

MONTANA STATE SENATE  
JUDICIARY COMMITTEE  
MINUTES OF THE MEETING

March 24, 1987  
10:00 A.M.

The fiftieth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on March 24, 1987 by Chairman Joe Mazurek in Room 325 of the Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 503: Representative Dorothy Bradley, House District 79, Bozeman, introduced House Bill 503, which amends the existing statutes that provide landowners immunity from liability for injuries to persons who are on their land for recreational purposes and without charge. She said the artist Jim Dolan is planning on putting sculptures on private land. She said the landowners are afraid of liability problems. She suggested better wording on line 16, after "hiking", insert "touring and viewing cultural and historical sites and monuments".

PROPONENTS: Jim Dolan, artist from Bozeman, gave the committee a summary of his work and his plans for his projects. (Exhibit 1)

Karl Englund, Montana Trial Lawyers Assn., asked how the statute can define a "historical site". He felt the bill is strictly to protect the landowner when people come onto his land to look at a historical site or art.

OPPONENTS: There were no opponents.

DISCUSSION ON HOUSE BILL 503: Senator Mazurek asked Representative Bradley if she has thought about the problem Karl Englund brought up. Rep. Bradley explained all this bill gives is a reference to the landowner.

Senator Blaylock asked what the difference is between "touring" and "viewing". Rep. Bradley stated that if the committee feels that is redundant language, then it can be taken out.

CONSIDERATION OF HOUSE BILL 219: Representative Gay Holliday, House District 31, introduced House Bill 219, which creates immunity for a nonprofit organization and its employees from injuries suffered by contestants. She explained House Bill 219 is a combination of Rep. Marian Hanson's bill and her own bill. She explained the sport of rodeo is becoming extinct because of the fear of liability suits. She said no one wants to have a rodeo anymore because of the lack of availability of insurance coverage. She explained O-MOK-SEE is spelled wrong in the bill and would appreciate the change.

PROPOSERS: Representative Marian Hanson from House District 100, stated rodeo is one of Montana's prize possessions and without this bill we will lose it quickly.

Les Graham, Pro-Rodeo Cowboys Assn., stated he was on personal leave from the Department of Livestock to come testify in support of the bill. He stated no one can get insurance for rodeo; there is none available. He explained rodeo has more variables to worry about than other sports because one is dealing with animals to participate. He explained a rodeo injury case where the rider was hurt on his own horse, but the law suit went on for five years.

Senator Eleanor Vaughn, Senate District 1, testified the rodeo organization and outdoor organizations help the young people of the state and soon there won't be any of these organizations because of the law suits. She said the Back Country Horsemen Assn. would like to be included in the bill.

Bill Maloit, Back County Horsemen, supported the bill and had the amendments for the committee to include his organization. (Exhibit 2)

Judy Wagner of Helena, stated she is a private rodeo arena owner and a concerned parent. She said children will not be invited to attend ropings at other people's arenas. She said she and her husband make people who use their arena sign release forms. She stated lawyers have told them the release forms will not hold up in court. She said the liability insurance they could get only covered spectators and not participants. She explained that her family is very athletic and have participated in all kinds of sports.

Keith Herrin, Montana Saddle Clubs Association, supported the bill. (Exhibit 3) He also handed in written testimony of Gary Hettick, President of Montana Saddle Clubs Association. (Exhibit 4)

Shirley Clark, Montana High School Rodeo Association, testified in support of the bill.

Pat Greany, MT. Pro-Rodeo Cowboy Assn., supported the bill because he is a private arena owner.

Jim Hohn, Chairman of the Broadwater County Fair Board, testified that the Fair Board can't find qualified people to be on the Board because of the fear of suits against the Board for events such as rodeos.

Bob Burns, Insurance Incorporated, said there is no coverage for participants. He supported including "jackpot roping" in this bill.

Carol Mosher, Montana Stockgrowers, testified in support of the bill.

Dolly Hughes, Lewis and Clark Fairgrounds manager, stated she has to write such strict rules involving fairground use that the use of the fairgrounds has dropped, all because of the liability problem and the availability of insurance. She wanted to include "horse shows" in the bill.

Steve Downing, representing himself, stated rodeo people know the risks, and most rodeo people would not think of suing anyone. He explained a rodeo injury that happened to him where a horse kicked him in the face. He said he never thought of suing. He said he has never been to a rodeo where there wasn't a potential law suit. He said every rodeo cowboy would support this bill.

OPPONENTS: Karl Englund, Montana Trial Lawyers Assn., said the bill raises the standard of negligence to "gross negligence". He stated if the people who use these arenas and the ones who sponsor an event want the standard to be that high, then that is a true policy position. He said the unavailability of insurance for this is not because hundreds of cases are being filed against rodeo.

DISCUSSION ON HOUSE BILL 219: Senator Blaylock asked Steve Downing if he thinks the people who will sponsor rodeos will become more careless if this bill passes with "willful and wanton". Mr. Downing answered he could not see rodeo people becoming careless. He said what seems safe to rodeo people, may be very dangerous to others.

Senator Pinsoneault inquired if Rep. Holliday thought about using a generic term, like "users of horses, riders and livestock" for all these groups represented here because the bill was getting a long laundry list of groups to be covered under it.

Rep. Holliday agreed with Senator Pinsoneault. She stated her bill only included rodeos and Rep. Marian Hanson's bill included other events. She said the House Judiciary subcommittee wanted to make sure no profit organization could slip into this bill. Senator Pinsoneault commented the profit organizations are trying to get into it.

Senator Blaylock asked how many law suits involving rodeo have been filed in this state. Rep. Holliday said there was one that she knew of.

Senator Beck asked if "jackpot roping" will be covered. Rep. Holliday responded it will not be covered because it is not a "nonprofit" group. She said she would like to see "nonprofit" taken out of the bill.

Representative Gay Holliday closed by saying Benny Reynolds, famous rodeo star, supported the bill.

CONSIDERATION OF HOUSE BILL 478: Representative Fred Thomas, House District 62, introduced House Bill 478, which grants weed districts immunity from liability for negligent acts, except acts constituting gross negligence. He said the weed districts of Montana are not spraying the roadsides as much because of lack of pollution insurance. He said this bill will give immunity to the weed districts on the "gross negligence" level.

PROPONENTS: Debi Brammer, Montana Conservation Districts, supported the bill.

Chuck Rein, rancher from Big Timber, said there is a serious problem in controlling weeds in this state, and not being able to spray them doesn't help the problem.

Jim Hohn, Lewis and Clark County Weed District, supported the bill. (See witness sheet)

Kay Norenberg, WIFE, testified in support of the bill.

Lorna Frank, Montana Farm Bureau, supported the bill.

Carol Mosher, Montana Cattle Women, went on record in support of the bill.

OPPONENTS: Karl Englund, Montana Trial Lawyers Association, stated the bill raises the standard of negligence for governmental agencies and their obligation to anyone who could be injured from it. He said this will involve innocent people who come in contact with unreasonable spraying of weeds. He said in Section 1, it should clearly state this limited liability is only for the spraying activities, not for anything else, such as the weed sprayer having an accident with the spray truck.

Janet Ellis, Montana Audubon Society, opposed the bill. (Exhibit 5)

DISCUSSION ON HOUSE BILL 478: Senator Pinsoneault asked if it is "gross negligence" if the sprayer didn't call the weather bureau to see what the weather might do before he sprays, because there might be wind shifts during a day. Karl Englund said it was not "gross negligence". He said you will have to ask the experts.

Senator Halligan inquired if the committee had already given immunity for the officers and directors of nonprofit organizations such as the weed districts.

Rep. Thomas said there is, but in this case, this is dealing with a governmental entity.

Senator Beck asked Karl Englund how anyone can get the negligence standard lower than it is now. Mr. Englund said strict liability will do it. Mr. Englund said no one knows enough data on who, and how many, weed spraying affects, or if this bill will help the weed districts. Senator Beck said we have to try something to help these people so they can spray.

Senator Mazurek felt there are two sides to this story. He said right now the bill is saying the spraying of chemicals is real dangerous, but the spraying of it is immune from liability suits. He said it is inconsistent.

Rep. Thomas said he believed the bill was not raising the negligence threshold that much. He said herbicides are not that dangerous compared to other chemicals. He said the sprayers are bound by state law to be careful. He said we're saying that the sprayers can be careless. He said he just wanted to get them back in business again. Rep. Thomas closed the hearing on House Bill 478.

CONSIDERATION OF HOUSE BILL 146: Rep. Gary Spaeth, House District 84, introduced House Bill 146, which provides immunity and indemnification in certain civil suits against employees of ditch companies. He said ditch companies are just trying to survive. He said the bill has a procedure and exceptions in the bill, which makes it a good bill.

PROPOSERS: Ted Doney, Montana Water Development Association, said the bill is patterned after current law that covers employees of state and local governments. He pointed out if an employee of government gets sued, there is a procedure which is followed. He said this bill follows that same procedure. He said the bill only covers employees of nonprofit groups. He stated he supports the amended bill.

Karl Englund, Montana Trial Lawyers Association, supported the amended bill.

DISCUSSION ON HOUSE BILL 146: Senator Halligan did not understand page 2, (2). Mr. Doney said it is stating this bill only deals with liability of an employee.

Senator Mazurek asked if anyone would reject limiting the bill to corporations. Rep. Spaeth felt most ditch companies are not corporation orientated.

Representative Spaeth closed the hearing on House Bill 146.

CONSIDERATION OF HOUSE BILL 286: Rep. Gary Spaeth, House District 84, opened the hearing on House Bill 286, which limits the duties and liabilities of irrigation districts and private persons or entities owning or operating irrigation ditches in regard to personal injury and property. He said on the first page it states the ditch company has no duty of putting up a fence around a ditch or to install grates over the ditch. He felt grates are not safety devices. He pointed out the ditch company is not liable

for acts of nature. He said the ditch company should not be liable for seepage. He commented the ditch company should not be liable for unauthorized people being on ditch company land. He said it would have to be willful or wanton misconduct to allow the ditch companies to be liable. He said this bill will allow ditch companies to function. He said towns and cities have developed out to where older ditches are.

PROPOSERS: Jo Brunner, Montana Water Development Assn., gave a slide presentation on ditch sites and the problems ditch companies have been having with people living around the ditches.

Dean Hall, Billings Benchwater, stated there are 52 miles of ditch within the city of Billings. He said the ditch companies can't keep fences up and the cost of covering it would cost \$35 million. He said if a grate over the top of a ditch was to plug, it would take a fourth of Billings with it.

Ron Scofield, President of the Montana Water Development Association, and manager of the Helena Valley Irrigation District, stated the ditches are there to deliver water, not to be swimming pools or bike trails. He wanted to reinsert the word "underground" back into the bill. He said if one covers the ditches, it will cause pluggage, lack of water, and it could "pin" someone by the force of the water, to the grate or cover over the ditch.

Ed Lenhart, Big Ditch Company and High Ditch Co. in Billings, said covering ditches with screens will allow someone to drown in one anyway.

Dick Kennedy, East Bench Irrigation District in Dillon, said they have 546 places where the ditch goes underground. He said if the ditch company didn't keep the grates clean, they would be negligent. He said it is very hard to patrol the ditches.

Jerry Nypen, Greenfields Irrigation District, Fairfield, Montana, supported the bill. (Exhibit 6)

Ted Doney, Montana Water Development, said the bill is to prevent ditch companies from being sued because our society is "sue happy". He said some ditch companies have been sued seven times at \$50,000 a suit. He commented many companies settle because even if they could win, the court fee is expensive.

Lorna Frank, Montana Farm Bureau, testified in support of the bill.

OPPONENTS: Karl Englund, Montana Trial Lawyers Assn., stated that section 1 has a problem with the duties of a ditch company. He said the ditch companies should put up fences when it is in the best interest of the company and the water user.

PROPOSERS: George Ochenski, Montana Environmental Information Center, wanted to go on record as a proponent because the House put in the amendment about the ditch company shouldn't be immuned from liability when there are toxic chemicals in the water.

DISCUSSION ON HOUSE BILL 286: Senator Mazurek asked where the replacement section is in the bill. Rep. Spaeth said this bill deals with public and private companies which have different immunity statutes from each other. He said this bill has to give two-thirds vote as far as limitations on public immunity, and if the vote fails to get a two-thirds vote in the Senate, then the sections 3 and 4 would apply.

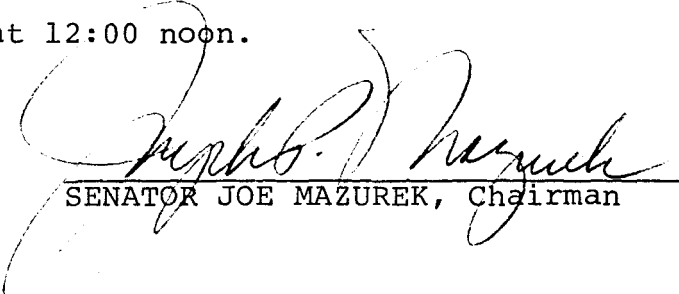
Senator Beck asked if the chemical that kills moss in ditches will make the ditch company liable under the amendment George Ochenski talked about.

Mr. Ochenski said the amendment could stop the companies.

Senator Beck asked Mr. Englund to further explain his position on ditch companies duties in putting up fences. Mr. Englund asked what Senator Beck would say if a school were built right along an open ditch.

Representative Spaeth closed by saying he understood the concern for the word "underground" being placed back in the bill. He said we should remember people are fascinated with water and they always will be, so something has to protect the ditch companies.

The meeting adjourned at 12:00 noon.

  
SENATOR JOE MAZUREK, Chairman



ROLL CALL

Judiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 24

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>	X		
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Bob Brown</u>	X		
<u>Senator Jack Galt</u>	X		
<u>Senator Mike Halligan</u>	X		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.

COMMITTEE ON

DATE

MARCH 24, 1987

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Keith Herrin	Mont. Saddle Clubs	HB 219	✓	
Shirley Clark	Mont. High School Rodeo Assoc.	HB 219	✓	
Jack Graham	Pro Rodeo Cowboys Assn	✓	✓	
Judy Wagner	NRA & Rodeo PTH Hill Country Assn	HB 219	✓	
Bob Burns	Insurance	HB 219	✓	
Jim Holtz	LFC Co. Wood Dist	HB 478	✓	
T. H. Ellis	MWDH Helena Valley Irrig Dist	HB 256 HB 146	✓	
R. H. Kennedy	MWDH East Bench Unit	HB 286	✓	
Jo Brown	MWDH	HB 286	✓	
Robert Glenon & Family	Back Trail Riders	HB 219	✓	
Bill Mabe	Back Country Horsemen	HB 219	✓	
Debi Branner	MT Assn of Conservation Dist	HB 478	✓	
Kay Norberg	WIFE	HB 478	✓	
Donna Bellingrey	Youth Rodeo Assn	HB 219	✓	
Jack Bellingrey	Youth Rodeo Assn	HB 219	✓	
Berna Thaw	MT. Farm Bureau	HB 286 HB 219	✓	
Dean Hall	Billing Benchmark	HB 146 HB 286	✓	
Don P. Harte	Self-			
Jim Doyle	Self-			
Polly Hughes	Lewis + Clark Fanning	HB 219	✓	
Steve Downing	Lewis + Clark	HB 219	✓	
Pat Grant	Powell Mt Rodeo Assoc	HB 219	✓	
Ed Grant	High Point	HB 146 HB 286	✓	
Keith Grant	Greenfield Inn	HB 286 HB 146	✓	
Natalie Mosher	MT Stock Growers MT Cattle Traders	HB 219 HB 478	✓	
James Kaure	Greenfield Inn	HB 286 146	✓	

(Please leave prepared statement with Secretary)

DATE March 24

COMMITTEE ON Senate Judiciary

## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with 2

SENATE JUDICIARY

EXHIBIT NO. 1

DATE March 24, 1987

BILL NO. HB 503



**Jim Dolan**  
Artist

**MONTANA SPIRIT****STATEMENT OF PURPOSE**

In 1889 our forefathers embarked on a new path for Montana. The Buffalo made way for cattle and sheep; the Indian was subdued and wheat was planted where Buffalo Grass grew for thousands of years. Montana was entering a new era.

In 1989 Montana will enter yet another era, as dramatic as was the one a hundred years ago. The heritage of Montana is rich beyond its natural resources, it lies within its people and their dreams.

I am proposing a project which I believe will act as a focus and also a catalyst for better times for Montana. This project will consist of thirty-six outdoor sculptures placed throughout the State. These sculptures will represent Montana's heritage and pride. I am proposing that the majority of these sculptures be placed along the major highways of Montana. This will accomplish two things. First it will remind Montanans that we have a very colorful and unique heritage of which we should all be proud. The second will be the impact on our visiting guests to this State. Our State is wide and deep and with sculpture accessible, visitors will learn about Montana and will want to spend more time here. This will help make Montana a destination not a pass through State. Imagine the impact if our tourists spent an extra night or ate a few extra meals while traveling through the State. I believe this project will have that impact.

Response to my sculpture in Montana and throughout the Nation has led me to the conclusion that sculpture can say things that cannot be visualized in words or pictures. Art has a great influence on how the Nation views Montana and probably has had a greater impact than other forms of promotion. A good example is how Charlie Russell's work has been instrumental in how Montana is perceived by the rest of the Nation.

My proposal of major pieces of sculpture will set the pace for a new era for Montana. No sculptor to my knowledge has made his State a sculpture garden, and I say "Why not Montana"? Alexander Calder, famous for his mobiles, completed a piece for Grand Rapids, Michigan. This is now the focal point of this city. By the city's estimates two hundred thousand people a year come to Grand Rapids primarily to see Calder's sculpture.

Public Sculpture has been the reflection of civilization for thousands of years. Can you visualize Egypt without the Pyramids or the Sphinx? How about New York City without the Statue of Liberty? Visualize the image of South Dakota without Mount Rushmore! Obviously these are but a few examples. Ask the citizens and business people of Bozeman what public sculpture has done for their city; or what impact "Our Lady of the Rockies" has had on Butte?

I know how the rest of the nation views Montana. I travel with my work and am an ambassador for Montana. The images that people relate to me, about what they think Montana is, has largely been through our art.

All points of Montana have potential for sculpture and I visualize the State being covered geographically with this project because we are all one people bonded together in an uncommon land. This project will create a focus from within Montana and throughout the Nation that Montana is starting a new era and is proclaiming its spirit for all to see.

## MONTANA SPIRIT

### SITE LOCATIONS

I have selected tentative locations for twenty-four sculpture scenes as described below. With few exceptions the exact locations have not been identified. There are many more sites which may be suitable for a sculpted scene, and I am leaving these open as the circumstance dictates. It is my vision that I will sculpt in thirty-six locations for **Montana Spirit**.

1. "Meat on the Hoof " (Buffalo Jump) - Three Forks area.
2. "Selling me Back for Underground Wages" (Underground Miners) - Butte area.
3. "Buffalo Tongue and Friendship" (Running Buffalo) - Wibaux area.
4. "Don't Worry There'll Be Enough Indians for All of Us" (Seventh Cavalry) - Rosebud Creek and Yellowstone River area.
5. "You And I Sucked the Same <sup>TIT</sup> ~~Shit~~" (Lewis and Clark with Sacagewea, the Bird Woman, recognizing her brother) - Dillon area.
6. "Proving Up in Mr. Hill's Country" (Homesteading, Mr. Hills dream) - Havre area.
7. "Fresnos, Horses, Backs, and Bars" (Mullan and His Road) - Lookout Pass area.
8. "Oilriggers & Roughnecks" - Sunburst area.
9. "Bringing in the Harvest" (40 horse hitch) - Great Falls area.
10. "Chief Joseph and the Roche Jaune" - Laurel area.
11. "Following the Buffalo North" (Indians) - Wyola area.
12. "Flour, Blankets, Biscuits, and Whiskey" (Freighting with Bull Trains) - Fort Benton area.
13. "Wagons on the Bozeman Trail" - Greycliff area.
14. "Eight Horses and Strong Leather" (Logging with Horses) - Missoula area.
15. "Crosscuts and Sweenys, and Who's this Stihl Guy?" (Logging the North Country) - Libby area.
16. "Ma'te on the Whiskey Trail" - Shelby area.

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17. "Handover Your Watches, Wallets, and Purses" (Stagecoach Robbery) - Monida Pass area.
18. "Callouses, Grease, and Oil" (Wild Catters) - Bainville area.
19. "Second Verse Same as the First" (Gandy Dancers laying steel) - Billings area.
20. "When Social Security was a Hawkins" (Trappers on the Madison) - West Yellowstone area.
21. "Eight Hours to Bozeman, a Bath, and a Beer!" (Cattle Drive) - Bozeman Pass area.
22. "Turning Grass Wrong Side Up" (Four Georgians) - Helena area.
23. "In the Shadow of the Mountains" (Lewis & Clark) - Cascade area.
24. "Plenty Good Grass, Many Tepees, and Fleshy Horses" (Indian Village and Pony Herd) - Billings/Hardin area.

## MONTANA SPIRIT

## SCHEDULE

The schedule for Montana Spirit will be stretched over several years extending beyond the Centennial celebration. I have scheduled four projects/locations for 1987. The first will be the "BUFFALO JUMP - MEAT ON THE HOOF" located near Three Forks. The second piece scheduled will be "RUNNING BUFFALO" near Wibaux greeting our visitors entering Montana from the East. The next two pieces will be announced as sponsors are secured.

I will be pursuing sponsors on a regular basis to ensure the continuation of this project and the completion of all thirty-six sites.



SENATE JUDICIARY

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## MONTANA SPIRIT

### SPONSORSHIP AND COST

The Sponsors of Montana Spirit will be an important aspect of this program. I envision the sponsorship will be from the private sector of Montana and personal friends. I believe this support by individuals and corporations will be an investment for the future of the State of Montana.

The individual project cost will be proportional to the size of each particular project.

SENATE JUDICIARY

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### JIM'S HISTORY

I am a Montana immigrant. In 1966, at the age of eighteen, I fulfilled a dream by moving to Montana. I always thought I was spiritually born here and consider it the center of my earth.

I attended Montana State University and graduated with both a B.S. and M.S. in Agriculture. It was in my Senior year of college that I started to sculpt and had thoughts of becoming sculptor. In 1972 I decided to sculpt full time. Since that time I have shown throughout the U.S. and have pieces in both Europe and Japan. The last couple of years the majority of my work has gone to the East Coast, primarily Virginia and Maryland. My public work in Montana is centered mostly in the Gallatin Valley.

**RESUME**

**JIM DOLAN**

**ADDRESS:**

3501 Airport Road  
Belgrade, Montana 59714

**AGE:**

38

**MARRIAGE STATUS:**

Married, two children

**BORN:**

Los Angeles, California

**ONE MAN EXHIBITS:**

Museum of the Rockies, Bozeman, Montana  
Montana Historical Society, Helena, Montana  
National Wildlife Association, Atlanta, Georgia  
National Wildlife Association, Phoenix, Arizona

**CAREER:**

In 1972 began fulltime Sculpting Career.

**MATERIALS:**

Steel, Stainless, Brass, Copper, Aluminum, and Bronze.

**METHODS:**

Welding processes and casting.

**MAJOR AWARDS AND HONORS:**

Included in television special on Montana Artists - 1981.  
Filmed a television special presented on KUED, Educational Television, Salt Lake City, Utah.  
"FLIGHT OF CANADA GEESE", Gallatin Airport Terminal, Belgrade, Montana - won a national award presented by the Federal Aviation Agency for art and architecture for Airports in America.  
In 1979 elected membership in the Society of Animal Artists, New York City.

**SUBJECT MATTER:**

Birds, animals, human figures, abstracts.

**PHILOSOPHY:**

I try to create a feeling with my sculpture which allows the viewer to experience a new perspective of the subject matter. I enjoy working with diverse materials which draw out a new look at sculpture.

**MAJOR REPRESENTATIVE PUBLIC SCULPTURES**

SENATE JUDICIARY

EXHIBIT NO. 1

DATE 3-24-87

BILL NO. H.B. 503

"FLIGHT OF CANADA GEESE", Gallatin Field Airport Terminal  
Belgrade, Montana

"ELK HERD", First Citizens Bank  
Bozeman, Montana

"PIONEER NELSON STORY", Lindley Park  
Bozeman, Montana

"RISING MALLARDS", First Security Bank  
Bozeman, Montana

"SNOW GEESE", Devils Lake Park  
Devils Lake, North Dakota

"BIG HORSE - RUSTY"  
Bozeman, Montana

"MINAGERIE OF EAGLES", Life of Montana Building  
Bozeman, Montana

"BLACK BEARS", Rivers Park  
Columbia, Maryland

"WHITETAIL DEER (PAIR)"  
Columbia, Maryland

"BIGHORN SHEEP", Bighorn Center  
Big Sky, Montana

"FAMILY OF EAGLES"  
Tyson's Corner, Virginia

"CANADA GEESE"  
Columbia, Maryland

"MALLARD PAIR"  
Columbia, Maryland

"BALD EAGLE, CALIFORNIA CONDOR, WHOOPING CRANE, PEREGRINE FALCONS",  
Metro Executive Terrace  
Landover, Maryland

SENATE JUDICIARY

EXHIBIT NO. 1

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BILL NO. H.B. 503

"RUNNING MUSTANGS"  
Ennis, Montana

"GLOBE", Baltimore Hotel  
Bozeman, Montana

"WHITETAIL DEER"  
Richmond, Virginia

"COWBOY ON HORSE", Conrad High School  
Conrad, Montana

"BLACK PANTHER", Belgrade High School  
Belgrade, Montana

"WARRIOR", Bozeman Jr. High School  
Bozeman, Montana

"JAKE AND DAVE" (life size fishing scene), South Boulder Ranch  
Cardwell, Montana

"ANTELOPE", Robie Stock Ranch  
Ennis, Montana

SENATE JUDICIARY COMMITTEE  
TESTIMONY ON AMENDMENT TO HOUSE BILL 219  
3-24-1987 - 1000

Mr. Chairman and Members of the Senate Judiciary Committee

I am Bill Maloit, of Helena, Montana, representing the Back Country Horsemen of Montana. We have chapters at Kalispell (Flathead), Polson (Mission Valley), Libby (Cabinet), Missoula (Missoula), Hamilton (Bitterroot), Conrad (East Slope), Helena (Last Chance), Great Falls (Charlie Russell), Bozeman (Gallatin Valley), Thompson Falls (West Sanders) and Eureka (Tobacco Valley). We are affiliated with the Back Country Horsemen of America.

The Back Country Horsemen of Montana is incorporated under the laws of the state of Montana as a non-profit educational corporation. The objectives are:

1. To perpetuate the common-sense use and enjoyment of horses in Montana's backcountry and wilderness.
2. To work to insure that public lands remain open to unrestricted recreational stock use.
3. To assist the various government and private agencies in their maintenance and management of said resource.
4. To educate, to encourage, and solicit active participation by various members of the general public in the wise and sustaining use of horses and by people commensurate with our heritage and the backcountry resource.
5. To foster and encourage the formation of new organizations and Back Country Horsemen of Montana.

DATE 3-24-87BILL NO. conduct H.B. 219

In order to achieve our objectives and purpose, we conduct packing clinics, light-on-the-land camping and horse use techniques, conduct trail rides to inspect and review problem areas and wilderness proposals, aid the Forest Service in packing in supplies and materials, and aid in trail maintenance.

Liability insurance costs have increased beyond reason and it is difficult to obtain.

The sponsors of HB 219 were contacted in reference to this amendment and have consented to its inclusion in the bill.

The Back Country Horsemen of Montana request consideration of this amendment to HB 219 and recommend passage of this legislation.

Thank you,

*Bill Maloof*

Amend House Bill 219, Third Reading Copy

1. Title, line 8.

Following: "EVENTS;"

Insert: "FOR NONPROFIT CORPORATIONS FORMED FOR AND SPONSORING  
BACKCOUNTY HORSERIDING EVENTS;"

2. Page 1.

Following: line 21

Insert: "(2) No incorporated nonprofit organization formed for  
the purpose of conducting events involving horseback or  
horse packing activities is liable for injuries suffered by  
a participant in such an event as a result of his voluntary  
participation in the event except for injuries caused by a  
willful or wanton act of the organization or its employees."

Renumber: subsequent subsection.



## RESOLUTION: LIMITATION OF CIVIL LIABILITY

WHEREAS, House Bill 219 introduced by Representatives Holliday and Hanson "An act to limit the civil liability of non profit organizations and their employees for injuries suffered by contestants in sponsored rodeo, cowboy polo, cutting horse, O-Moc-See and jackpot roping events, amending section 27-1-701, MCA; and providing an applicability and effective dates."

WHEREAS, the Back Country Horsemen of Montana is incorporated under the laws of the state of Montana as a non profit, educational corporation and;

WHEREAS, the objectives and purposes are:

1. To perpetuate the common-sense use and enjoyment of horses in Montana's backcountry and wilderness.
2. To work to insure that public lands remain open to unrestricted recreational stock use.
3. To assist the various government and private agencies in their maintenance and management of said resource.
4. To educate, to encourage, and solicit active participation by various members of the general public in the wise and sustaining use of horses and by people commensurate with our heritage and the back country resource.
5. To foster and encourage the formation of new organizations and Back Country Horsemen of Montana.

WHEREAS, the proposed legislation, with amendment, would aid and protect individuals and clubs involved in trail rides and packing clinics in pursuit of our objectives and purpose.

THEREFORE, be it resolved that the Back Country Horsemen of Montana request legislative consideration for amendment to House Bill 219 as follows:

1. Title, line 8.  
Following: "EVENTS:"  
Insert: "FOR NONPROFIT CORPORATIONS FORMED FOR AND SPONSORING BACKCOUNTRY HORSERIDING EVENTS;"
2. Page 1.  
Following: line 21  
Insert: "(2) No incorporated nonprofit organization formed for the purpose of conducting events involving horseback or horse packing activities is liable for injuries suffered by a participant in such an event as a result of his voluntary participation in the event except for injuries caused by a willful or wanton act of the organization or its employees."  
Renumber: subsequent subsection.

BULK RATE  
U.S. POSTAGE  
PAID  
Helena, Montana  
Permit No. 222

SENATE JUDICIARY

EXHIBIT NO. 2

DATE 3-24-87

BILL NO. H.B. 219



# BACK COUNTRY HORSEMEN OF MONTANA NEWS

5361 Keir Lane • Helena, MT 59601

VOLUME 8

FEBRUARY 1987

ISSUE NO. 1

## State Convention Mar. 21-22

The BCH of Montana will hold their second annual state convention in Bozeman, on March 21-22, 1987. The convention will be held at the Gallatin County Fairgrounds in Building No. 4

The convention committee has been working very hard to make this an enjoyable and informative time for everyone. We have purchased three camp stoves from Norm Connors, a local developer, to be raffled at the convention. A \$1 ticket gives a person three chances to take home one of these stoves. Norm's stoves are fully collapsible and nesting, fitting together into a neat package 3-inches deep, and designed to hold a fire longer. These are high quality stoves built by a man who developed them after 33 years of experience working with sheetmetal.

We have some excellent speakers lined up to give us information on access and grizzly bear concerns, as well as information on llamas and different horse breeds.

The Saturday night banquet will be held at the newly-remodeled Gallatin Gateway Inn with Country Fever providing the music for dancing. We will also have some surprise entertainment.

Back Country Horsemen of Gallatin

Valley are very proud of their area in southwestern Montana and are looking forward to sharing it with all of you.

We will be having an advance registration with a \$5 late registration fee. Registration is due by March 6, 1987.

## Agenda

Friday, March 20, 1987

7-9 p.m. Club 1987 Activity Display setup  
Montana Board of Directors Meeting

Saturday, March 21

8-9 a.m. Donuts and coffee, club display setup, registration  
9:00-9:15 Welcome, Pledge of Allegiance  
9:15-10:00 General Session  
10:00-10:15 Montana Traveler - Tom Eaton and Cleto McPherson  
10:15-10:30 Break  
10:30-11:00 General Session

11:00-11:30 Gallatin National Forest - Nan Christiansen  
11:30-12:00 General Session  
12:00-1:30 Lunch (ticket required)  
1:30-2:15 General Session  
2:15-2:40 Llamas - Ric Roche  
2:40-3:15 Grizzly bear - Rick Inman  
3:15-3:30 Break  
3:30-3:40 Tennessee Walker - Rick Weis  
3:40-5:00 General Session  
6:30-7:30 No host cocktail hour - Gallatin Gateway Inn  
7:30 Dinner (ticket required)  
9:00 Dance

Sunday, March 22

8:00-8:30 Donuts and coffee  
8:30-10:00 General Session  
10:00-10:30 Access issues - Robert Braezele, Forest Supr.  
10:30-11:00 Missouri Fox Trotter - Bob Kirk  
11:00-12:00 General Session  
12:00-1:00 Lunch (ticket required)  
1:00-2:30 General Session  
Adjourn  
Montana Board of Directors Meeting and Elections

# From the President's Chair



by Loy Robinson, Chairman  
Back Country Horsemen of Montana

## Rattlesnake Restrictions

By Loy Robinson

Again the specter of restrictions and closures to stock use rears its ugly head. This time it is in the Rattlesnake National Recreation Area north of Missoula, an area of outstanding recreational opportunity for hikers and horsemen, very close to the Missoula metropolitan area.

Threat of the closures has come about as a result of meetings and discussions by the United States Forest Service, state and county health departments, and the commercial water supplier for the city of Missoula, Mountain Water Company. As a result of a giardia contamination in Missoula's water supply in 1983, apparently from surface water in the Rattlesnake drainage, Mountain Water Co. stopped using water from Rattlesnake Creek and now supplies Missoula's needs with well water. Now the company wants to use the creek water again, but to do so, must solve the giardia problem. Warm blooded animals, including horses, are possible sources of the giardia cysts, so plans are being proposed to ban horses, dogs and all domestic animals, and to trap all of the beavers. We don't know what the plans are for all the other animals, from mice to moose. (Maybe diapers?)

This proposed solution is ridiculous. No evidence exists to point to horses as the source of, or even a contributor to, the problem. A more likely source is the human users of the area.

If Mountain Water Co. officials feel that water from Rattlesnake Creek is absolutely necessary for the city's use, then filtra-

tion systems are available and effective. Many communities in eastern Montana are required to have, and do have, such systems. Installation and operation of a filtration system would cost Mountain Water Co., and ultimately the water consumers of Missoula, but that is as it should be. We need to return to the ethic of paying for what we use.

Closure of the area to recreational stock would also cost, both directly and indirectly. Present users would have to transport their horses long distances to other recreational areas, but the greatest loss would be in the intangible cost of lost freedom and recreational opportunities.

Back Country Horsemen are adamantly opposed to closures of this sort for the following reasons:

1. Loss of traditional western freedom to roam the backcountry on horseback.
2. Restrictions caused by managing agencies yielding to special interests for reasons other than that of protecting the resource. (In this case, the reason is primarily the profit motive.)

3. Managing agencies using restrictions and regulations as a replacement for education, and enforcement of existing rules.

4. Loss of freedom and individual rights through administrative edict rather than through the legislative process.

Write to the Lolo National Forest Supervisor, to the State Board of Health, and to the Missoula City Council expressing your displeasure with this proposal.

## Idaho Convention

March 14 is the first annual Idaho BCH convention to be held at the Holiday Inn in Coeur d' Alene. This one day meeting gives an opportunity to discuss the issues common to all persons interested in the preservation of our back country public lands for horse use. It will enlighten everyone as to the encroaching forces that are limiting horse use on public owned land. With combined efforts we can help this situation. The accomplishments of the BCH will be discussed. The enjoyment and benefits of fellowship with people having a common interest is immeasurable.

The convention is for your benefit and it takes your attendance to make it a success.

# Directors Ask For Dues Increase

By Lloyd Fagerland

The Board of Directors of the BCHA has decided to ask for a 50 cent increase in annual dues for a total of \$1 per member.

This action by the Board does not take effect until it is approved by three-fourths of the member states. It is our wish that it be effective for the 1987 calendar year, but this, of course, will also need to be approved by the state organization.

This is official notification of our request for a dues increase. Would each of you place it on the agenda at your first general meeting following receipt of this letter.

Also, I would like to have each of you publicize this request among your members. At a minimum I would think this would mean a letter to your state officers and each individual club.

Following action by your membership, would you please notify the chairman and secretary of BCHA as to whether your state organization approved or disapproved the request for the dues increase.

The Board feels that more money is needed to adequately carry out the work of BCHA. We feel that there will be times when we need to represent BCH members at meetings, hearings, etc. It's impossible to foresee when this may be necessary, but when the Board feels that it should be done we would like to have sufficient money to pay actual expenses of people who participate in these.

It is also our hope to expand BCH into the western states where we do not have BCH clubs. We allotted several hundred dollars for this purpose last year and have not, and probably will not, spend it this year. We have made some efforts to find a location where, when the chance of a successful organization seemed good, but so far haven't been able to do that. However, we plan to continue our efforts to expand into these other states and if and when we think the circumstances are right, we would like to have sufficient money to get the job done.

I personally think that the request for additional dues is a very modest one. No member will miss the extra \$.50, but it will give BCHA directors some additional money so they can better do the job they were elected to do. I have confidence that they will spend it wisely and that increasing the dues is the correct decision to make. I hope that each of you will actively support this decision of the Board among your membership.

# Thanks, Loy



## By Margie Robinson

Loy was born the fifth child of seven. His father was a miner most of his life so Loy knew much about the outdoors and surviving by an early age. He graduated from high school at Alberton, Montana. He attended the University of Montana and was then drafted. He was in the Army and served overseas in the U.S. Forces in the Army Engineers. He returned and again attended the University of Montana. He was at this time awarded a PTA scholarship. He worked for the Forest Service at the First Equipment Center during this time. He graduated from the University of Montana with a major in math and a minor in biological sciences. He has gone to colleges for many years. He attended National Science Foundation for one year at the University of California, San Diego; another year under National Science Foundation at the University of Oregon, Eugene. He also attended several summers at Stanford University on a Shell Merit Scholarship. At that point Shell Corporation wanted him to work for them in their laboratories, but he still liked working with young adults so he returned to teaching each year. For 22 of these years he was Chairman of the Math Department. He resigned from this position after having open heart surgery. He has been active in many professional organizations. He has served as president of his local Kalispell Education Association. He has been president of the Montana Council of Teachers of Mathematics and served many terms on their board of directors. He has served as an elementary math counsellor for the Office of Public Instruction. He was on the Overgreen School Board for three terms. He has been a speaker at many conventions dealing with mathematics. He belongs to the above mentioned organizations plus Montana Education Association, National Education Association and the

National Council of Teachers of Mathematics. He also belongs to the Fraternal Order of Elks and the American Legion. He has served as president of the council at the Calvary Lutheran Church for three terms. He has been president of the BCH of Flathead twice. He has served on their board for many terms. He has served on the Board of Directors of the BCHA and the BCHM. He was the secretary of the BCHA and has served two terms as president of the BCHM. He also was the organizer of the first convention of the BCHA.

Loy has six children, all of whom are married. He also has seven lovely grandchildren. He enjoys his grandchildren very much.

His goals in life have changed a lot in recent years. He has taken a good look at life since his heart surgery and has decided that you need to live for today and enjoy it for all it has to offer. We know not what

tomorrow may bring. He is not a worrier about tomorrow, next week, next month, or next year. Today is very important. I asked him his goals at this moment and he said mostly to enjoy life to its utmost, to look forward to retirement and he has high hopes to travel, relax, read, fish and raise giant cucumbers. He loves to tell stories and loves to be involved in the politics and mechanics of running meetings and conventions.

I guess the best story I could tell about him is that being married to a mathematician, I needed to know how many spaces to space my tiles in my kitchen so that the decorative ones would be even. We had a discussion about spacing the decorative tiles, I said that I wanted them to be evenly spaced and he had said to randomly space them. I said no, it is my kitchen and I want them to be evenly spaced. He figured and told me how to do it. Needless to say it didn't work out. His explanation is that I am a very systematic person and he is a random person so it didn't really matter how they were spaced.

## Consensus Process Shattered

Three years of attempts to write a Montana wild lands bill by consensus finally ended in deadlock when Congress adjourned August 15. In the consensus process, each member of the state's congressional delegation had to agree in order for a roadless area to be conserved as wilderness. Conservationists have long maintained that this approach would always seek the lowest common denominator, minimizing wilderness and producing a bill heavily weighted toward non-wilderness.

Representative Ron Marlenee presented last-minute demands for far-reaching concessions, some of which seemed to be more closely related to re-election rhetoric than

resolving wild land issues.

Senator Baucus later expressed his frustration over the process, explaining that he and Representative Pat Williams had "given up" valuable wild areas in places such as the Rocky Mountain Front which they believe deserves wilderness designation. They did so on the assumption that Marlenee would in turn give up some of his opposition to wilderness in the Gallatin. Baucus stated that since Marlenee refused to cooperate, "the deal is off...as far as I'm concerned everything is back on the table." Williams went on to say that the consensus process was "finished...in the end the process didn't work."

## Flathead Horsemen

### By Phillis Clark

Packers Clinic: Between 75-100 participants were involved in the annual packers clinic sponsored by Flathead BCH. The "hands on" event brought interested persons from all over the northwest as well as a few from Cut Bank. Participants were involved in putting a manty together, loading it on the pack horse, working the ropes and adjusting the packs.

The annual horse packing clinic is one of the ongoing educational projects of the Flathead club.

O MOK SEE: Fun and games on horseback was the order of the day for a fair-sized crowd of Flathead Back Country

Horsemen. Although it threatened rain, the cool weather was just right for the stock. Games and events for the day included barrel racing, flag races, egg races (carrying a hard boiled egg in a spoon while racing), walking horse race, gaited walking horse race, saddle horse obstacle race and pack string obstacle course race. Two new events were added this year—the pancake race and the packers' scramble.

Memorial Day Work Project: 70 members of the Flathead BCH volunteered their time and energy over the Memorial Day weekend holiday in a work project in the South Fork of the Flathead. Workers logged out and brushed out trails and placed fill dirt in the corduroy sections of the main Black Bear Trail.

# President's Commission On American Outdoors

By Lloyd Fagerland

BCHA testified at three of the hearings of the President's Commission on the American Outdoors. Ken Wilcox spoke at the Seattle meeting, Dr. John Hughs at Reno, and I went to Denver.

As a part of their presentation each of the BCH members used the petition adopted at our 1986 meeting. The summary of it said that "Congress is petitioned to enact legislation that charges the administrators of national public lands to responsibly manage their trusts in a manner that shall not exclude recreational use of horses and mules where such use has a historical basis."

Dr. Hughs classified the problem areas of horsemen into four categories. They were closure and exclusion, inadequate trail maintenance, over regulation and user group conflicts. In closing he listed some solutions to the problems. One of those was redefinition of administrative priorities. Dr. Hughs says, "If the policy which neglects the back country trails is to be reversed there must be some major adjustments to the priorities exercised by the managers of public lands. More emphasis must be placed upon increasing the numbers of field personnel such as trail crews, and less emphasis on administrative staff positions. For too long the public has seen the managerial staffs of the national parks and forests outgrow their facilities while the back country users watch the trails disintegrate beneath their feet. Emphasis must once again be placed on the practical management of the public lands and the theoretical studies put aside until the physical and historical resources of the parks and forests are returned to at least the conditions of 30 years ago."

The meeting in Denver was so large that they split into two groups at different locations. There were a lot of political types and professional lobbyists. The snowmobilers were out in force. The off-road vehicle users took a lot of flak from some of the other groups, but they were well represented too. The traditional environmental organizations were all there plus almost every other conceivable interest group. As usual horsemen were sort of scarce. BCHA, the Colorado Horse Council and a Colorado Springs horse club testified. I think the other two groups were there because of the interest generated by Ken Wilcox's article in the Western Horsemen and the correspondence I had with them prior to the Denver meeting.

We received a lot of letters from all over

the country because of Ken Wilcox's article. Many of them said that they were going to testify at the hearings in their locality. Frank Bogert, a member of the commission, told me that he had been swamped with letters. Almost every letter emphasized either lack of trail maintenance or construction and closures of trails on the public lands to horse use.

Thanks to Ken and all the horsemen who took time to write. We must have made at least a small wave and perhaps the President's Council noticed it.

It's difficult to evaluate just how much good something like this does. I think it's one of those things you have to keep pounding away at because in the long term overall picture it is important.

A December 10 news release from the

commission said that recommendations will place chief responsibility for the creation of a nation-wide network of "greenways" on state and local tourism groups, chambers of commerce and government. Ashe said the commission will recommend that the federal government back up its commitment to resource protection with a reinvigorated Land and Water Conservation Fund which will provide \$1 billion a year to protect and develop recreation areas. That would be an increase of \$100 million each year over currently authorized levels.

"Look for the President's Commission to recommend something that will provide better access to recreation opportunities for people locally, near the cities and towns in which they live. In the best tradition of our federalist form of government, recommendations from the Alexander Commission call for local ideas and local action to provide and protect recreation opportunities for all Americans," Ashe said.

## Jefferson's Amazing Bargain

Just around the corner, we'll be celebrating our 100th year of Montana statehood. But if not for a visionary president and the fate of weather and war, our history might be altogether different. Instead of the 41st state, much of Montana today could be the territory of a foreign power.

The president was Thomas Jefferson and the year 1803. The United States was a nation of five million, settled between the Appalachians and Atlantic Ocean. Westward lay a vast wilderness, mysterious to the few European fur trappers who had crossed it but homeland for the First Americans—in the Northern Rockies and plains, the Salish and Kootenai, the Blackfeet, Assiniboine, Sioux and Cheyenne.

Under French claim, the enormous land west of the Mississippi River was called Louisiana. Even though "foreign soil," Jefferson in January sent a request to Congress for funds to explore it.

That spring, confronted with Napoleon Bonaparte's imperial ambitions, Jefferson would make the bargain that changed the face of the United States and set Montana's future. In Holland, Napoleon was amassing an armada to carry a huge army into Louisiana and New Orleans, a port vital to American commerce. Already, Napoleon had dispatched 20,000 soldiers into the West Indies.

Jefferson's plan was to offer Napoleon \$10 million for New Orleans. But his envoy

to Paris, James Monroe, found a staggered France—the Holland fleet icebound, the West Indies army annihilated by yellow fever. France was ripe for a bargain and Monroe returned with not just New Orleans but all of Louisiana for \$11 million.

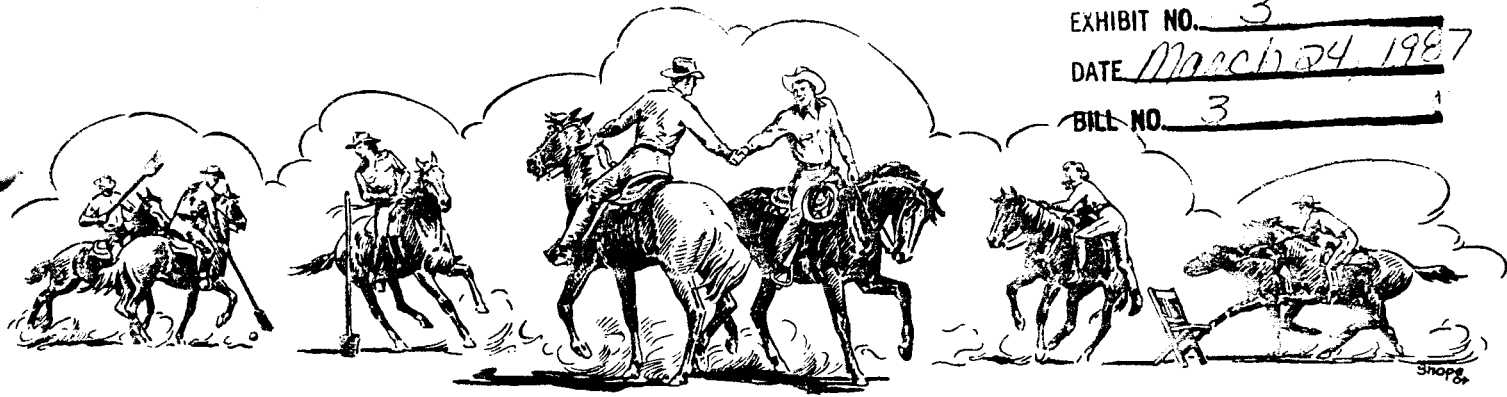
No one was sure of the land's size, except that it stretched to the Continental Divide and what now is the Canadian border. But Congress understood the historic importance and ratified Jefferson's amazing bargain by heavy majorities.

## Dismantling The Absaroka-Beartooth Wilderness

A provision to actually remove several thousand acres including the Alpine Basin of Goose Lake from the Absaroka-Beartooth Wilderness sets a very dangerous precedent for the entire wilderness system. In just the past year, Representative Ron Marlenee has attempted to delete designated wilderness in both the Bob Marshall and the Absaroka-Beartooth Wilderness (West Fork Stillwater). It took many years of hard work by Montana citizens to establish the Absaroka-Beartooth Wilderness. "To secure for the American people of present and future generations the benefits of an enduring resource of wilderness." It's our job to see that Montana's wild heritage remains intact.

DATE March 24, 1987

BILL NO. 3



## Montana Saddle Clubs Association.

March 24, 1987

Senate Judiciary Committee  
Montana Senate  
Capitol Station  
Helena, MT

RE: SUPPORT OF HB # 219

Dear Member,

My name is Keith Herrin, Helena, and I am representing the Montana Saddle Clubs Association and the sport of O-MOK-SEE.

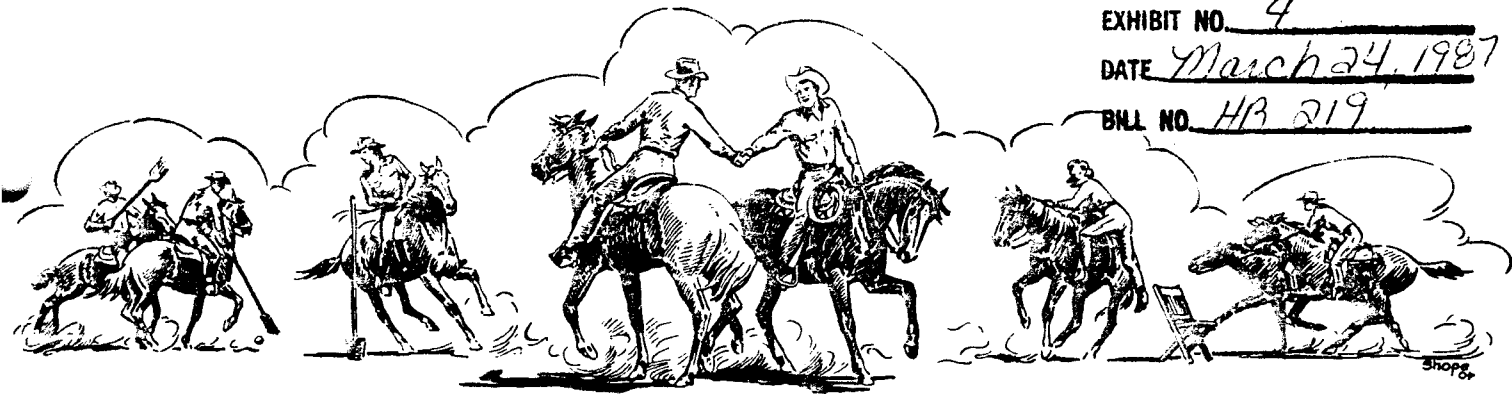
The rising cost of insurance to host a local club O-MOK-SEE throughout the State of Montana has become a matter of grave concern to our organization since many of the clubs in the state are quite small and yet are being quoted prices of \$300.00 per day to host a local show.

We will be hosting our 40th Annual Championship O-MOK-SEE this summer, so you can see we are a deeply rooted organization in the state. We would hate to lose any of our member clubs due to the inability to pay the required insurance premiums to hold their local and district shows.

The members of our organization strongly urge your support of House Bill No. 219.

Sincerely,

*Keith Herrin*  
Keith Herrin



## Montana Saddle Clubs Association.

Senator Joe Mazurek,  
Chairman  
Judiciary Committee  
State Capitol  
Helena, MT

RE: SUPPORT OF HB # 219

Dear Senator Mazurek:

The Montana Saddle Clubs Association is a non-profit family oriented organization whose purpose and objectives include;

### ARTICLE II

Section 1. To promote and cultivate co-operation and friendly relationships within and between the Saddle Clubs throughout this State and elsewhere.

Section 2. To foster legislation for the benefit of the members and oppose legislation detrimental to the success of their organization.

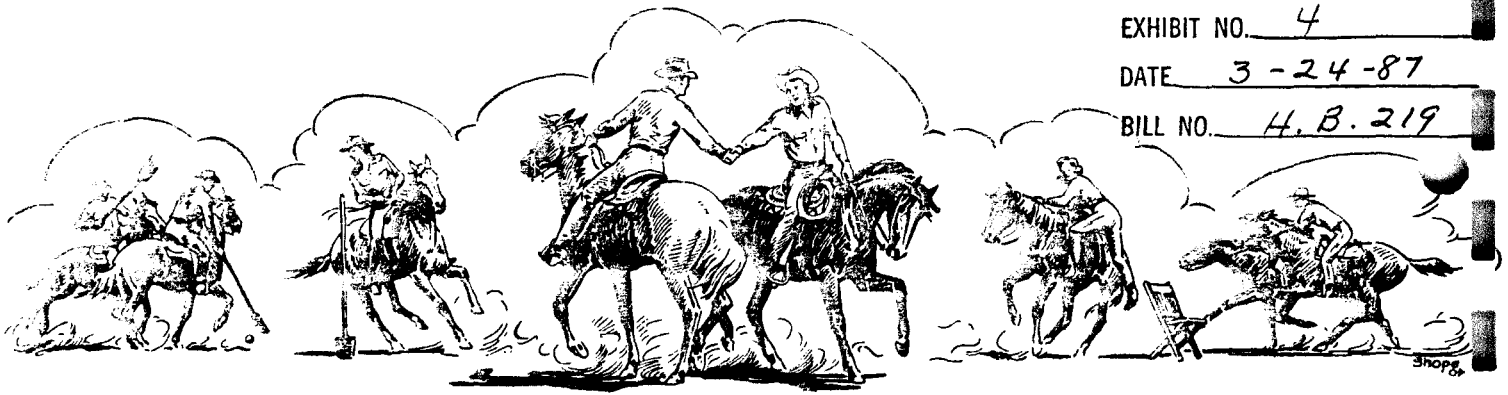
We strive to preserve our western heritage in a sport that originated as a war ceremony of the Blackfeet Indians. We endeavor to develop good horsemanship along with good sportsmanship in a sport that all members of a family can enjoy together.

The rising cost of insurance rates has caused great concern to the members of our organization. Therefore, we strongly urge the passage of HB # 219.

Sincerely,

Gary J. Hettick, President

Attachments



## Montana Saddle Clubs Association.

Donna Hill - Prairie Riders / Sun River Saddle Club - Gt Falls

Karen Van Hynning - Prairie Riders S. C. - Great Falls

Linda Lee - Sun River - Gt. Falls

Polly Toft GREAT FALLS - Bottlaw S. C.

Don Re " " " "

Clairie Sundeland Little Falls Saddle Club. Gt Falls.

Bud Whith Big Sky Riders Gt Falls

Smiley Whith " " " "

Mary Kay Green Little Falls Saddle Club Great Falls

Dennis Green Little Falls Saddle Club Great Falls

Millie McDonald Easy Riders Saddle Club Lewistown

Julia Jackson Snyder Easy Riders Saddle Club Lewistown

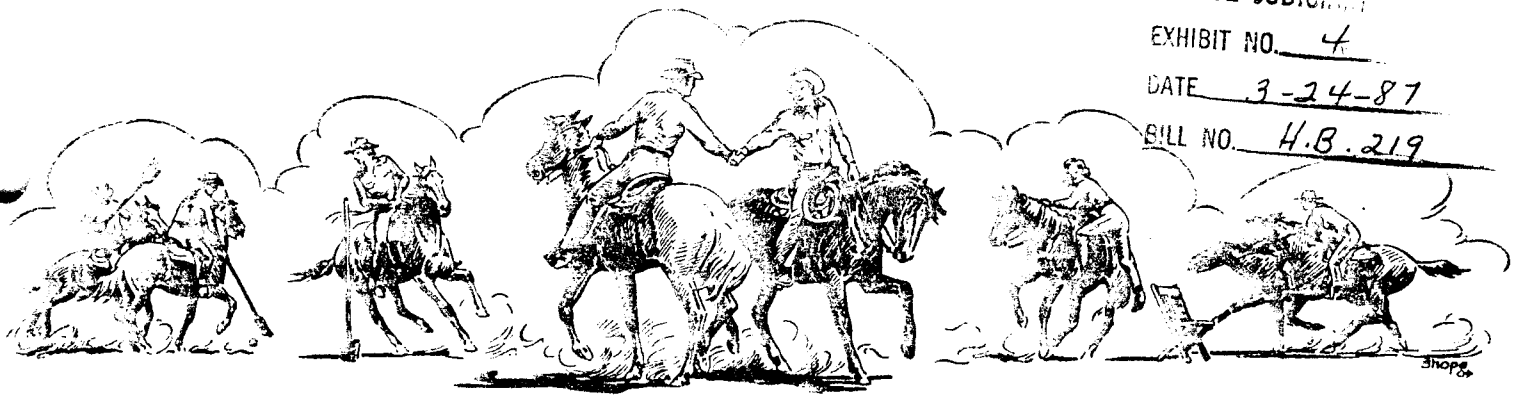
Allyn R Hill State National Dir. Sun River

Linda J Loveland State Treasurer

Daniel Loveland Little Falls Saddle Club

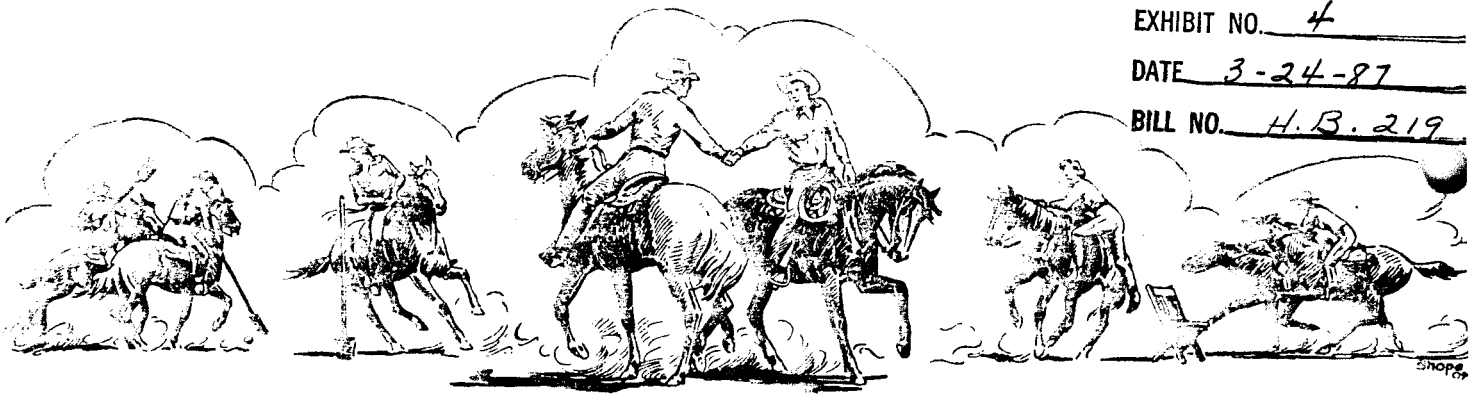
Gary Helber Big Sky Saddle Club Mula, Mont.





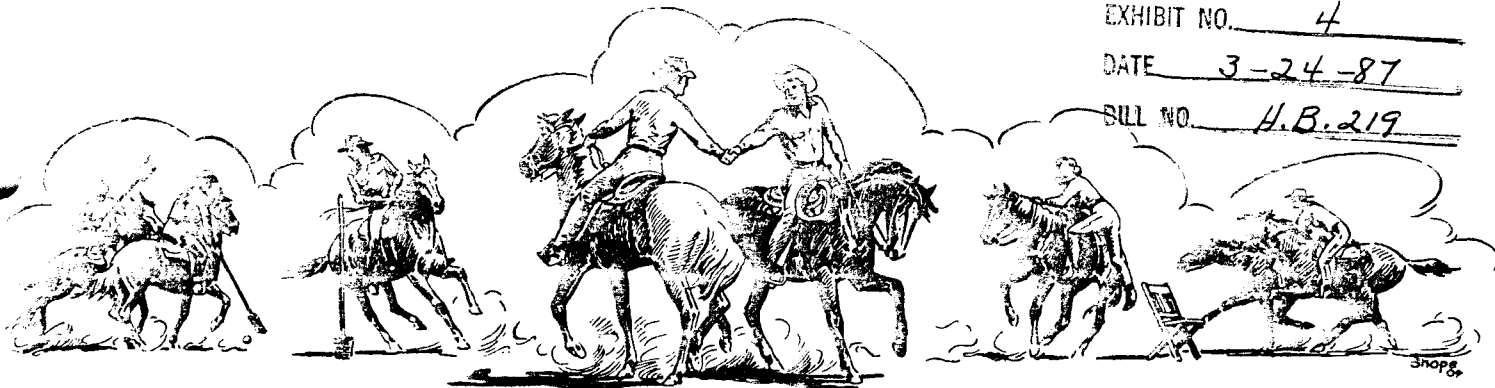
# Montana Saddle Clubs Association.

Cathryn L. Steen	Kettle Falls Saddle Club -	St. Falls
Donald B. Steen	"	"
Bill Edwards	"	"
Thomas J. Steen	"	"
Irene Gillen	"	"
Gil Gillen	"	"
Bob Decker	Bell Willow Riders	Belgrade Mt
Louise J. Decker	Bell Willow Riders	Willow Creek
War Lifford	Little Falls Saddle Club	Great Falls
Ronda Toren	Great Falls Saddle Club	Great Falls
Wade Toren	Prairie Riders Saddle Club	St. Falls
Johnette Kettick	Big Sky Saddle Club	LoLo
Broncia Quolik	Mammy Valley Saddle Club	Missoula
Lucie Sherry	Mammy Valley Saddle Club,	Missoula
Richard & Miller	Billings Saddle Club	Billings
Ted Wood Jr.	Helena Valley Blues SC.	Helena
Trev. T. Kelt	Sun River Valley SC	Sun River
D. V. Kelt	Sun River Valley SC	Sun River
	Big Sky Riders SC	Great Falls



## Montana Saddle Clubs Association.

Bob Bernier Little Falls Saddle Club Great Falls Mont.  
 Jean Bernier " " " " " "  
 Thaddeus Bernier " " " " " "  
 Meri Clapham Big Sky Saddle Club Stevensville Mt.  
 Anne Maconey Big Sky Riders Great Falls, MT  
 Ruth Eaton ex. Early Riders Saddle Club  
 Bill Thord Helena Valley Blues Helena  
 Mildred Mill Billings Saddle Club Billings  
 Faith Herring Helena Trail Riders Helena  
 Ted Wood Sr. Helena Valley Blues Helena  
 Opal J. Harrison - BIG SKY SADDLE CLUB — MISSOULA  
 Dee Harrison Big Sky Saddle Club Missoula  
 Jim Busch Prairie Riders Saddle Club Great Falls  
 Karen Coarstock Billings Saddle Club Billings  
 Jim Mill Billings Mounted Gunners Billings



## Montana Saddle Clubs Association.

Pam Wood

HELENA VALLEY RIDERS, HELENA, MT.

Audrey Moffet  
 William J. Moffet  
 Quetta Reed

Billings Saddle Club, Billings, Mont.  
 " " " Billings, Mont.

Bruce Nelson

Tobacco Valley Ridge Riders  
 Eureka, MT.

Western Division Saddle Club  
 Columbia Falls, MT.  
 Home Hoofbeats  
 Home, MT.  
 Home Hoofbeats - Home, MT.

William J. Armstrong  
 Jan Armstrong

NAME: JAMES V. HOKW DATE: 3/24/87

ADDRESS: 3402 CONWAY DR.

PHONE: 443-5672

REPRESENTING WHOM? LEC County WEED DIST & MONT WEED CONT.  
ASSN.

APPEARING ON WHICH PROPOSAL: HB 478

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: HB 478 PROVIDES A REALISTIC  
APPROACH TO HELP WEED DISTRICTS OBTAIN  
LIABILITY INSURANCE.

WEED CONTROL DISTRICTS HAVE BEEN UNABLE  
TO SECURE LIABILITY INSURANCE TO COVER  
ACCIDENTAL SPILLS AND DRIFT DAMAGE SINCE 1985  
THIS HAS CAUSED SEVERAL WEED DISTRICTS TO  
STOP OR SEVERELY RESTRICT THEIR PROGRAMS  
THIS LEGISLATION WOULD MAKE LIABILITY INSURANCE  
MORE AVAILABLE TO WEED DISTRICTS.

THE LEWIS AND CLARK COUNTY WEED DIST.  
AND THE MONTANA WEED CONTROL ASSOCIATION  
RECOMMEND FULL CONSIDERATION OF HOUSE BILL 478

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Montana  
Audubon Legislative Fund

Testimony on HB 478  
February 9, 1987

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Legislative Fund. The Audubon Fund is composed of 9 chapters of the National Audubon Society and represents 2500 members in the state.

The Audubon Fund opposes HB 478.

Pesticides can be very dangerous. For that reason the state and federal government have set up a system for testing, registering, using, training applicators, etc. - a system designed to take as many precautions possible when dealing with substances that are frequently toxic.

Weed Districts, because they use these often highly toxic chemicals, have found it difficult, if not impossible, to obtain liability insurance. Without insurance, they have greatly reduced their fight against weeds.

While we appreciate the situation Weed Districts find themselves in, we cannot support HB 478. Toxic pesticides can cause severe problems when misused - intentionally or unintentionally. ~~These "problems" range from death to spontaneous abortions to cancer.~~ The public, our wildlife, and Weed District employees can all be impacted by misuse of pesticides. It would be a grave mistake to grant Weed Districts immunity from liability for negligent acts.

The Audubon Fund supports the "war on weeds" that Montana needs to continue. In our search for a solution to Weed District insurance problems we have only come up with one possible solution: certain pesticides are either non-toxic or have a low toxicity. Couldn't Weed District and insurance companies reach some middle ground by seeking out "low risk" chemicals that could be used or requiring certain precautionary measures be taken before a more toxic chemical can be applied? Weed Districts could then get insurance if certain guidelines were followed.

Applying pesticides is a serious business because of the associated hazards. It would be wrong to exempt Weed Districts from liability laws because they deal with hazardous substances. ~~We feel insurance companies care enough about Montana and Weed Districts care enough about getting their work done, these groups can hopefully find a solution to this problem.~~

We urge you to vote "Do Not Pass" on HB ~~478~~ <sup>478</sup>.

Mr. Chairman and members of this Senate Judiciary Committee: I represent Greenfields Irrigation District, Fairfield, Montana, a proponent of HB286. We see this issue as a question whether agricultural water user entities are responsible for the protection of persons who confront or intrude on water conveyance facilities.

The problem is a big one. There are roughly 3½ million acres irrigated in Montana, the greatest portion accomplished by diverting water from live rivers and streams and distributing it through open canals and laterals. There are roughly 25,000 miles of these waterways which include roughly 125,000 water control structures, all of which can present some degree of risk. It is no secret that we are attracted to water to the point that the most attractive housing property is near live streams - oftentimes manmade waterways. Most recreation activities hone in or near facilities of water. The problem is not just around the city of Billings. There is not any place these days where the public will not be found near irrigation facilities.

One could assume that irrigation facilities could be buried or at least fenced to protect persons or animals. Cost to do so is astronomical and, to the water user, just not feasible. For instance, replacing an open contour ditch with a buried conduit, one carrying water to only ten farms, would cost about \$690,000 per mile. Installing high chain-link fence around ditch rights-of-way, a helpful but not fool-proof venture, would cost \$112,000 per mile and would create a significant future maintenance burden. The cost per farm of fencing ditch rights-of-way could exceed one-half million dollars.

We need to keep in mind that most of the 25,000 or so miles of waterways were constructed and put in use between 1900 and 1930. It is very clear that water users should maintain first-in-time privilege as this bill will allow for in the case of seepage.

We haven't had many problems in being held responsible for damages experienced by the intruder, but our biggest problem, of course, is maintaining liability insurance. We don't know, insurance companies don't know, and the courts are not certain what an irrigation entity's responsibilities are. This bill will certainly help clarify this. Please vote for its passage. Thank you.