

HOUSE FISH AND GAME COMMITTEE

January 6, 1983

The meeting was called to order by Chairman Les Nilson in room 420 of the Capitol Building at 12:45 p.m., with all members present. Visitors attending the meeting included Jim Flynn, Paul Tihista, Representative Ralph Eudaily, Robert Van Der Vere, Mons Teigen, Ken Knudson, Pat Underwood.

The hearing on House Bill No. 34 was opened and Representative Ellison, Sponsor, was present to explain the bill. "The contents of House Bill No. 34 was suggested to me last session by the Governor's committee on Sportsman and Landowner Relationships. This is a committee appointed by Governor Judge to study methods of trying to improve relationships between sportsmen and landowners, and is composed of sportsmen and landowners. This was one of their recommendations." At the present time, the laws under the fish and game statute only require permission to hunt on private land for big game animals. This bill would also include any animals that are regulated by the Fish and Game Department, also fish.

Mr. Jim Flynn, representing the Department of Fish, Wildlife, and Parks, was present to support House Bill No. 34, with the inclusion of an amendment. Mr. Flynn's testimony is attached. (see exhibit 1)

Mr. Robert Van Der Vere then rose in support of House Bill No. 34, as the second proponent. He said that he is against the new amendment recommended by the Fish, Wildlife, and Parks, but that he supports the original amendment read by Representative Ellison. "Many ranches encompass thousands of acres. It would be a hardship on these ranchers to go along and post the lands." He stressed specifically the hardship of expense. He also added that it is the responsibility of the individual hunter, fisherman, etc., to take a look at the county courthouse and find out who owns the land and how much land that territory encompasses.

Mr. Mons Teigen then rose as the third supporter of House Bill No. 34. Mr. Teigen was in favor of the amendment proposed by Mr. Flynn. As representative of the Montana Stockgrowers and Cowbells, Mr. Teigen stated that he would support both the amendment and the bill.

Pat Underwood, representing the Montana Farm Bureau was present to speak in behalf of House Bill No. 34.

Will Brook, Montana Woolgrowers, stood in support of the bill, emphasizing that it is to the benefit of both sportsmen and landowners if the land is posted.

Chairman Nilson then called for any opponent arguments to House Bill No. 34.

Representative Ralph Eudaily stated that after hearing Mr. Flynn's amendment to the bill, he could be listed as a proponent of the bill. "The sportsman should ask permission. Sometimes it is difficult to know who the land belongs to and by having it posted, it would enhance the cooperation between the sportsman and landowner."

Ken Knutson spoke in behalf of the Montana Wildlife Federation. "Even though we registered as opponents, the Montana Wildlife Federation is in favor of the concept suggested by bill, particularly after the amendment suggested by Mr. Flynn." A copy of Mr. Knutson's testimony is attached. (exhibit 2)

Representative Ellison then made his closing comments by explaining that he felt that we, (Mr. Flynn and the Fish, Wildlife, and Parks Committee), could arrive at language to make the amendment one that he could concur with.

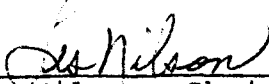
Chairman Nilson then opened the hearing for questions.

Representative Gary Spaeth commented that in regard to checkerboarding, we seem to be concerned with straying from one place to the other place, and this would most generally arise from the lack of fence lines. There are many places that do have intermingled checkerboarded government lands in with private lands where there are no fence lines. Mr. Spaeth called on Mr. Flynn for an explanation as to how you would conspicuously post these types of lands.

Mr. Flynn answered that he did not know how these lands would be conspicuously posted, but the way the bill is introduced and written, the complete burden lies on the sportsman. Mr. Flynn felt that this complete burden should not be placed on that one individual, and that some type of reconciliation should be made.

The hearing on house bill No. 34 was closed.

The meeting was adjourned at 1:00 p.m.



Les Nilson, Chairman



Cheryl Fredrickson, Secretary

HOUSE FISH WILDLIFE & AQUACULTURE COMMITTEE

Date 1/6/83

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Form CS-33
1-81

TESTIMONY - HB34

1/6/83

The Department of Fish, Wildlife and Parks considered proposing legislation similar to BH 34 several months ago. At that time we discussed it with various sportsmen's groups to get a sense of their reaction. While generally they support the idea of requiring permission from the landowner, they did express the concern that any such legislation, without requiring some kind of posting or other notification that land is closed to hunting, puts the conscientious sportsman in a dilemma.

For instance, the sportsman who goes to great lengths to stay on public land may still, despite his best efforts to avoid it, find himself straying onto unposted private land, and under this legislation as it stands, be penalized for trespass despite his best efforts to prevent it.

Accordingly, the Department supports this bill with an amendment. The Department requests that the Committee consider amending HB 34 to require hunters to obtain permission of a landowner before hunting big game animals or other wildlife on private property that has been conspicuously posted as private.

As a matter of past practice, the Department has provided signs to landowners free of charge in order to assist them in posting. The Department is prepared to continue this practice and does not believe that such a posting requirement would create an undue burden on the landowner.

MONTANA WILDLIFE FEDERATION

TESTIMONY ON HB 34

January 6, 1983

Mr. Chairman, Members of the Fish and Game Committee:

My name is Ken Knudson and I'm here today representing the Montana Wildlife Federation. Let me start off by saying that, although we registered as opponents, the MWF is certainly not opposed to the concept of this bill, since my organization strongly advocates asking landowner permission to enter private land for any reason, particularly for the privilege of hunting. We do, however, have some concerns about the implications of this bill if it were to be passed as presently written.

Before your committee takes action on HB 34, the MWF would request that strong consideration be given to reassess its penalty provisions. Specifically, we would request that fines or other penalties for bird hunting trespass not be nearly as severe as for those that presently exist for big game hunting. Certainly, shotgun hunters do not pose the same risk or threat to landowners as do people with high-powered rifles. As such, we do not feel that a person hunting, for example, in a wetland area where property boundaries are hard to identify, and therefore unknowingly crosses on to private land, should be subject to the same penalties as an inconsiderate big game hunter who drives through or cuts a fence to enter private property. We're concerned that by simply changing section 87-3-304 to include "other wildlife" brings forth the potential for unreasonable penalties.

It is also our understanding that part of the intent of this amendment is to enable game wardens to investigate trespass complaints about all types of

^{And not just violations}
hunting violations, associated ~~only~~ with big game hunting. The MWF is again in favor of this concept, but we would ask this committee to closely examine the amount of additional time that Fish and Game wardens would potentially spend on these new duties. We would hope that this additional workload would not unreasonably dilute their efforts to investigate other more critical hunting violations. We're concerned that the passage of HB 34 could potentially increase the wardens' workload too much and therefore, may actually be counter productive to the needs of landowners and sportsmen alike.

Thank you for allowing the MWF to express its views on this matter.

WITNESS STATEMENT

NAME Will Brooke BILL No. HB 34
ADDRESS 420 No California DATE 1/6/83
WHOM DO YOU REPRESENT Mt Woolgrowers / State Grazing Districts
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Support with amendment including permission to
hunt big game animals, or other wildlife, also
permission to fish.

WITNESS STATEMENT

NAME

Pat Underwood

BILL No.

HB 34

and amendment

ADDRESS

Mortimer Farm Bureau,

DATE

Jan 6, 1982

WHOM DO YOU REPRESENT

Bozeman, MT 59715

SUPPORT

☒

OPPOSE

☐

AMEND

☒

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

we support HB 34 and the
FWP amendment.

Pat Underwood