

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

February 3, 1987

The meeting of the Fish and Game Committee was called to order by Chairman Orval Ellison on February 3, 1987, at 1:00 p.m. in Room 312 of the State Capitol.

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

HOUSE BILL NO. 339: Rep. Bob Gilbert, District #22, sponsor, stated HB 339 was an act to require posting of private lands by landowners who prohibit entry onto their lands. In most instances, the land is neither marked nor fenced. Under current law, merely stepping on the land was considered a criminal offense, and there are landowners and individuals as sportsmen, who do take advantage of this. HB 339 primarily addresses the mine claims, and old homesteads that lie within the boundaries and portions of land bought that were basically homesteads years ago. If you wander on someone else's land and the owner does not care, he is not required to mark the boundaries of the land. However, if he does not want you on that land, and that is his right, he should then be required to either fence it or mark it. The bill specifically states "if entry is prohibited".

PROPOSERS: Jim Flynn, Director, Department of Fish, Wildlife and Parks, distributed testimony (Exhibit 1). He stated the proposed legislation specifically defined the posting requirements for private property such as mining claims and/or homesteads surrounded by public land. Currently, the law requires only posting at normal points of entry where a body of water intersects a property boundary. The bill appears to provide for a more adequate notice of private property boundaries for those using public lands.

Tony Schoonen, representing the Skyline Sportsman, stated his only recommendation would be the posting cost should mainly be born by the federal agencies, primarily so there would not be a lot of time lost, as far as landowners are concerned, spent in marking all their boundaries.

Jeanne Klobnak representing the Montana Wildlife Federation, stated in the best interest of landowner/sportsman relations, MWF supported HB 339.

OPPOSERS: Jerry Jack, Montana Stockgrower's Association, stated primarily this will put an unnecessary burden on the

private landowners who have to mark and post all their land. It has been his experience that it is almost next to impossible to mark the boundaries and then maintain them.

Jo Brunner, representing the Montana Grange Association, stated HB 339 puts an unjust burden on the landowners. They have a responsibility to post their land as already designated. The hunter also has the responsibility to know where he is when he is hunting. Such posting could be removed by anyone and the private landowners would be responsible.

Reps. Leo Giacometto and Gene DeMars went on record as opposed to HB 339.

Kim Enkured, representing the Montana Association State Grazing District, stated her organization opposed HB 339.

Rep. Cobb asked Rep. Gilbert if the land was surrounded by public land.

Rep. Gilbert stated it was totally surrounded.

Rep. Ellison stated the bill requires posting where the land is not fenced. If the land is fenced and totally surrounded by public land, would the other posting requirements then apply.

Rep. Gilbert stated that was correct and pointed out, as the bill specifically stated, "if entry is prohibited".

Rep. Keller asked that if it wasn't posted, the landowner would not necessarily have to, according to the bill, so why do they need the bill. If you have a piece of land and the owner does not really care, why should he be required to post and mark.

Rep. Gilbert reiterated that if he does not care, he does not have to post it. It says "if entry is prohibited". Then he would have to post.

Rep. Ellison stated HB 339 would apply to big game hunting and asked Rep. Gilbert if he was aware that this would not apply to big game hunting, due to the fact there is another section, under the law, that stated you have to have permission.

Rep. Gilbert stated he was perfectly aware of that.

Rep. Gilbert closed, emphasizing HB 339 only applied to those private landowners who prohibit entry onto their land, merely so the hunter will know who's property he can be on without trespassing and where he should not be. He felt

this was a way of working toward a better landowner/sportsman relationship. Surely, if the landowner did not know where his boundaries were, how would the hunters.

Hearing closed on HB 339.

HOUSE BILL NO. 394: Rep. William "Red" Menahan, District #67, sponsor, stated there were amendments to the bill. He would let the testimony be heard and reserved the right to close.

PROPONENTS: Jim Flynn, Director, Department of Fish, Wildlife and Parks distributed testimony (Exhibit 2). Mr. Flynn stated this prison ranch winters approximately 200 elk and is year round range for white-tailed deer, moose and other species. Public hunting currently occurs on this land. The continuation of public access and the ability to manage wildlife would allow continued control over game damage in the area, and broaden recreational opportunities which provide more effective herd control.

Jeanne Klobnak, representing the Montana Wildlife Federation, submitted testimony (Exhibit 3). She stated Montana owned 32,000 acres and leased 8,000 acres of land located in the Deer Lodge Valley for the prison ranch. A large percentage of these acres is now, and has been, valuable elk winter range. The public has been provided access through the land to get to adjacent National Forest Land. MWF wished to preserve the public's interests in the land for its current and future value to sportsmen, recreationalists, and the wildlife which winter on the land.

Ron Collins, on behalf of the Montana Wildlife Federation, submitted testimony (Exhibit 4). He stated the bill is plain and simple, designed to be "a stitch in time save nine" approach. HB 394 looks ahead to prevent a very real possibility that sometime in the future, the public could lose the privilege extended to it for many years in the past. This being, the recreational use of, and the existence of, an excellent elk winter range and elk herd on the State Prison Ranch.

Lyle Manley, representing the Department of State Lands, stated they did support the bill and offered amendments at that time. (Exhibit 5).

Tony Schoonen, member of Montana Wildlife Federation, stated regarding the sale of the Prison Ranch, he felt it should be handled by another state agency. If the prison ranch could be maintained as a wildlife management area, the sportsman in surrounding areas would be willing to take this on as a project, offering monetary support to the department to

offset fees for operation. He emphasized the need to keep the ranch in state and did not want to see some out-of-stater come in and immediately locking out all sportsmen.

L. F. Thomas, representing the Anaconda sportsman, stated his group supported HB 394.

NO OPPONENTS

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 394: Rep. Cobb asked Mr. Flynn if they could sell the ranch to the DFWP at the present time, due to the fact that there is an option to purchase.

Mr. Flynn stated the issue was complicated. However, there was no question that it was prime wildlife habitat. Perhaps, a difficulty now, is running it to get the maximum deduction out of it for that purpose. The system in place is not ideal, but by balancing those two means, it was probably the best they could have. If the property were to be considered for sale, the department would like to be one of the prime people involved.

Rep. Ream asked Lyle Manley if they were currently deriving income from the seven sections of land they had.

Mr. Manley stated, yes, they are leased to the Department of Institutions.

Rep. Brandewie asked if HB 394, as written, would have an affect on the full market value of the state lands.

Mr. Manley stated that would only happen if the prison ranch were sold.

Rep. Rapp-Svrcek stated his concerns of the possibility of the prison ranch being sold and asked Mr. Curt Chisholm, a member of the audience, if he could shed some light on it.

Mr. Chisholm stated they had no plans to see the prison ranch sold at the present time.

Rep. Menahan closed, stating they had a good plan working, and they needed to take the time to stop in the area to contact the people working at it. They indeed, had a very workable relationship with the sportsmen and the Fish and Game, and have found this program to be very beneficial to agriculture and game management. He felt the bill was trying to make something work with the existing programs. Of course, he stated, there will always be restrictions because of the prison, and that would have to be recognized.

At the present time, the prison ranch had been making money under Ron Page. The thought of selling had not been discussed, because it was making a profit, not a false profit, but a true profit in the management sense, and was not being subsidized by state dollars. Rep. Menahan stated it was a good plan, that they needed to give some definite thought to and urged the committee to look favorably on HB 394.

Hearing closed on HB 394.

HOUSE BILL NO. 407: Rep. Ed Grady, District #47, sponsor, stated the piece of legislation was suggested by Jim Flynn, Director, DFWP and felt it had some real merit. At this time, he reserved the right to close.

PROPOSERS: Mr. Jim Flynn, Director, Department of Fish, Wildlife and Parks, submitted testimony (Exhibit 6). He stated each year, many nonresidents contact the department and wish to hunt on land they own in Montana. Some own large quantities, pay Montana taxes, and in many cases have quantities of wildlife on their property. These nonresident landowners provide hunting and fishing for many of our sportsmen. Current statutory restrictions on nonresidents made it difficult for these individuals to have the chance to hunt on their own land. HB 407, if enacted, would allow nonresident landowners the same privileges as residents for hunting, by allowing them to purchase over-the-counter elk and deer licenses. In view of the fact there are likely not many who would qualify for this exception, and that we have more applicants for our licenses now than we can handle, this approach was in order. However, at this time, the department suggested an amendment.

OPPOSERS: Jeanne Klobnak, representing the Montana Wildlife Federation, submitted testimony (Exhibit 7). She stated HB 407 proposed if a nonresident was wealthy enough to own an area of land so large it sustained a huntable population of elk, deer or antelope, that person may hunt on such land with a resident license. Although HB 407 attempted to allow for family members who had moved out of state to hunt with family members in state, it offered perhaps, an elitist proposal which catered to the wealthy. Requirements for residency recognize that residents have certain preferential treatment to a special class of nonresident hunters, despite the social, economic or other criteria such treatment might be based on.

Harry McNeil, member, Gallatin Wildlife Association, stated his organization felt this was another attempt to capitalize on our wildlife programs which they have established in Montana. They felt there was no precedent for such legislation. Owning land and paying property taxes in Montana was

not adequate justification for residency. If we allow this foot in the door legislation, how long would it be before we were asked to grant the same privileges to share holders, of large and small corporations. This legislation might encourage nonresidents to buy land here just simply to acquire hunting privileges.

Rep. Menahan stood opposed to HB 407 stating it would be impossible for the Fish and Game to control this, and felt it would serve no purpose at all.

Tony Schoonen, representing the Skyline Sportsman Association, stated they opposed HB 407 which set a dangerous precedent, leaving many unanswered question.

L. F. Thomas, representing the Anaconda Sportsmen, stated his group was strongly opposed to HB 407 and felt they need to "keep Montana for the Montanans".

Scott Ross, representing the Montana Bowhunters Association, submitted testimony (Exhibit 8). MBA's concerns were based primarily on the measure having an adverse impact on access to some private lands. It seemed HB 407 would encourage some acquisition by nonresidents for the purpose of creating hunting opportunities for themselves. MBA fears that the special exceptions provided for in HB 407 pose threats to both Montana's sportsmen and, in some instances, to Montana's agricultural community.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 407: Rep. Pavlovich wanted to know why he could not get licenses for his sons that live out of state. He felt since he did live here, he was entitled to get licenses for them.

Rep. Grady stated there was a difference between being a landowner and one that raised or had animals on their land. He did provide for them 12 months out of the year, and that was the individual HB 407 was directed to, not everyone's relations in the State of Montana.

Rep. Ellison asked Mr. Flynn if he had any idea how many people might be eligible for this.

Mr. Flynn stated the issue had nothing to do with what they would pay to hunt, the concern lies in the fact that they can't get a license at all. With a 17,000 limit, those people were not complaining about prices, but the restrictions put on these licenses. As substantial landowners in the state, they are only asking for the opportunity to hunt on their own property. He then stated as far as eligibility was concerned, he was only aware of ten. However, there could be more he was not aware of.

Rep. Rapp-Svrcek asked Mr. Flynn that given the fact the department had only had ten requests in the last three years, and the fact they don't care how much they pay, how complicated would it be to keep track of those few a number.

Mr. Flynn reiterated that there could be more, and stated that when you get involved in this, you must start keeping records of family sons, and fathers, and different names, married names and unmarried members of certain families, and it would end up being a never-ending job.

Rep. Ream asked Mr. Flynn if a landowner category for nonresidents was proposed requiring them to keep their land open for hunting, could this actually open up some land that hadn't been open before.

Mr. Flynn stated it would definitely have a positive effect, without knowing exactly what the results would be.

Rep. Grady closed stating HB 407 was a good bill. As Mr. Flynn stated, price was not the object. There are over 24,000, almost 26,000 applications for the 17,000 licenses and this is where the problem lies. HB 407 was in no way a promotion to sell land. He felt it would not close up more land, but open additional land that was not available previously. He felt the problem of getting an out of state license would get more difficult, especially with the set aside. He asked the committee to take a serious look and consider the options of HB 407.

Hearing on HB 407 closed.

EXECUTIVE SESSION:

HOUSE BILL NO. 329: Rep. Ream moved HB 329 DO PASS. Rep. Ream moved the amendments to HB 329 and asked Dave Cogley to explain.

Dave Cogley stated the amendments addressed two questions raised at the hearing. One was whether or not the restitution fee would apply to each bird or each offense. To clarify, there first had to be a conviction for the illegal killing or possession of the bird. There was a question of whether or not that offense, constituted more than one animal, and if the fee would apply to that offense or to each animal. The amendment would clarify the fee attaches to each animal. The second amendment was the willful intent discussed at the hearing. It was rewritten and inserted as a new section in the bill. That makes it more clear as to what the real intent is.


Rep. Driscoll stated there was concern regarding restitution being part of the bond and wondered if there were any way to legally make sure the restitution was part of the bond.

Dave Cogley stated they worked on that approximately three hours trying to get a bond requirement in the bill. Presently, bond amounts are established at the recommendation of the department and are set by the J.P.'s Association and the Lower Court Judges Association. They take the recommendation of the department in what those amounts should be, and would apply the same way to this fee. After dealing with this and trying to get it into some sort of legislation, all agreed it would be best to leave it the way fines for bond are normally set, and that was by recommendation of the Judges Association.

Question was called. The motion CARRIED unanimously. See Standing Committee Report Nos. 1 and 4. Rep. Hanson moved to amend HB 329 to include turkeys and have a penalty of \$100. She felt turkeys were in a different class from game birds. You must have a turkey tag, and turkeys were better than a grouse or pheasant. Question was called on the amendment. The motion CARRIED unanimously. See Standing Committee Report No. 3. Rep. Jenkins moved to amend the \$25 dollars and rearranging it in the bill. Question was called. The motion CARRIED unanimously. See Standing Committee Report No. 2.

Rep Ream moved HB 329 DO PASS AS AMENDED. Question was called. A roll call vote was taken, the motion CARRIED 11-5.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 2:57 p.m.



ORVAL ELLISON, CHAIRMAN

DAILY ROLL CALL

FISH & GAME

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 3 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			

STANDING COMMITTEE REPORT

FEBRUARY 3

19 87

Mr. Speaker: We, the committee on FISH AND GAME

report HB 329

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. ORVAL ELLISON

Chairman

Amendment to HB 329 (Introduced bill)

1. Title, line 5.

Strike: "THE"

Insert: "CERTAIN"

Following: "OF"

Strike: "CERTAIN"

2. Page 1, line 14.

Following: "for"

Insert: "each"

3. Page 1, line 24 and 25.

Strike: "and" through "starlings)"

Insert: "and turkeys"

4. Page 2.

Following: line 2

Insert: "Section 2. Finding required. Before restitution may be ordered pursuant to [section 1], the finder of fact at trial or the court upon entry of a guilty plea must find that such illegal killing or possession was done knowingly or purposely as defined in 45-2-101."

Revised Subsequent Sections

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ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE FEBRUARY 3, 1987 BILL NO. HB 329 TIME 2:50 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

11 5

Lee Rapp
Secretary

Orval S. Ellison
Chairman

MOTION: Rep. Ream moved that HB 329 DO PASS AS AMENDED.

Question being called, a roll call vote was taken. The motion carried 11-5.

HB 339
February 3, 1987

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

This proposed legislation specifically defines the posting requirements for private property such as mining claims and/or homesteads surrounded by public lands.

Currently, the law requires only posting at normal points of entry or where a body of water intersects a property boundary. This bill appears to provide for a more adequate notice of private property boundaries for those using public lands.

We urge favorable consideration of this legislation.

EXHIBIT (2)
DATE 2 3 87
HB 394

HB 394
February 3, 1987

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

The Prison Ranch near Deer Lodge winters approximately 200 elk each year and is year-round range for white-tailed deer, moose and other wildlife species. This winter range is a good mixture of open and timbered land and of importance for maintaining recreational opportunities in the Deer Lodge valley. Public hunting currently occurs on this land with the use of archery being established five to six years ago.

The continuation of public access and the ability to manage wildlife would allow continued control over game damage in the area. The use of firearms has been discussed for the area, and if allowed, would broaden recreational opportunities and provide more effective herd control.

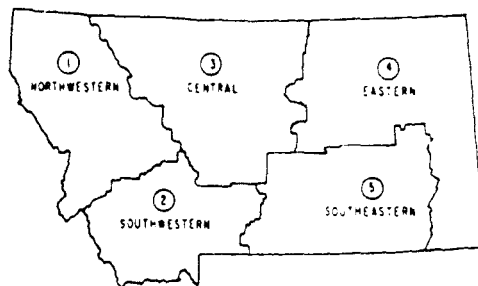
Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

Testimony on HB 394

House Fish & Game Committee

February 3, 1987



Mr Chairman, members of the Committee, my name is Jeanne Klobnak. I stand before you today on behalf of the Montana Wildlife Federation, in their support of HB 394.

The state of Montana owns 32,000 acres and leases 8,000 acres of land located mostly in the Deer Lodge Valley for the Prison Ranch. The prison uses the ranch to supply food for its inmates and for other state institutions. The ranch also provides training for the inmates. A large percentage of this 40,000 acres is now and historically has been valuable elk winter range. The public has traditionally been provided access through this land to get to adjacent National Forest Land.

At various times, proposals have been made that the Prison get out of the ranching business. If this were to happen, the State might choose to sell the land to private interests, or to take other action which might damage the wildlife resource. Private interests might not be interested in preserving the wildlife values of the land or in permitting public access to it. There is no law which currently protects the Prison Ranch from this possibility.

The Montana Wildlife Federation wishes to preserve the public's interests in this land for its current and future value to sportsmen, recreationalists, and the elk, moose, whitetail, and other wild species which winter on the land.

MWF would ask that this committee do pass HB 394. Thank you.



RONALD E. COLLINS
325 KCHFS,
DEER LODGE, MT.
59722
PH. 846-3052
DATE:

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PROPCNENT/ TESTIMONY
OF
RONALD E. COLLINS
on behalf of
"THE MONTANA WILDLIFE FEDERATION "

SUBJECT: House BILL NO. 394

SPONSER: REP. WILLIAM T. MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT STATE LAND NOT
OPERATED AS THE MONTANA STATE PRISON RANCH MAY NOT BE SOLD OR LEASED
UNLESS A PERMANANT RIGHT OF PUBLIC ACCESS AND CONTINUED MAINTENANCE
OF THE ELK WINTER RANGE IS GAURANTEED; AMENDING SECTIONS 53-1-202
AND 77-2-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

50th Legislature

Committee Hearing

Mr. (Madam) Chairman; Honorable members of the committee;

My name is Ron Collins, I am a member of the Montana Wildlife Federation and come before you to offer our testimony on behalf of House Bill NO. 394.

This bill is plain and simply, a bill designed to be, "a stitch in time saves nine," approach. This bill looks ahead to prevent a very real possibility that sometime in the future, the public could lose the privilege extended to it for many years in the past. That is, the recreational use of, and the existence of an excellent elk winter range, and elk herd on State Prison property.

In years past, the Legislature has twice considered selling the prison ranch. This gives reason to believe, that one day, just such a sale may occur in the future. The result of such a sale could well mean the end of public access to 40,000 acres of prison ground, and access to U. S. Forest Service lands accessed through prison lands. Such a sale might also result in the loss of the valuable elk winter range, and a subsequent reduction in the existing elk herd.

As most, if not all of you, are well aware, access problems throughout the state, to both public and private lands, have become a problem of grave concern to Montana's recreationists, especially, in the past year. The "Elk Ridge-Road" through prison property, is one of only three existing roads allowing public access to public lands that remain open, on the entire west side of the Deer Lodge Valley. A popular area for high country lake fishing, hikers, cross country skiers, snowmobilers, horseman, photographers, and hunters. A real need exists to protect this public access.

Each "Legislative Session" brings forth acquisition bills requesting funds to acquire winter range for big game. These bills are invariably opposed by members of the agricultural community, as such, state owned "Big Game" winter range is difficult to acquire. Such winter ranges, (state owned) are desirable if not vital to maintaining stable big game populations. Much of the "Big Game" in our

23
394

state, winter on private ground. As a result their numbers are influenced by the land owner tolerance of them. This can vary, depending on such things as the number of livestock being pastured from year to year, and the amount of grass available due to growing conditions that year.

The "Prison Ranch" has supported 250 - 300 head of elk for many years. It has been the primary winter range for these elk. We have no need to appropriate money for it, we already own it! What we do have a need for, is the passage of this bill to preserve it!

The Montana Wildlife Federation, thanks you, for the opportunity to offer our testimony on behalf of House Bill NO. 394.

Ronald E. Collins

Amendments to HB 394 (Introduced Bill)

1. Title, line 6.
Following: "ACCESS"
Insert: "TO ADJOINING PUBLIC LAND"

2. Page 2, line 2.
Following: "permanent"
Strike: ", unrestricted"
Following: "access"
Insert: "to adjoining public land"
Following: "for"
Insert: "nonmotorized"

HB 407
February 3, 1987

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2587
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Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

We are here to testify in support of HB 407.

Each year we are contacted by a type of nonresident who wants to hunt on land he owns in Montana. Some of these individuals own large quantities of Montana land, they pay Montana taxes, and in many cases have quantities of wildlife on their property. These nonresident landowners also provide hunting and fishing opportunities for many of our sportsmen. With the current statutory restrictions on nonresidents, it is difficult for these individuals to have an opportunity to hunt on their own land.

As it is now, the individual must compete for one of the 17,000 or any of the other general licenses available for nonresidents. As the competition for these licenses increases, the chance of their success is reduced. This bill, if enacted, would allow nonresident landowners the same privileges as residents for hunting, by allowing them to purchase over-the-counter elk and deer licenses.

We had considered assuring these individuals a nonresident license, but felt that approach would be unnecessarily complicated. In view of the fact that there are likely not many who would qualify for this exception and that we have more applicants for our licenses now than we can handle, this approach is in order. There should be no negative fiscal impact for the department.

We would suggest an amendment on Page 3, Line 14, by changing the 5% to 35%.

This, along with the other restrictive language regarding ownership, should assure that only those truly qualified will use this law.

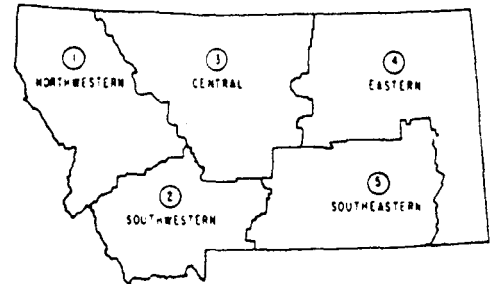
Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

Testimony on HB 407

House Fish & Game Committee

February 3, 1987



Mr. Chairman, members of the Committee, my name is Jeanne Klobnak. I stand before you today on behalf of the Montana Wildlife Federation, in their opposition to HB 407.

The Montana Wildlife Federation (MWF) is a conservation organization, comprised of 4600 members, dedicated to promoting wildlife, wildlife habitat, and sportsmen's interests.

HB 407 proposes that if a non-resident is wealthy enough to own an area of land so large that it sustains a huntable population of elk, deer, or antelope, then that person may hunt on such land with a resident license. Although HB 407 attempts to allow for family members who have moved out of the state to hunt with family members who remain residents of Montana, it offers instead perhaps and elitist proposal which caters to the wealthy.

A resident of Montana makes a commitment to live in the state for better or worse, that a non-resident does not make. Why should someone who, for purposes of residency, commits to the economic stability of, for instance, Texas or California, be afforded the lowest cost hunting license Montana has to offer? Simply because he or she owns land here?

The law has always recognized distinctions between residency and non-residency. A college student is not granted "in-state" status in Montana simply because he or she owns real property within the State.

Hunting, like automobile driving, is a privilege, not a right. Requirements for residency recognize that residents have certain privileges that non-residents do not have. In recognizing the resident's commitment to the State, in turn, what commitment does the State make to its residents in giving away their special privileges to others?

Perhaps the legislature should consider offering a low cost license to the low-income non-resident hunter rather than to the wealthy?

MWF does not support offering preferential treatment to a special class of non-resident hunters, despite the social, economic, or other criteria such treatment might be based upon.

MWF urges that this committee do not pass HB 407. Thank you.



WITNESS STATEMENT

EXHIBIT 1EDATE 2/3/87HB 407NAME R. Scott Russ BILL NO. HB407ADDRESS Box 5221; Helena (59604) DATE 2/3/87WHOM DO YOU REPRESENT? Montana Bowhunters AssociationSUPPORT _____ OPPOSE AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Montana Bowhunters Association opposes HB407 based primarily on our concern that this measure may have an adverse impact on access (by permission) to some private lands.

We find no fault with the intent of the bill... that presumably being to encourage nonresident landowners to practice management that benefits wildlife.

It seems likely, however, that HB407 will also encourage some acquisition of lands by nonresidents for the purpose of creating hunting opportunities for themselves. Lands with good potential for supporting wildlife are likely to be primary targets for these individuals (or partnerships or corporations). The MBA assumes that these lands, once acquired for hunting purposes, are not likely to be open to hunting by the public. HB407 does not appear to preclude the acquisition of lands for such purposes.

The number of nonresidents hunting with resident licenses on a given property could be considerable given the requirement that a person must own only 5% (or more) of the outstanding shares of a corporation to hunt as a resident on the property and the provision that allows spouses, parents, children, brothers, and sisters to also hunt with resident licenses on that property.

The Montana Bowhunters Association believes that an individual must be either a resident by general definition or a nonresident by general definition. We fear that the special exceptions provided for by HB407 pose threats to both Montana's sportsmen and, in some instances, to Montana's CS-34 Ag community.

VISITORS' REGISTER

FISH AND GAME

COMMITTEE

BILL NO. HB 339; 394; 407

DATE FEBRUARY 3, 1987

SPONSOR GILBERT; MENAHAN; GRADY

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Jerry Jack</i>	<i>Mt. Stockgrowers</i>		<i>339</i> ✓
<i>L. J. Thomas</i>	<i>Anaconda Sportsman</i>		✓
<i>Lyle Manley</i>	<i>Dept St Lands</i>	<i>✓ 394</i>	
<i>Scott Ross</i>	<i>Montana Birdhunters Assn</i>		<i>407</i>
<i>Kmenkewid</i>	<i>MT Assn State grazing Dist</i>		<i>339</i> ✓
<i>ROV COLLINS</i>	<i>DEER LODGE SPORTSMEN</i>	<i>✓ 394</i>	
<i>Carol Mosher</i>	<i>Mt. Little Horn</i>	<i>#</i>	<i>#B339</i> ✓
<i>John MAISI</i>	<i>Outfitter</i>		
<i>Jeanne P. Klubick</i>	<i>Helena</i>	<i>✓ 394</i> <i>339</i>	<i>✓ 407</i>

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.