

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By Bob Williams, on February 12, 1991, at 3:00 P.M.

ROLL CALL

Members Present:

Bob Williams, Chairman (D)
Don Bianchi, Vice Chairman (D)
John Jr. Anderson (R)
Eve Franklin (D)
Lorents Grosfield (R)
Greg Jergeson (D)
Dick Pinsoneault (D)
David Rye (R)
Paul Svrcek (D)
Bernie Swift (R)

Members Excused:

Senator Pinsoneault

Staff Present: Andrea Merrill (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

Roll taken and noted.

HEARING ON SB 239

Presentation and Opening Statement by Sponsor:

Senator Van Valkenburg, representing Dist. #30, explained that SB 239 has been requested by Fish, Wildlife and Parks (FWP) to establish as a felony the sale of unlawfully taken wildlife having a value of more than \$1,000. The reason for this legislation is last year the Montana Supreme Court ruled that the current law having to do with illegal trafficking of wildlife was written so the penalty provisions did not amount to a felony and, as such, the court overturned a particular conviction and remanded the case to the district court level. In order to

dissuade individuals who's intent is to profit from the illegal activity involving the State's resources of wildlife, there needs to be a strong message sent out to the poachers and traffickers that this State will not tolerate this activity.

Proponents' Testimony:

K. L. Cool, Director of Fish, Wildlife and Parks Department (Department). See Exhibit No. 1.

Mark J. Murphy, Asst. Attorney General for the State of Montana. See Exhibit No. 2.

Bob Winfield, representing the FWP, explained the values of specific wildlife. A trophy big horn ram, trophy bull elk, whitetail deer and mule deer would easily be worth \$10,000 on the black market. An exceptional trophy would be worth \$30-50,000. Values of our wildlife have changed. He gave an overview of an investigation the FWP is now involved in that has been going on for 1 1/2 years. The people involved have been commercializing our wildlife resources for over 30 years and have made a tremendous amount of money from this resource. They are habitual offenders and when charges were filed, the statutes on the books only allowed for criminal charges and not felony charges.

Susan Leonard, representing the Montana Audubon Legislative Fund, recommended amendments to SB 239. See Exhibit No. 3.

Scott Snelson, representing the Montana Wildlife Federation, supports SB 239.

Stan Bradshaw, representing Montana Trout Unlimited, supports SB 239.

Tony Schoonen, representing Skyline Sportsman Club, Butte, supports SB 239.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Rye questioned Senator Van Valkenburg if he had any problem with the bald eagle amendments requested by Montana Audubon. He responded that he did not and after conversing with the FWP, felt it was an oversight that it had not been included in the original draft.

Senator Jergeson questioned Senator Van Valkenburg if he felt this bill, as amended, would pass muster in the court system. Senator Van Valkenburg felt confident this bill would allow the maximum sentence for convicted poachers.

Closing by Sponsor:

Senator Van Valkenburg urges passage of SB 239.

HEARING ON SB 240

Presentation and Opening Statement by Sponsor:

Senator Van Valkenburg, representing Senate Dist. No. 30, explained SB 240 is at the request of the Fish, Wildlife and Parks, to generally revise the law regarding fish and game misdemeanor penalties. The FWP wishes to devote their efforts of enforcement on individuals who purposely or knowingly violate the law.

Proponents' Testimony:

K. L. Cool, Director of Fish, Wildlife and Parks. See Exhibit No. 4.

Bob Winfield, representing Fish, Wildlife and Parks, gave his support for SB 240 for at this time the FWP's hands are tied when trying to prosecute offenders to the full extent of the law.

Susan Leonard, representing Montana Audubon Legislative Fund, supports SB 240. See Exhibit No. 5.

Stan Bradshaw, Montana Trout Unlimited, supports SB 240.

Tony Schoonen, representing the Skyline Sportsmen's Club of Butte, Mt. Supports SB 240.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Svrcek questioned Mr. Winfield if the investigation FWP is now involved in is a misdemeanor or a felony investigation. Mr. Winfield hopes that the FWP will be able to turn it into a felony investigation through Federal statutes, which is the only recourse they have.

Senator Svrcek questioned if it is worth for the FWP to pursue a misdemeanor investigation over a period of three years? Mr. Winfield stated that often times it is, as it can be made into a felony investigation.

Closing by Sponsor:

Senator Van Valkenburg commented on some of the cases he was involved with where the first individual who came to the

attention of the law enforcement personnel in the investigation only committed misdemeanor offenses but by working in an undercover fashion with those individuals, the FWP over a period of time was able to develop more serious violations with respect to other individuals. If the FWP were forced to file the case against the first individual within a one-year period of time, it could seriously jeopardize or terminate the ability to peruse that matter further. For this very reason, the extension of the statute of limitations is necessary.

HEARING ON SB 252

Presentation and Opening Statement by Sponsor:

Senator Svrcek, Senate District #26., explained that SB 252 will allow sportsmen and landowners to collectively determine Montana's long-term policy for acquiring ownership and access to wildlife habitat, development and management thereof.

SB 252 is strictly his own and no one has seen the contents other than the drafter prior to this time. This bill was born out of frustration of the sniping that has gone on over the whole issue over the last several years, born out of concerns that were raised regarding SB 13 specifically with regard to management, and born out of a commitment to the three constituencies that he represents, sportsmen, landowners and the wildlife resource. It is only through a partnership of the first two constituencies that we can properly serve the third.

Proponents' Testimony:

Ken Mesaros, rancher from Cascade, on the Board of Directors of the Montana Stockgrowers Assn., and speaking on their behalf this afternoon. See Exhibit No. 6.

Linda Lee, representing the Montana Audubon Legislative Fund, supports SB 252. See Exhibit No. 7.

Greg Barkus, sportsman and businessman from Kalispell, and a FWP Commissioner, stands in favor of SB 252. In the two years as FWP commissioner, we have wrestled with a variety of land acquisition programs. The purchases involved were thoroughly reviewed and studied in detail. One of the key components will provide the Department with much needed funds to properly manage, control and work the lands and properties that we do acquire. Another component of the bill will allow extensive study for the further acquisition purchase process. The Department has failed to acquire lands for the use of conservation easements, which is a vehicle that will allow the land to remain in private ownership.

Errol Galt, representing Fish, Wildlife and Parks Commission, supports SB 252. The \$150,000 allowed for a comprehensive study involving the land management practices as well as our purchase mechanisms will be money well spent. This study provides an opportunity to overcome some of the intense controversy that has arisen between landowners and sportsmen surrounding our wildlife habitat purchase programs.

Don Chance, representing Montana Bowhunters Assn., support SB 252.

Susan Brooke, Montana Woolgrowers Assn., supports SB 252.

K. L. Cool, Director of Fish, Wildlife and Parks, reconfirmed their support of SB 13 sponsored by Senator Bianchi. However, SB 252 sponsored by Senator Svrcek incorporates the concerns of the acquisition program, providing the funds needed to update and perhaps improve the administration of the program, and providing the additional dollars to maintain and improve the development on lands that we currently own. The Department does not support the amendments offered by the Montana Audubon Society. The Department feels it is flawed because it is not in agreement with current law. John Kata, Wildlife Manager for Region 3 for the FWP, and Don Childress, Administrator of our Wildlife Division, are here to answer questions from the committee.

Opponents' Testimony:

Scott Snelson, Montana Wildlife Federation, is reluctant to rise in opposition to SB 252. They do oppose this bill as it is now written. See Exhibit 8.

Lorraine Gillis, representing Montana Farm Bureau, opposes SB 252. See Exhibit No. 9.

Tony Schoonen, representing the Skyline Sportsmen's Club, opposes SB 252. (Presented amendments, however, because they included road access requests which were not being addressed by SB 252, Sponsor Svrcek stated they could not be considered.

Larry Thomas, representing the Anaconda Sportsmen's Club, opposes SB 252. Does not feel that the FWP needs to do another study.

Bob Bugni, representing the Prickly Pear Sportsmen's Assn. of Helena, believes that HB 526 from 1987 has been a good program and would like to see additional funds raised from resident licenses. See Exhibit 10.

Bill Holdorf, representing Butte Skyline Sportsmen Club, is opposed to SB 252. The land purchases that the FWP have made are very successful and does not agree with allowing \$150,000 to be made for another study. See Exhibit No. 11.

Lewis Hawkes, Bozeman, Mt., representing the Gallatin Valley

Wildlife Assn., opposes SB 252. See Exhibit No. 11.

Questions From Committee Members:

Senator Anderson questioned Tony Schoonen about the amount of grazing fees that are earned on the property the FWP has purchased. Mr. Schoonen stated that there is about \$40,000 annually earned which is used for maintenance. This will be the first year that the Robb Creek property will be going into a grazing program.

Senator Bianchi questioned Director Cool regarding a remark that he had made several times stating that "habitat protection is one of the most important components to maintaining wildlife in the State on a long-term basis." Director Cool responded that, yes, it is.

Senator Bianchi questioned Director Cool why he did not include this in the regular biennial budget which is before the legislature at this time rather than waiting at the last minute to request more funds. Director Cool replied that SB 252 was not a Department bill. The Department did not request that a study be put into this session but it is supported by the Department.

Senator Bianchi asked Don Childress what he felt was the most important goal in the FWP's long-range plans. Mr. Childress replied that habitat was the most important function in terms of maintaining wildlife populations within the State.

Closing by Sponsor:

Senator Svrcek addressed comments made by the proponents and opponents.

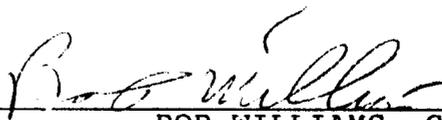
The sportsmen of the State of Montana have put up their money to acquire land and when we have a willing buyer/willing seller, why should we restrict that here?

The HB 526 was a very good program but it needs refining and extending the sunset of that bill will allow us time to study the program. He feels that the FWP has made a definite commitment to the acquisition of wildlife habitat and feels that this SB 252 will allow us to answer concerns which have arisen because of HB 526 legislation.

He urges passage of SB 252.

ADJOURNMENT

Adjournment At: 4:58 P.M.



BOB WILLIAMS, Chairman



JULIA LEVENS, Secretary

BW/jl

SENATE FISH AND GAME
EXHIBIT NO. 1
DATE 2/12/91
BILL NO. SB 239

SB 239
February 12, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to the Senate Fish and Game Committee

Our undercover operations, along with the work of our uniformed wardens, have shown clearly that there are those who severely abuse and destroy the state's wildlife resources for profit or for selfish "sport." For these individuals, the present misdemeanor statutes are not an effective deterrent. Felony prohibitions are justified by the nature of the wrongful acts and are necessary to provide effective protection to these wildlife resources.

SB 239 would reestablish and strengthen the felony statutes for unlawfully taking wildlife.

The problem of illegal commercialization of wildlife was addressed by the 1987 Legislature when legislation passed making it a felony to traffic in the body parts of unlawfully taken wildlife species. Several individuals have been charged and convicted under that felony statute (Section 87-3-111(4)).

However, in August, 1990 the Montana Supreme Court found that the current fish and wildlife felony statutes did not qualify as a felony because the prison terms were too short. The court found the statute vague and redundant, particularly because the term "trafficking" was not defined. In addition to the Supreme Court decision, prosecutors and judges have expressed similar concerns with the present law. They have advised that the felony penalty section is inappropriately placed in the same section as the misdemeanor penalty section and that the terms "trafficking" and "scheme" are not defined in the statutes. There is a need to clearly define those prohibited activities that are felonies.

Further, the present penalty - a fine of \$10,000, a one-year prison term, or both -- is not a sufficient deterrent to blatant offenders who make black market profits at the expense of our wildlife resources. At the urging of the Supreme Court and prosecutors, this legislation addresses the following concerns:

1. This legislation provides a definition of "lawfully" and "unlawfully" taken wildlife that is not otherwise defined in the statutes.
2. The old "felony" statute with the terms "trafficking" and "scheme" has been deleted.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12TH day of FEBRUARY, 1991.

Name: MARK J. MURPHY

Address: C/O ATTORNEY GENERAL'S OFFICE

Telephone Number: 444-2026

Representing whom?

ATTORNEY GENERAL'S OFFICE

Appearing on which proposal?

SB 239

Do you: Support? Amend? Oppose?

Comments:

THE CHANGES IN THE FELONY LAW ARE
STRONGLY RECOMMENDED BY THE MONTANA
SUPREME COURT IN STATE V GIBBS, 47 ST
RPTA 1584 (1990)

Montana Audubon Legislative Fund

Testimony on SB 239
Senate Fish & Game Committee
February 12, 1991

Mr. Chairman and Members of the Committee,

My name is Susan Lenard and I am testifying today on behalf of the Montana Audubon Legislative Fund. The Audubon Fund is composed of nine Chapters of the National Audubon Society and represents 2,500 members throughout the state.

SB 239 is much needed legislation. Because of an August 1990 Montana Supreme Court decision, Montana is no longer able to prosecute commercial trade, for unlawfully taken wildlife, as a felony in state courts. Certain wildlife crimes should be treated as felonies.

We support SB 239, but ask for one amendment. Under the restitution schedule in front of you, killing a Bald Eagle would invoke a \$300 restitution fine (as they are considered raptors). This seems inappropriate since Bald Eagles are a "threatened" species under federal law. Montana does not have a threatened species list. We would hope that you would add "Bald Eagle" to the list of species for which a restitution fee of \$1000 is collected.

We recommend the following changes:

Page 5, Line 18. Following "caribou," Insert "bald eagle,"

Page 6, Line 25. Following "caribou," Insert "bald eagle,"

Because the Bald Eagle is a threatened species, we feel that this is an appropriate fine. With our amendment, it would be a felony violation to "knowingly and purposely" kill two Bald Eagles.

Laws aimed at discouraging the illegal taking of Montana's wildlife are particularly important today because of the increase in commercial poaching operations in Montana. Higher fines make poaching less lucrative.

We urge you to vote "DO PASS" on this important measure.

SB 240
February 12, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

This legislation clarifies and strengthens the fish and wildlife criminal statutes that are most critically in need of revision.

This effort has been undertaken at the urging of our law enforcement officers, county attorneys, justice courts, district courts and the Montana Supreme Court. The proposed amendments will allow prosecutors, investigators and the courts to more efficiently and effectively carry out the intent of these statutes.

The first change requested extends the statute of limitations for prosecution of fish and game violations from one year to three years. Many times investigations into serious wildlife violations take longer than a year to discover or complete and prosecution is not possible within the current one-year limitation. This is compounded by the fact that many sportsmen and sportswomen are from out-of-state.

The second proposed revision adds language "knowingly or purposely violates" which is the state of mind provision necessary for committing criminal acts. This will ensure that honest mistakes will not result in criminal prosecution and that enforcement efforts will be directed at persons who knowingly or purposely violate fish and game laws.

The third requested change provides a means for the courts to forfeit license privileges for serious wildlife offenses, even though the defendant forfeited bail. There is a loophole in the present statute. If a defendant forfeits bail, the court does not have the authority to impose a forfeiture of privileges.

The fourth requested change prohibits people whose license privileges are forfeited from purchasing licenses during the period for which the privileges are forfeited. In addition, privileges will be suspended for failure to comply with court citations or sentences for a wildlife offense. This will be an effective tool for encouraging compliance where individuals ignore citations or where individuals fail to comply with sentences allowing time-payment of fines.

The fifth requested revision redefines waste of game to include neglecting to take reasonable care of game meat, thereby rendering it unfit for human consumption. In addition, it establishes responsibility for reasonable care of game meat to those in possession of it. This has been a problem once the game meat is removed from the field because under the present law only the hunter is responsible.

Montana Audubon Legislative Fund

Testimony on SB 240
Senate Fish & Game Committee
February 12, 1991

Mr. Chairman and Members of the Committee,

My name is Susan Lenard and I'm here today representing the Montana Audubon Legislative Fund. The Audubon Fund is composed of nine Chapters of the National Audubon Society and represents 2,500 members throughout the state.

Laws aimed at discouraging the illegal taking of Montana's wildlife are particularly important today because of the increase in commercial poaching operations in Montana. Higher fines make poaching less lucrative.

We support SB 240 because it clarifies several features of Montana's misdemeanor wildlife laws.

We urge you to vote "DO PASS" on this important measure.

SENATE FISH AND GAME

EXHIBIT NO. 6

DATE 2/12/91

BILL NO. SB 252

TESTIMONY

SENATE BILL NO. 252

AN ACT REVISING THE ALLOCATION OF FUNDS THAT MAY BE USED
FOR DEVELOPMENT AND MAINTENANCE OF WILDLIFE HABITAT

TUESDAY, FEBRUARY 12, 1991

SENATE FISH AND GAME COMMITTEE

GOOD AFTERNOON MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE.
MY NAME IS KEN MESAROS AND I AM A RANCHER FROM CASCADE. I
AM ON THE BOARD OF DIRECTORS FOR THE MONTANA STOCKGROWERS
ASSOCIATION AND SPEAK ON BEHALF OF THAT ASSOCIATION.

A COMPREHENSIVE STUDY OF WILDLIFE HABITAT ACQUISITION IN
THE STATE OF MONTANA IS SUPPORTED BY LIVESTOCK PRODUCERS
AND LANDOWNERS. HOWEVER, ANY STUDY SHOULD BE OBJECTIVE
AND NOT AUTOMATICALLY ASSUME THE STATE OF MONTANA HAVE A
"PERMANENT" WILDLIFE HABITAT ACQUISITION PROGRAM AS THE
LANGUAGE IN THIS BILL INSINUATES. WHEN H.B. 526 WAS
DEBATED AND PASSED, A SUNSET DATE WAS INCLUDED WITH A
SPECIFIC GOAL IN MIND -- THAT THE PROGRAM BE REVIEWED AND
EVALUATED BEFORE ANY PERMANENT PROGRAM IS CONSIDERED.

OUR SUPPORT FOR THIS BILL IS BASED ON THE REQUIREMENT FOR
AN OBJECTIVE COMPREHENSIVE STUDY THAT INCLUDES NOT ONLY A
DETERMINATION OF THE CHARACTER AND APPLICATION OF THE
STATE'S WILDLIFE HABITAT AND CONSERVATION EASEMENT

Montana Audubon Legislative Fund

Testimony on SB 252
Senate Fish & Game Committee
February 12, 1991

SENATE FISH AND GAME
EXHIBIT NO. 7
DATE 2/12/91
BILL NO. 38252

Mr. Chairman and Members of the Committee,

My name is Linda Lee and I'm here today representing the Montana Audubon Legislative Fund. The Audubon Fund is composed of nine Chapters of the National Audubon Society and represents 2,500 members throughout the state.

We feel that a comprehensive study of the state's wildlife habitat acquisition, improvement and development program is critical to the long term viability of wildlife. Although we agree that such a study is critical, we question funding for this study solely out of fees set aside under 87-1-242, also known as the critical wildlife habitat program. We would suggest that the costs for this study be spread out over several wildlife accounts that will benefit from this study: the critical wildlife habitat program (87-1-242), the upland game bird enhancement program (87-1-246), and any other appropriate wildlife habitat accounts identified by the Department of Fish, Wildlife & Parks.

The reason we oppose taking all of the study money out of the critical wildlife program, is that each dollar in this program means wildlife habitat saved. There is no guarantee that after this study is completed, a long term wildlife habitat program will be approved. All that we are guaranteed from SB 252 is that the habitat program is extended only until 1996. For that reason, each dollar headed into the wildlife habitat program is especially precious.

There is a second amendment we would like to see on this bill:

Page 3, lines 24-25.

Following "property", Insert "purchased under 87-1-242 (3)"

This second amendment will clarify that critical wildlife habitat money will go towards maintaining and operating specific parcels of land purchased under this program - and not all wildlife management areas. We feel that this is an important amendment primarily because we are concerned about the precedent started by diverting "critical wildlife habitat" money to the maintenance of all wildlife management areas. We are concerned about this precedent for the following reason:

In 1975, the state park system received Coal Tax money to purchase new state parks. In 1977, the Legislature amended this program to allow sites acquired with Coal Tax money to be maintained by Coal Tax money. The 1985 Legislature then decided to allow Coal Tax money to be used for the operation and maintenance of all state parks. At the rate parks are funded today, there will never be another park

Senate Bill 252

Testimony of the Scott Snelson speaking on behalf of the Montana Wildlife Federation.

Mr. Chairman, members of the committee, I am Scott Snelson and I am speaking on behalf of the 6500 member Montana Wildlife Federation, Montana's largest conservation organization.

The Federation is quite frankly reluctant to rise in opposition to SB 252 because the sponsor has certainly been a friend to sportspeople for a good many years, but we do have concerns about the bill and the impacts it will have on what the Federation believes is one of the most important programs sportspeople fund for wildlife in Montana.

Our first concern is the blank check nature of the provisions of subsection 4 on page three, lines 17 through line 6 on the following page.

Sportspeople of this state have always been willing to pay the bill for wildlife management in Montana. We are very proud of the accomplishments that our license dollars have made possible. But because sportspeople make the voluntary financial sacrifice to solely support wildlife management, we believe strongly that we should be given the opportunity to scrutinize the departments budgets, programs, and priorities.

This section of the bill hamstring that critical opportunity. We as sportspeople are being asked to change what we consider to be one of Montana's best wildlife programs, without being presented a budget, or even a list of the location and magnitudes of the needs that are trying to be addressed in this bill.

The Federation does not believe that a clear case has been made or even has been attempted to be made, before the public, that there is a need to adjust the funding mechanism of the Habitat Acquisition Program to address the operation and maintenance needs of the habitat protected under HB 526.

There has been no listing of where problems exist, what are the causes of the alleged problems and how much it

**MONTANA FARM BUREAU FEDERATION** SB252

502 South 19th • Bozeman, Montana 59715

Phone: (406) 587-3153

BILL # SB252 ; TESTIMONY BY: Lorraine Gillies
DATE 2/12/91 ; SUPPORT _____ ; OPPOSE Oppose

Mr. Chairman, members of the committee:

For the record, I am Lorraine Gillies representing Montana Farm Bureau.

In our opinion, the extension of this bill for two additional years--until 1996, in advance of the study proposed by New Section 2, is shutting the barn door after the horse is stolen. Since the law was effective in 1987, the attainment of lands and easements by the Department of Fish Wildlife & Parks has no doubt impacted the tax base of affected counties, and also private landowners who border such acquisitions. The time for the study was prior to the enactment of the law. By their own admission, the Department is hard pressed to adequately manage the lands they have.

We are opposed to the taking of lands out of private ownership. Agricultural lands that do not produce food and fiber diminish input into the state's economy. Tourism and recreational land use will never compensate for diminishing agriculture.

If the study is to be done and be of benefit, then delay any time extension until the 1993 legislature has had an opportunity to review the effects of the past four years.

We urge the committee to give this bill in its present form a do not pass.

Thank you.

SIGNED: Lorraine Gillies

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12 day of FEB, 1991.

Name: BOM AUGNI

Address: 2545 PRICKLY PHAN AVENUE
EAST HAWAII

Telephone Number: 442-1970 (w) 227-8749 (H)

Representing whom?

PRICKLY PHAN SPORTSMAN ASSN

Appearing on which proposal?

9B 252

Do you: Support? Amend? Oppose?

Comments:

PRICKLY PHAN SPORTSMAN ASSOCIATION IS HAWAII
AREA CLUB WITH OVER 400 MEMBERS. WE BELIEVE
THE 526 PROGRAM HAS BEEN A GOOD PROGRAM
I WOULD LIKE TO SEE ADDITIONAL FUNDS
BE RAISED FROM RESIDENT LICENSES. NOW MOSTLY
NR SUPPORTED, SO WOULD LIKE TO SEE PROGRAM
EXPANDED NOT STUDIED TO DEATH OR
CONTAINED.

WE DO NOT WANT TO SEE FUNDS
DIVERTED FROM ACQUISITION TO A STUDY
UP TO \$150,000 - AS 9B 252 CALLS FOR
WE ARE NOT BELIEVING A STUDY
DIRECTED BY F&G COMMISSION WILL TRULY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12 day of February, 1991.

Name: Lewis E. Hawkes

Address: 16 Channinger Lane

Bozeman, MT. 59715

Telephone Number: 587-2736

Representing whom?

Gallatin Valley Wildlife Ass'n.

Appearing on which proposal?

SENATE BILL 252

Do you: Support? Amend? Oppose?

Comments:

The existing law on wildlife habitat acquisition (526) is working well and accomplishing its stated purposes. We oppose any changes in the existing legislation.

CRITICAL WILDLIFE ^{winter} habitat in Montana is rapidly being purchased by large, non-resident absentee landowners with the intent of sub-dividing such lands. Time is of the essence in purchasing such lands on a willing buyer-willing seller basis. Existing legislation should be allowed to perform.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY