

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
HOUSE OF REPRESENTATIVES
50TH LEGISLATIVE SESSION

March 17, 1987

The meeting of the Fish and Game Committee was called to order by Chairman Orval Ellison on March 17, 1987, at 5:30 p.m. in Room 312 of the State Capitol.

ROLL CALL: All committee members were present with the exception of Reps. Pavlovich, Daily, Moore and DeMars who were all excused.

EXECUTIVE SESSION

HOUSE BILL NO. 526: Rep. Cobb distributed copies of the amendments and the Statement of Intent to HB 526 (Exhibits 1 and 2). He then moved HB 526 DO PASS and moved the amendments for the purpose of discussion.

Rep. Cobb reported the subcommittee's recommendation and reviewed the Statement of Intent. He stated basically the Fish and Game had been working on a plan to purchase land or look at land that may be acquired. The Statement of Intent directed the Fish and Game on what they should do; however, it was pretty much what they were doing already. It was suggested they should at least try to get a conservation easement, if they were to purchase land and they should try to release those conservation easements first, but if they found a willing seller, they had the right to make an overall plan to identify habitat needs by administrative region and compile those needs in a consolidated statewide habitat acquisition plan.

The rules must ensure that acquired interests in habitat lands were reasonably distributed around the state in accordance with the statewide habitat acquisition plan. Rep. Cobb moved the Statement of Intent for HB 526 DO PASS. Question was called. The motion CARRIED unanimously.

Rep. Cobb moved the amendments to HB 526 that actually went in the bill and explained what they did. See (Exhibit 2). He explained the first page of amendments applied to wildlife habitat which asked the Fish and Game that before they bought any land, they established a statewide policy and do a comprehensive analysis of wildlife populations and use associated with the property, goals, potential value of the land, potential impacts to adjacent land resulting from proposed management goals and plans to address such impacts, a land maintenance program, and finally any other matter

considered necessary or appropriate by the commission. It also included public review of any proposed acquisition which must be made available. Currently, in the bill, only 10% of the monies was going to the trust fund and the interest from the money in the trust fund was used to maintain those lands. The subcommittee felt at least 20% of those monies should go into that trust fund, so more money would be available to use for maintenance of the land. The bill terminates on March 1, 1994, at which time they could take another look at it and see how they had done. Basically, what the amendments are doing is saying they have a plan in order to buy lands and they must address or at least look at the impacts. Secondly, put more money into the trust fund so there would be more money for maintenance of the lands. The entire act terminates on March 1, 1994, so they can come back in the 1993 session, look at how it has been going, and reevaluate if necessary.

Question was called on the amendments. The motion CARRIED unanimously.

Rep. Rapp-Svrcek moved HB 526 DO PASS AS AMENDED.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 526: Rep. Cobb moved to amend HB 526 by cutting the increase in fees by half, except in the cases where it came out to approximately \$1.50 which would then be rounded to the higher number. He stated two years ago the legislature gave the Fish and Game money. They did not really give them \$1 million dollars of Fish and Game license money to buy land but, in essence, they gave them \$250,000 plus they had matching funds \$3 to \$1 from the federal government, as they do presently. In HB 526, they are going to give them half the monies, which would be about \$1.5 million every two years and if they can match that with \$1 of Fish and Game money, with \$3 of federal money, would give them quite a lot of money to buy more lands. In accordance with SB 320 heard earlier in committee, BPA was going to give the Fish and Game \$1 million each for the next ten years. He stated his main reason for cutting the fees in half were, when you look at the conservation easements in the Northwest part of Montana for buying lands and increasing the herds, there already exists that \$1 million from BPA being used in that area every year.

Rep. Brandewie stated on Page 4, line 24, he felt the \$40 fee should be \$30 due to the fact the price of a bird license was just raised to \$23 for nonresidents and will make it \$63 total which did not seem appropriate and felt \$53 was more in line.

Rep. Cobb asked that he simply amend Rep. Brandewie's amendment into his if there was no objection. Rep. Brandewie and the rest of the committee had no objections to this.

Rep. Driscoll stated he felt the money that was raised by this, as he understood it, would have to come back to the legislature to tell them what they were going to buy with it. If the legislature decided they did not want to buy or have a conservation easement of funds, he thought they should allow the increases established in the bill and if the legislature decided they had too much money, they could cut it back then. He pointed out they needed to get started on purchasing the access.

Rep. Giacometto stated he did understand the proposed amendment; however, under the bill he wondered if the amount of money they raised was not subject for review until after they had done something with it. He also wondered if they could not go out and purchase the land without review.

Rep. Cobb stated that was correct, because they had given them \$1 million dollars to buy something and it was time to find out what they bought. However, they could authorize the money ahead of time for purchasing the lands, because they did not have to see what they bought until they came back and saw what they purchased.

Rep. Giacometto stated he still needed clarification regarding, if the bill passed with the amendment, if it would mean less money. However, they could still purchase the conservation easements and obtain their access rights but would not be subject to review until after they had purchased it. He asked Rep. Cobb if that was correct.

Rep. Grady stated in subcommittee, Jim Flynn stated all it did was provide the money to go into the fund. They cannot spend the money until they went back through the legislative process and had the authority to spend the money.

Rep. Cobb stated that was correct. However, when they gave the appropriation they did not specifically state they wanted to buy land. Presently, they had not done that and last session, they gave them \$1 million to buy land. However, they did not say they wanted to buy those acres but indeed, came and asked for the appropriation. They did not see what they bought until after they bought it. In this bill, it says nothing about the legislature approving any lands they bought. They were telling them that they want the commission to decide what lands they had to buy.

Rep. Bulger spoke against the amendment stating if that turned out to be right, and there were matching funds available, it was news to him. He said there was nothing brought out in committee hearings or testimony that the matching funds were even available and felt the fees should be left as they were.

Rep. Grady stated he opposed the amendment and pointed out what was being looked at with this type of proposal was some larger tracts of land that elk winter on and felt, as Mr. Flynn addressed, there were some larger tracts of land that had come up at different times that they would have a chance to buy. They were talking a substantial sum of money and what they were trying to do with the bill was establish enough money. It had been brought out that everyone thinks the Fish and Game has got all kinds of money but they really do not. There are certain times of the year when they are almost down to nothing and other times of the year they do have excess. They try to keep about a \$2.5 million excess all the time as a cushion and felt the department was doing a good job. To his knowledge, they had never had to request any money out of the general fund and felt that was what they were trying to do there, establish another account to purchase this type fund. Also, it must be remembered these are large tracts of land considered large purchases, such as winter range for elk and land that could be used for multi-purpose concepts.

Rep. Cobb stated he would close by stating the reason he would like to cut the fees in half was that the Fish and Game had plenty of money. They spend \$50 million every two years and look at what they were doing. They are building buildings with it. They have built two brand new buildings and they have plenty of money. However, if they came in at any time and asked for matching funds, there would have to be different priorities set and his objection was they are always asking to increase license fees. What you see from the increase is 60% going for administration costs. Even the Montana Wildlife Federation had an audit done and felt the money was not being spent correctly. It was being spent for administrative purposes and what he could not understand was why the Fish and Game could never change their priorities. If anything has to be done at the Fish and Game like buy lands, then they go and raise the license fees. There are matching funds available in that they received \$2.8 million each two years from the federal government to buy lands which they do not do and usually end up using it for administrative purposes. He stated the most important thing they need to do is start changing their priorities, instead of taking advantage of the sportsmen.

Question was called on Rep. Cobb's amendment and a roll call vote was taken. The motion failed on a 9-9 tie vote.

Chairman Ellison stated the committee was now back to the body of the bill.

Rep. Jenkins made a substitute motion to TABLE HB 526. Question was called. A roll call vote was taken. The motion failed on a 9-9 tie vote.

Rep. Cobb recommended he make the motion DO PASS and simply reverse the vote, meaning it would be left as a 9-9 tie vote for the DO PASS motion, and they could at least get it to the House floor.

Chairman Ellison stated if there were no objections from the committee, the last vote would be reversed to a DO PASS and would be left as that and they would most likely work with it to get it to the floor of the House.

There were no objections from the committee and the vote was reversed to a DO PASS.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 6:10 p.m.



ORVAL ELLISON, Chairman

DAILY ROLL CALL

FISH & GAME

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 17, 1987

NAME	PRESENT	ABSENT	EXCUSED
ORVAL ELLISON, CHAIRMAN	X		
MARIAN HANSON, VICE CHAIRMAN	X		
RAY BRANDEWIE	X		
TOM BULGER	X		
JOHN COBB	X		
FRITZ DAILY			X
GENE DEMARS			X
JERRY DRISCOLL	X		
LEO GIACOMETTO	X		
ED GRADY	X		
LOREN JENKINS	X		
VERNON KELLER	X		
JANET MOORE			X
BOB PAVLOVICH			X
MARY LOU PETERSON	X		
JOHN PHILLIPS	X		
PAUL RAPP-SVRCEK	X		
BOB REAM	X		
STAFF: DAVE COGLEY			

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE MARCH 17, 1987 BILL NO. HB 526 TIME 5:53 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		X	
MARION HANSON, V. CHAIRMAN		X	
RAY BRANDEWIE		X	
TOM BULGER			X
JOHN COBB		X	
FRITZ DAILY			X
GENE DEMARS			X
JERRY DRISCOLL			X
LEO GIACOMETTO		X	
ED GRADY			X
LOREN JENKINS		X	
VERNON KELLER		X	
JANET MOORE			X
BOB PAVLOVICH			X
MARY LOU PETERSON		X	
JOHN PHILLIPS		X	
PAUL RAPP-SVRCEK			X
BOB REAM			X

TALLY

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Lia A. Rutz
Secretary

Orval S. Ellison
Chairman

MOTION: Rep. Cobb moved to decrease all fees by cutting them
in half. Question being called, a roll call vote was taken.
The motion failed on a 9-9 tie vote.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE March 17, 1987 BILL NO. HB 526 TIME 5:59 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		X	
MARION HANSON, V. CHAIRMAN		X	
RAY BRANDEWIE		X	
TOM BULGER			X
JOHN COBB		X	
FRITZ DAILY			X
GENE DEMARS			X
JERRY DRISCOLL			X
LEO GIACOMETTO		X	
ED GRADY			X
LOREN JENKINS		X	
VERNON KELLER		X	
JANET MOORE			X
BOB PAVLOVICH			X
MARY LOU PETERSON		X	
JOHN PHILLIPS		X	
PAUL RAPP-SVRCEK			X
BOB REAM			X

TALLY

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Lisa Rantz
Secretary

Orval P. Ellison
Chairman

MOTION: Rep. Jenkins moved to TABLE HB 526.
Question being called, a roll call vote
was taken. The motion failed on a
9-9 tie vote.

50th Legislature

LC 726

STATEMENT OF INTENT

House Bill 526

House Bill No. 526 requires a statement of intent because section 1 requires the fish and game commission to adopt rules establishing its policy regarding wildlife habitat acquisitions provided for by this act.

It is the intent of this act to provide a means for the department of fish, wildlife, and parks to acquire an interest in land for the purpose of protecting and enhancing wildlife habitat. Such interest in land must be gained by the purchase of leases, conservation easements, or fee title. While it is preferable to acquire such interest through lease or conservation easement, the legislature acknowledges that the willing seller will determine the manner by which such interest is obtained and thus provides for all three alternatives.

It is intended that the rules will address policy considerations for making acquisitions generally, as well as establishing procedures for determining in each case of a proposed acquisition whether the interest will be acquired. It is intended that the commission identify habitat needs by administrative region and compile these needs in a consolidated statewide habitat acquisition plan. The rules must ensure that acquired interests in habitat lands are reasonably distributed

around the state in accordance with the statewide habitat acquisition plan.

It is intended that the department exercise good land management practices on all land acquired, and multiple uses of such land when not detrimental to its value as wildlife habitat are specifically authorized. The department shall identify management objectives for each proposed acquisition, analyze potential impacts to adjacent private land resulting from those objectives, and develop plans to address such impacts.

A public hearing must be held in the area of each proposed acquisition after the required analysis has been completed by the department, for the purpose of obtaining comment from the interested public. The analysis and related public concerns are to be presented to the fish and game commission prior to its final action on any acquisition of interest and also to the board of land commissioners if that body is required to make a decision on the proposal under 87-1-209.

The policy and an analysis for each proposal acted upon in a biennium must be presented to the members of both the house and senate fish and game committees when they next meet in regular session.

Amendments to HB 526 (introduced bill)

1. Title, line 9.
Strike: "87-1-301,"

2. Title, line 11.
Following: "MCA;"
Strike: "AND"

3. Title, line 12.
Following: "DATE"
Insert: "; AND PROVIDING A TERMINATION DATE"

4. Page 1, line 22 through line 23 on page 2.
Following: line 21

Strike: Section 1 in its entirety

Insert: "NEW SECTION. Section 1. Acquisition of wildlife habitat--rules. (1) Before acquisition of any interest in land for the primary purpose of securing wildlife habitat the commission shall by rule establish a policy for making such acquisitions. With regard to any specific acquisition the policy shall provide for a comprehensive analysis of:

(a) the wildlife populations and use currently associated with the property;

(b) the potential value of the land for protection, preservation, and propagation of wildlife;

(c) management goals proposed for the land and wildlife populations, and where feasible, any additional uses of the land such as livestock grazing or timber harvest;

(d) any potential impacts to adjacent private land resulting from proposed management goals, and plans to address such impacts;

(e) a land maintenance program to control weeds and maintain roads and fences; and

(f) any other matter considered necessary or appropriate by the commission.

(2) The analysis made of any proposed acquisition must be made available for review by each owner of land adjacent to the property that is the subject of analysis, and to any member of the public. A public hearing must be held in the affected area after the analysis has been made available to the public."

5. Page 4, line 4.
Strike: "Ninety"
Insert: "Eighty"

6. Page 4, line 7.
Strike: "87-1-301(8)"
Insert: "87-1-209"

7. Page 4, line 8.

EXHIBIT (2)
DATE 3-17-87
HB 526

Strike: "Ten"
Insert: "Twenty"

8. Page 11, line 17.
Strike: "Section 2 is"
Insert: "Sections 1 and 2 are"

9. Page 11, line 19.
Strike: "section 2"
Insert: "sections 1 and 2"

10. Page 11, line 20.
Following: "date"
Insert: "--termination date"

11. Page 11, line 21.
Following: "1988"
Insert: ", and terminates March 1, 1994"

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