER THE CONTINUAL EROSION OF OUR TAX BASE, BROUGHT ABOUT BY LAND ACQUISITION POLICIES OF THE DEPARTMENT OF FISH, WILDLIFE AND PARKS.

THE DEPARTMENT IS PRESENTING PROPOSALS TO THIS LEGISLATURE FOR ACQUISITION OF ALMOST 6,861 ACRES WHICH WOULD REQUIRE A TOTAL OF \$6,896,000 OF COAL TAX MONEY. THESE REQUESTS MUST BE APPROVED BY THE BODY, AS REQUIRED BY STATUTE.

WHAT ARE NOT MONITORED BY THE LEGISLATURE ARE ACQUISITIONS PURCHASED BY OTHER EARMARKED FUNDS RECEIVED FROM FEDERAL AGENCIES, FEES AND TAXES ON FIRE ARMS, SPORTING GOODS, AND AMUNITION. IF I HAVE BEEN FURNISHED ACCURATE INFORMATION PROPOSED PURCHASES FOR FISCAL 1980-81, FUNDED FROM THESE OTHER SOURCES, TOTAL OVER 11,631 ACRES AND REFLECT A TOTAL EXPENDITURE OF ANOTHER \$5,557,834.

PASSAGE OF HB 102 REQUESTED BY THE DEPARTMENT GIVES THEM GREATLY INCREASED FLEXIBILITY IN BUYING AND SELLING, AS WELL AS DEVELOPING THE RESOURCES ON LANDS THEY PURCHASE. IT ESSENTIALLY ^{puts} A DEPARTMENT OF STATE GOVERNMENT IN THE REAL ESTATE BUSINESS.

TOO OFTEN, LAND IS PURCHASED WITH EARMARKED MONIES OVER WHICH THE LEGISLATURE EXERTS NO CONTROL. THE STATE AND ITS TAXPAYERS MUST EXPAND GENERAL FUND MONEY TO

MAINTAIN THE PROPERTIES SO ACQUIRED.

A NOTE ON MATERIAL FURNISHED ME INDICATES THAT A TYPICAL FISHING SITE COSTS \$1,000-\$5,000 ANNUALLY TO MAINTAIN; THE AVERAGE COST IS ABOUT \$2,250. I WONDER HOW MANY OF THESE WE CAN AFFORD.

I WOULD LIKE TO READ TO YOU SOME REMARKS MADE BY JOHN STAIGMILLER, FORMER CHAIRMAN OF THE COMMITTEE, WHEN HE BROUGHT BEFORE YOU LEGISLATION SIMILAR TO WHAT I AM PROPOSING NOW.

MR. CHAIRMAN, I WISH TO POINT OUT THAT THIS REPORT DATED JULY 1980 CITES 1976 FIGURES FOR THEIR TOTAL OWNERSHIP. I WOULD LIKE TO HEAR FROM THE DEPARTMENT HOW MANY ACRES, OVERALL, THEY HAVE ACQUIRED SINCE THAT TIME. I WOULD ALSO LIKE TO KNOW HOW MANY ACRES THEY CONTROL BY LEASE, AND THE TOTAL AMOUNT OF TAXES PAID BY THE DEPARTMENT IN 1979.

IN ADDITION TO THE TOTAL ACREAGES ABOVE, THE ARMY CORPS OF ENGINEERS HAS PURCHASED ANOTHER 2,444 ACRES IN LINCOLN COUNTY WHICH THEY ARE IN THE PROCESS OF CONVEYING TO THE STATE OF MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS, TO MITIGATE ALLEGED GAME RANGE LOSS DUE TO LIBBY DAM. THE NEW TOTAL WHICH APPEARS TO BE MARKED FOR ACQUISITION IN SUMMER 1981 IS 20,936 ACRES.

PRESENTED BY: James W. Flynn, Director
Department of Fish, Wildlife & Parks

January 24, 1981

HB251

Mr. Chairman, members of the committee, my name is Jim Flynn. I appear today on behalf of the Montana Department of Fish, Wildlife & Parks.

I am here speaking in opposition to HB251.

This is not the first opportunity the Montana Legislature has had to address legislation designed to limit the department's authority to acquire lands. For the past three sessions, legislation limiting land acquisition by this department has been considered by the legislature. In each instance, after careful consideration, the legislation has been rejected. I am hopeful that our discussion today will bear the same results.

The department is the state agency charged with the responsibility of protection, preservation, and supervision of the wildlife of this state. It has also been granted the authority to acquire lands for a variety of purposes related to protection and preservation of wildlife, as well as provision of public hunting, fishing, and recreational areas. The department has been carrying out this charge since 1940 and has been acquiring lands important to wildlife and recreational purposes until now where we have 214,774 purchased (102,000 leased) acres in our program as compared to the 94 million acres within the State of Montana. These lands are acquired because they provide optimum wildlife habitat or recreational opportunity. A primary focus of this land acquisition program has centered on key wintering areas for elk in the western half of the state, while in the eastern half of the state, it has focused on more diverse recreational activities.

Elk probably generate more discussion than any of Montana's other game animals. (Refer - Commission Chairman Hegstad's testimony)

Passage of this bill will affect all acquisitions by the department regardless of the purpose for acquisition. Almost every acquisition in the last two years has had a value of at least \$10,000. Many of the department purchases for parks or fishing access purposes approach or exceed 100 acres for a variety of reasons but often because the seller wants to sell all of a parcel to only one buyer.

The fishing access program required by Sec. 87-1-605, MCA, is a special earmarking designed specifically to provide needed fishing access sites on Montana's waters. These sites are generally not available at less than \$10,000. When there is an individual or corporation willing to turn over to the department by donation, sale, or other method, lands which may be used for fishing access sites, it is generally their purpose to sell or give up all the property they have in the area and not just the smaller acreage along the water.

In some instances, property the department acquires has value as agricultural land. A recent purchase in the Hysham area exemplifies the department's approach in this instance. An individual desired to sell approximately 88 acres. Much of the land included waters adjacent to both a slough of the Yellowstone and the river, itself - land determined to be valuable for fishing access as well as small game and upland game bird and migratory waterfowl habitat. However, of the original 88, 10 acres were agricultural land. A neighbor also had property along the same slough. He wanted to exchange his slough area for the department's agricultural area. This was done based upon appraisals and the department exchanged the agricultural land to the adjacent landowner for the fishing access site.

A potential problem this bill creates is the effect on donations, gifts, or grants to the department by individuals who desire that lands or parts of their land suitable for wildlife or recreational purposes pass into the ownership of the state. The bill, as set forth, would require that any lands that an individual wanted to donate to the department could not be accepted by the state for up to two calendar years. When one of the reasons for the gift is a tax savings, it makes that gift impossible for those years.

This bill could well result in extra expense for the department in its acceptance of small donations. Where a donation or acquisition was arguably close to \$10,000 in value, then the department would need an appraisal to determine whether or not legislative approval was necessary. Now, donations are not appraised unless the land is to be used for federal matching purposes or the seller desires one.

HB 251 could also require the department to enter option agreements at a higher cost than in the past. Current practice has been direct contact with willing sellers, or donors, and, as necessary, entry into option contracts. These contracts have been for short-term and in most cases, have minimal financial impact. However, with HB 251, the nature of these contracts will change. In order to assure that lands will be available for approval by the next legislature, it may be necessary to pay a substantial amount for the option. This payment could be lost if the legislature does not approve the purchase and, further, the lands may not be available to sportsmen and recreationists, nor will the funds of the option price be available to the department during this time period. Because the option money will not be available, the acquisition might not occur and the state will lose

the benefit of the acquisition. While the option time runs, inflation will not sit still. 12-20% annual inflation rate is a conservative estimate.

The department has curtailed land acquisition activities in the past biennium in order to meet its operation costs and other statutory responsibilities. Monies which might ordinarily be available for acquisition have not been available and acquisition has slowed down except where there are earmarked funds such as fishing access. As an example, this past year, the department acquired 3,310.5 acres - 3,292 by purchase; 18.5 by donation. The department plans at this time to continue its curtailed or limited acquisition program and, in the budget, is seeking authority for acquisition only should funds become available. The department's acceptance of conservation easements would be curtailed also, if not shut down entirely, in the same manner as donations or other receipt of gifts.

In conclusion, because of the scope of the proposed bill, the state's entire land acquisition program for wildlife habitat and recreation would be affected. This program has been very successful and provides much needed wildlife habitat and recreational lands in and adjacent to urban as well as rural areas of the state. It provides primary habitat for elk and other game animals; these animals are hunted not only by residents, but by nonresidents and bring to Montana a substantial tourist economy.

I urge defeat of this proposal.

TESTIMONY FOR SPENCE HEGSTAD
OPPOSITION TO BE HB 251

JAN. 21, 1981

MILLER

HB 251

STATEMENT BY MONTANA FISH AND GAME COMMISSION MEMBER
MR. CHAIRMAN, COMMITTEE MEMBERS, I AM SPENCE HEGSTAD, MEMBER OF THE
MONTANA FISH AND GAME COMMISSION. TODAY, I AM HERE ON BEHALF OF THE
COMMISSION TO SPEAK IN OPPOSITION TO HB 251.

THE FISH AND GAME COMMISSION IS A CITIZEN GROUP CHARGED BY LAW
WITH THE RESPONSIBILITY OF APPROVING ALL ACQUISITIONS OR TRANSFERS
OF LAND OR WATER INTERESTS BY THE DEPARTMENT OF FISH, WILDLIFE AND
PARKS. THE LAW STATES THAT THE DEPARTMENT, ONLY WITH THE CONSENT OF
THE COMMISSION, MAY ACQUIRE BY PURCHASE, CONDEMNATION, LEASE, AGREE-
MENT, GIFT OR EASEMENTS LAND FOR FISH HATCHERIES, NURSERY PONDS AND
GAME FARMS: LANDS FOR PUBLIC HUNTING, FISHING OR TRAPPING AREAS, STATE
PARKS AND OUTDOOR RECREATION AREAS AND LANDS OR WATER SUITABLE FOR
GAME, BIRD, FISH OR FURBEARING ANIMALS RESTORATION, PROPAGATION OR
PROTECTION.

THE LAST POINT IS ESPECIALLY IMPORTANT.

WILDLIFE HABITAT IN THE STATE IS ABOUT 60 PERCENT PRIVATELY OWNED.
THIS PRIVATELY OWNED LAND PROVIDES HABITAT FOR SMALL ANIMALS, FURBEARERS
AND BIG GAME SPECIES. THE PRIVATE LAND PROVIDES ABOUT 60 PERCENT OF
THE MULE DEER AND 70 PERCENT OF THE WHITETAIL DEER RANGE. ABOUT 80
PERCENT OF THE ANTELOPE RANGE AND ONLY 25 PERCENT OF THE ELK RANGE IN
THE STATE IS ON PRIVATE LAND. HOWEVER, PRIVATE LAND PROVIDES PERHAPS
ONLY 40 PERCENT OF THE ELK WINTER RANGE.

IN JULY OF 1980 THE DEPARTMENT OWNED APPROXIMATELY 180,024 ACRES
OF GAME RANGES. THIS LAND IS MANAGED PRIMARILY AS BIG GAME WINTER
RANGE AND ELK IS THE MAJOR BIG GAME SPECIES ON NEARLY ALL THE GAME
RANGES, ALTHOUGH THESE AREAS PROVIDE HABITAT FOR DEER AND OTHER WILD-
LIFE.

ESTIMATES OF WINTER USE BY ELK AND DEER ON DEPARTMENT BIG GAME

WINTER RANGES INDICATE 3,000 TO 4,000 DEER AND ABOUT 5,000 TO 7,000 ELK USE THESE AREAS DURING THE WINTER SEASON.

WILDLIFE ON PRIVATE LAND IN SOME LOCATIONS CAUSE DAMAGE TO AGRICULTURAL CROPS AND GRAZE PRIVATE LIVESTOCK RANGES. THIS DAMAGE AND GRAZING IS TOLERATED BY SOME OPERATORS, BUT OTHERS COMPLAIN TO THE DEPARTMENT. ALTHOUGH THE DEPARTMENT ATTEMPTS TO WORK OUT SOLUTIONS TO THESE DAMAGE COMPLAINTS ON A CASE BY CASE BASIS, FOR SOME CHRONIC CASES THERE IS NO SOLUTION OTHER THAN LAND ACQUISITION IN ORDER TO MAINTAIN A HARVESTABLE WILDLIFE POPULATION IN THE LOCALITY.

WILDLIFE AREAS PROVIDE SPACE AND HUNTING OPPORTUNITY AS WELL AS NONHUNTING OUTDOOR RECREATION. OVER 100,000 RECREATION DAYS ARE PROVIDED ON DEPARTMENT WILDLIFE MANAGEMENT AREAS EACH YEAR. TO THE EXTENT THAT HUNTERS USE WILDLIFE MANAGEMENT AREAS, HUNTING ON PRIVATE LAND IS RELIEVED. IN MANY INSTANCES, WILDLIFE MANAGEMENT AREAS RELIEVE GAME DAMAGE ON ADJACENT PRIVATE LANDS. IN ADDITION, GAME RANGES THAT BORDER PUBLIC LAND CAN OPEN THOUSANDS OF ACRES THAT WERE PREVIOUSLY BLOCKED FROM PUBLIC ACCESS.

THE MONEY FOR GAME RANGE ACQUISITION COMES PRIMARILY FROM SPORTSMEN LICENSE REVENUES PLUS MATCHING FEDERAL FUNDS DERIVED FROM MANUFACTURER'S TAXES ON SPORTING ARMS AND AMMUNITION. THE FISH AND GAME COMMISSION REPRESENTS WILDLIFE INTERESTS INCLUDING THOSE OF RANCHERS AND SPORTSMEN AND IS RESPONSIBLE FOR THE WELFARE OF WILDLIFE IN MONTANA. AS A COMMISSION, WE REVIEW ALL PROPOSALS BROUGHT TO US BY THE DEPARTMENT VERY CAREFULLY. WE CONSIDER ASKING PRICES AS COMPARED TO LOCAL PRICES AND SHARE THE CONCERN MANY LANDOWNERS HAVE THAT WE NOT INFLATE THE PRICES OF LAND IN LOCAL COMMUNITIES.

THE CURRENT LAND ACQUISITION LAW ALLOWS THE COMMISSION TO PURCHASE LAND WHEN IT IS AVAILABLE, WITHOUT WAITING FOR A SESSION OF THE LEGISLATURE TO CONVENE. UNDER THIS SYSTEM, OWNERS OF A RANCH, SPRING CREEK OR OTHER IMPORTANT HABITAT CAN SELL THEIR LAND WHEN THEY NEED TO OR ARE READY TO SELL. ALSO, I BELIEVE IT OUGHT TO BE EVERY LANDOWNER'S RIGHT TO SELL HIS LAND TO WHOMEVER HE CHOOSES, WHENEVER HE CHOOSES.

I ASSURE YOU, THE COMMISSION PAYS CLOSE ATTENTION TO APPRAISED VALUES, AND MOST PURCHASES HAVE BEEN MADE AT OR VERY CLOSE TO APPRAISED VALUE. THERE HAS BEEN A SITUATION, HOWEVER, WHERE A LEGISLATIVE MANDATE OBLIGATED US TO PURCHASE LAND ON WILDHORSE ISLAND. AND, PROMINENT EXAMPLE OF A PURCHASE MADE WELL OVER APPRAISED VALUE IS THE 25 ACRES AT MARTINSDALE RESERVOIR. THE DEPARTMENT, IN THAT CASE, RECOMMENDED STRONGLY AGAINST THE PURCHASE, BUT DUE TO OVERWHELMING PRESSURE FROM LEGISLATORS AND OTHERS, WE BOUGHT THE PROPERTY AT THE ASKING PRICE.

ANOTHER LEGISLATIVE MANDATE THAT IS IMPORTANT TO KEEP IN MIND IS THE LAW THAT REQUIRES \$1. OF THE FEE FROM RESIDENT FISHING LICENSES AND ONE-DAY NONRESIDENT LICENSES PLUS \$5. FROM OTHER NONRESIDENT FISHING LICENSES FOR THE PURCHASE, OPERATION, DEVELOPMENT AND MAINTENANCE OF FISHING ACCESS SITES. THIS PROGRAM IS VERY POPULAR THROUGHOUT THE STATE, AND HB 251 WOULD CONFLICT WITH THAT LEGISLATIVE MANDATE.

THE DEPARTMENT'S LAND ACQUISITION PROGRAM HAS DIRECTLY AND INDIRECTLY BENEFITED MANY MONTANA CITIZENS BY HELPING PRESERVE OUR PRECIOUS WILDLIFE HERITAGE FOR THE ENJOYMENT OF TODAY'S HUNTERS, FISHERMEN AND MANY NONCONSUMPTIVE WILDLIFE USERS, SUCH AS BIRDWATCHERS, PHOTOGRAPHERS AND OTHERS. THE PROCESS IS ALREADY REVIEWED AT THE LOCAL, REGIONAL, STATE AND FEDERAL LEVELS TO MAKE SURE PROPOSED PURCHASES MEET THE NEEDS OF WILDLIFE, LOCAL CITIZENS AND OUTDOOR RECREATIONISTS WHO ENJOY OUR LANDS. THE COMMISSION HAS DONE A GOOD JOB IN THE PAST OF MAKING SURE THAT PURCHASES ARE IN THE BEST INTEREST OF ALL MONTANANS AND THAT THEY DO NOT DISRUPT LOCAL LAND PRICE STRUCTURES. MANY LANDOWNERS PREFER TO SELL THEIR LAND, OR PORTIONS OF THEIR LAND TO THE DEPARTMENT TO PROTECT IT FROM FUTURE DEVELOPMENT THAT IS NOT COMPATIBLE WITH THEIR OPERATIONS.

I FEEL THIS BILL WOULD ONLY ADD AN UNNECESSARY LAYER OF BUREAUCRATIC WATCHDOGGING TO A PROCESS THAT ALREADY REFLECTS PUBLIC INPUT AND CONSENSUS.

ESTIMONY FOR SPENCE HEGSTAD

WHEN WE PURCHASE LAND WITH FEDERAL DOLLARS THE LAW SAYS WE MUST OFFER THE OWNER THE APPRAISED VALUE THUS WE CANNOT NEGOTIATE A LOWER PRICE WITHOUT FIRST OFFERING THE APPRAISED VALUE.

NAME Jo Brunner BILL No. 251
ADDRESS 531 S Oakes DATE 1/23/81
WHOM DO YOU REPRESENT W.I.F.E
SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

W.I.F.E. will go on record As
Supporting this Bill.

WITNESS STATEMENT

Name Ray Beck Date 1/24/81
 Address 7 Edwards Helena Mt. 59601 Support ? X
 Representing Mt. Assoc. of Conservation Dist. and Oppose ? _____
 Which Bill ? HB 251 Amend ? _____

Comments: ↳ Mt. Assoc. of Conservation Dist.

The Montana Association of Conservation Districts and the Montana Association of State Landowner Districts would like to be shown in the record as in support of HB 251.

Both associations strongly support a de pass of this bill

Thank you

Please leave prepared statement with the committee secretary.

VISITORS' REGISTER

HOUSE FISH AND GAME COMMITTEE

ILL 251

Date January 24, 1981

ISOR _____

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
Ray Beck	Helena	Int Assoc of Cons. Dist Mt Assoc. Fishery Dist	X	
John O'Leary	Helena	Trout Unlimited		X
John O'Leary	Helena	Trout Unlimited		X
F. Seehorn	Helena	Trout Unlimited		X
Mary Langley	HELENA	WETA - MSGA	X	
B. Berman	Helena	W.I.F.F.	X	
York Atcheson	Bozeman			X
Rich Day	Bozeman	Montana Wildlife Federation		X
Hugh Zackheim	Twin Bridges			X
Wilbur Rehmann	Helena	Montana Wildlife Fed		X
A. M. Elwell	Helena	Prickly Peps Sportman Ass.		X
BOB KIESLING	HELENA	THE NATURE CONSERVANCY		X
Gael Bissell	Helena	Montana Audubon Council		X
JIM FLYNN	Helena.	FWP		X
DOO HYPPA	HELENA	FWP		X
PENCOR HEGSTAO	WILLOW	F&G Comm		X
Robert Paulsen	Helena	Self	X	X
Ellen Bittles	Helena	ERIC		X
Ernie Anderson	Meigs	Rancher	X	
Stephen Mancinelli	Helena	Trout Unlimited		X

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

February 19 19 31

MR. SPEAKER:

We, your committee on FISH AND GAME

having had under consideration House Bill No. 251

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE LEGISLATIVE APPROVAL OF LAND ACQUISITION BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTIONS 23-1-102 AND 37-1-209, MCA."

Respectfully report as follows: That House Bill No. 251 be amended in the introduced copy as follows:

Page 2, line 5.
Following: "or"
Strike: "\$10,000"
Insert: "\$50,000"

Title, line 4.
Following: "REQUIRE"
Strike: "LEGISLATIVE"
Insert: "GUBERNATORIAL"

Page 2, line 5.
Following: "the"
Strike: "legislature"
Insert: "governor"

BEGRASSED DO NOT PASS AS AMENDED